

## Doing Gender, Agency and Deviance: A Case Study of Women Smugglers in Peshawar

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### Abstract

Women are now seen more in spaces traditionally ascribed for men. There is similar trend in the domain of crime economy. This study problematizes the feminist understanding of women agency in such male dominated spaces, agreeing with Spivak's argument that agency of the subaltern/marginalized women is not complete rather is informed by patriarchal structures of the society. It also problematizes conservative notion of 'doing gender', while the study observes that 'smuggler' women are performing gender untraditionally in male spaces by feeding their families in the absence of their men. This ethnographic study takes up the case of women engaged in transportation of non-duty paid goods of everyday consumption in Peshawar and undertakes the examination of agency, deviance and patriarchal order in situated, complex, interactional networks constructing identity and subjectivity of difference.

**Keywords:** Doing Gender, Narcotics, women smugglers, ethnographic

### Introduction

Pak Afghan border spans over (1,230km) in KPK and (1,381km) in Baluchistan (Khan, 2017). The shared border runs in mountainous rough and barren terrain, with many customary routes developed historically. These routes have been documented by researchers (Naseer, 2016). All routes are not guarded by border security forces and customs administration, thus allowing great scope for cross-border movement of goods evading duties and taxes.

Section 2S of the Customs Act 1969 defines smuggling in the following terms:

*"smuggle" means to bring into or take out of Pakistan, in breach of any prohibition or restriction for the time being in force, ... or evading payment of customs duties or taxes leviable thereon,-*

- (i) *Gold bullion, silver bullion, platinum, palladium, radium, precious stones, antiques, currency, narcotics and narcotic and psychotropic substances; or*

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- (ii) Manufactures of gold or silver or platinum or palladium or radium or precious stones, and any other goods notified by the Federal Government in the official Gazette, which, in each case, exceed one hundred and fifty thousand rupees in value, or*
- (iii) Any goods by any route other than declared under section 9 or 10 or from any place other than a customs station and includes an attempt, abetment or connivance of so bringing in or taking out of such goods; and all cognate words and expressions shall be construed accordingly;*

The definition is split in two parts- mode of movement and nature of goods: one is the illegal mode of bringing goods into Pakistan (i.e. not through customs notified routes and stations and without paying duties and taxes), and specific 'notified' items even if brought through legal mode. The definition does not only 'categorize' the owing of such goods as smuggled, but also brings into this categorization all those dealing with these goods in any capacity. The quantum of smuggling has remained in shadows of conjectures. Statistics of underground activities of crime are always approximations and are only indicative, as they are neither registered nor documented, and they operate invisibly from the gaze of enforcement. Some reports on smuggling take different economic measures as price, availability of foreign origin goods in markets known for smuggled goods, seizure data from customs and police, and above all simply from the transit trade data. However, they all remain political attempts, as estimations are always teleological and serve some ideological interest.

Everyday ordinary use goods are the mainstay of these smuggling women, as tea, condensed milk, toiletries, cosmetics, imitation jewelry items, sweets and candies, biscuits, dry-fruits, cigarettes, and tyres, etc. Women interviewed for the study stressed that even if they were 'not doing something right', they were at least not smugglers in drugs, alcohol and arms, therefore creating distinctions of two domains of crimes: socially hazard crimes of higher order and petty crimes of dealing with ordinary daily life articles.

There does not exist any formal official report or data source providing details or statistics of women engaged in the vocation of transporting and dealing in any manner with non-duty paid smuggled goods. Interviewees informed that these women currently account for 2000 women approximately providing their labor for the city of Peshawar as well as inter-city delivery. This also reflects the mode of transportation of smuggled goods being disaggregated at the Wazir Dand and its nearby sites used for warehousing. However, interviewees' resented

enforcement on retail level transportation of smuggled goods against corporate level smuggling in caravans of trucks escorted with armed men.

This study explores and debates the established notions of doing gender and exercise of agency by the women involved in trafficking of smuggled goods in Peshawar, mainly Wazir Dand area near Karkhano Bazar. Women in this vocation have been interviewed and by including their perspective while developing any discourse of doing gender and agency, the study arrives at the understanding that fixed notions of gender and agency are lacking in explaining situated and changing nature of roles and subjectivities of these women.

### **Methodology**

The population for this study is the group of 'women smugglers' or female carriers of smuggled goods in Peshawar. Using snow ball sampling (Watters & Biernacki, 1989) through some local traders and their key informants, we were provided with the initial links leading to further references with other potential subjects of this study who were interviewed. Semi-structured interviews with open ended questions were placed to enable the debate and thoughts flowing out from the interviewees. The interviews were conducted with the help and in the presence of an interview guide. After initial group interviews, individual interviews of selected women, who were providing leading roles owing to their contractor status or past experiences, were also conducted for in-depth articulation of the subjects.

Interviews of customs and police staff, drivers of motorcars used for carrying goods, and others were also conducted. The participants relayed their opinions regarding their profession, risks involved, police and custom behavior, their gendered role expectations and deviance, overall bad governance and poor welfare practices of the governments. The interviews were conducted with the informed consent of the participants. For the sake of respecting privacy of the respondents their confidentiality and anonymity are maintained. However, pseudonyms are used in this paper.

The study has its limitations too. To overcome the limitations of communication with a few respondents, interview guide was employed as translator. Most of the respondents were not open in sharing their experiences encountered with police and customs staff, two main enforcement agencies conditioning their work. To minimize the effects of this limitation, the interviewer established rapport among some key members of the group of women, their female legal advisors, and close community members.

We interviewed women involved in this profession in the Wazir Dand locality near Karkhano market Peshawar. In this locality, smugglers warehouse

their goods brought through Pak-Afghan border routes evading duties and taxes. This locality is however commercial as well as residential, lacking any zonal plan of settlement, with haphazard alleys, barely paved streets, lacking sanitation and sewerage amenities, etc. Therefore, being a locality for low income groups, it provides cheap labour and warehousing, inaccessible site for enforcement agencies, and support of community at large which is deeply embedded and entrenched in the whole process and practice of transiting and transporting of smuggled goods to their final destinations in and outside Peshawar. However, women largely stay in the open space adjacent to the main Peshawar-Torkham Road. Vehicles such as *ching-chi* rickshaws and motorcars / cabs are loaded with non-duty paid goods and women board these vehicles on fixed or negotiated wages, liability basis, or commission.

Over the period, women contractors have entered the vocation who take the liability for 'successful' delivery of the goods to the destination. They conduct this contractual obligation by recruiting or attracting women and then employing them to work on wages and commissions and to some as partners or shareholders in the liability of delivery. This offers semblance of female organization, even though loosely structured and founded on personal relations and affiliations.

### **Questions:**

This study addresses the following questions?

- What factors contributed to their involvement in smuggling?
- What are tensions between group rationality and personal anxiety and tension between illegal and legal?
- How these women do gender and while doing gender they reveal agency or otherwise? Whether they deviate from gender norms.
- Does smuggling lead to further victimization or help achieve empowerment?
- How smuggling changes women's relationship with men and their position in society?

### **Objectives**

The study aims to explore whether the women in smuggling exercise agency through the choice of their vocation, whether they feel empowered by entering into the vocation which is dominantly male space or further victimized in the hegemonic patriarchal order. It aims at analyzing whether through the choice of vocation by the women smugglers, structural differences and gendered divisions get reinforced.

### **Literature Review and Theoretical Framework**

By the turn of 21st century, there is largely observed a surge in number of women involved in crime all over the world (Heiskanen & Lietonan, 2016). Women are becoming visible in spaces which traditionally have been associated with deviant male roles, such as smuggling. The gendered nature of illegal economic activity still remains largely an uncontested notion (Grundetjern & Sandberg 2012; Adler,1993). Adler has emphasized the male dominated nature of crime. While smuggling implicates sites of struggles along socio-legal boundaries, smugglers are seen deploying normal gender roles in the hierarchy, with subjugated female roles (Adler, 1993; Howson, 2012). Beside, women in vocation of smuggling are considered violating socio-cultural norms which follow gendered structures. The research resources on women offenders are largely informed by the stereotypes further strengthening the mentioned structures. Narrow male centered studies suggest that women in crime economy are considered as passive victimized, mere sex objects and escorts (Adler,1993;Oliver, 2008), sometimes forced to enter the crime world through economic marginalization and out of considerations for their survival needs (Adler,1993). Feminist perspective on female offenders is largely absent (Gelsthorpe,2003), even when researchers take women offenders as subject, they are considered in 'stereotypical ways as if women who offend are abnormal' (Gelsthorpe,2003) or such representations are fraught with 'epistemic violence'(Spivak,1988).

However, a few studies contradict the thesis of women as passive victims in illegal economy (Grundetjern & Sandberg,2012). Grundetjern & Sandberg suggests that the truth lies midway between the passive and active. They argue that women deploy particular strategies to prove that they still belong to the game. Ludwick et al.(2015) studies the intersecting factors of gender, race and deviance. The study reports that drug dealer women see gender both as advantage and disadvantage in male dominated vocation. It also emphasizes as to how women use gender as a 'protective cover strategy' in the difficult and untoward world of crime/smuggling. Gender reduces the visibility of the women drug dealers. However, "not all women drug dealers performed gender in the same way", the difference being in the willingness to deviate from normal gender roles and their self-determination, which empowers them from the rest of those who adhere to the traditional roles.

### **Doing Gender and Agency of the Marginalized Women Groups**

General understanding of gender misreads gender with sex and as a given, a particular female body having feminine essence. Contrary to this, poststructuralist argument is that gender is not given. It is an achieved status (West& Zimmerman, 1987) and a social construct. (Post) structuralist argument

emphasizes that the gender identity does not refer to a particular female body which is characterized by the essence of 'being women' to some but in difference to the category of men. Both feminism and postcolonial literature is concerned with the modes of subjectivation and interpellation of subjects in the dominant discourses. Western feminists are however criticized by the postcolonial feminists (Mohanty, 1984) for universalizing feminine gender, and are charged with euro-centrism. Mohanty says that: "...*Discursively consensual homogeneity of women as group is mistaken for the historically specific material reality of groups of women*" (Mohanty, 1984:338).

The feminist critique of gender roles ignores capillary action of power (Foucault, 1990: 93) at the intersection of multiple forms of oppression. These narrow readings of gender fail to include the modes of subjectivation and social existence of female as embodied social subject marked with multiple socio-cultural divisions of class, race, gender, religion, vocation, family and so on (Lauretis, 1993).

The paradigm of doing gender was articulated by sociologists West and Zimmerman (1987). They problematized the prevailing notions of gender which consider male and female categories being derived from mutually exclusive reproductive functions resulting in the distinct behavioral and psychological tendencies. They argue that these essential differences between male and female categories tend to endure. "*Doing gender involves a complex of socially guided perceptual, interactional, and micropolitical activities that cast particular pursuits as expressions of masculine and feminine "natures"*" (ibid). For West & Zimmerman, doing gender is the outcome of and reaction to certain normative expectations about the assigned sex category under the constant supervision of others. They argue that doing gender is an individual act, but involves situated doing, enacted in the presence of others (imagined or real) which are 'presumably oriented towards the production of gender'. This situated and interactional 'gender doing' provides rationale for and is the outcome of different social arrangements. Moreover, it legitimizes the fundamental social divisions.

The discussion of in-between spaces and roles construction and capillary power (inter)-actions imply that women are not mere victims of ordered gendered spaces, either doing gender normally or abnormally, rather they have potential and possibilities to exhibit agency. Agency is generally understood as "*the ability to act or perform an action*" (Ashcroft et al., 2007:6), or '*the ability to effect some aspects of our environment*' (Pascale, 2011,:33-35). For Pascale 'agency is always possible and always political'. However, she considers that agency is 'never entirely free, not entirely constrained'. For the postcolonial researcher,

agency constitutes the 'ability of (the colonized) subjects to act against or resist the imperial power (Ashcroft et al., 2007, p6).

The notion of agency is however, problematic for the Postcolonial feminists. They are critical of impossibility to speak on the behalf of the marginalized/subaltern subjectivities. Feminist scholars have criticized the imposed nature of gender roles. Women agency in the vocation of smuggling becomes an interesting case as women exercise agency within the social norms and patriarchal codes. Agency thus cannot be exercised outside the dominant socio-cultural structures. In her seminal essay *Can Subaltern Speak?*, Gayatri Spivak (1988) undertakes analysis of the practice of *satti*, the widow who throws herself on the funeral pyres of her deceased husband. She criticizes the liberal western notions of agency, freedom and choice if it comes to the oppressed people in general and the subaltern women in particular. For the traditionalist and the Third World women, *satti* is a free agent as she has the power, the freedom to choose for herself, to decide on her own behalf. Western feminists construct *satti* as victims of deadly and oppressive patriarchal cultures. They are pushed by the culture to choose funeral pyres for themselves. Spivak argues that it is the stereotypes about the subaltern women which results in the 'double blind' and the dilemma of such women that they do exercise agency but it is the agency to kill her-self (Spivak, 1988; Oliver, 2008). Daring mass violence of Partition of the subcontinent, the case of self-immolation of women in order to save themselves from sexual victimization by men from the 'other' community is another instance. In these cases, women agency personified feminine virtue which inextricably was linked with the honor of their family and the community.

This paper problematizes the notion of 'doing gender' and women agency. Women smugglers are considered abnormal or doing gender against the accepted social norms which equate them with honor, piety, home, mothering and expects a woman as more law abiding, obedient, disciplined and gentle. However, the interviews with such women revealed that doing gender is an unstable construct and a fluid notion. These women are in masculine spaces because 'their men' are found absent. Rather, there can be visible feminization of the male (Butalia, 2000), for being absent and unable to provide for the livelihood of their families. These women, as for other women in Pakistan or Pashtun society performing typical gender roles, are socially ascribed as independent, *azad-khyal*, *do-number*, *dhanday wali*, *gunda-maar*. They might be seen as having agency to choose their vocation. However, the in-depth study of their behavior have revealed as to how they are further victimized in the patriarchal social order. Going by Spivak's argument they have the agency, but only the agency to kill themselves. Spivak's work rejects the simplistic and essentialist view of women subjugation by men,

which most feminist readily critique. Rather she examines the multiple sites and forms of oppression.

The next section deals with the ethnographic profiles of these women involved in trafficking of smuggled goods. Their perception about their work, the structural constraints, and modes of oppression exercised upon them.

### **Findings and Discussion**

The ethnographic profiles of the subjects such as age, marital and spouse status, income level, literacy, family size, housing and others have been recorded from interviewees. The women involved in this vocation come from different age groups. Most of them have been married women, though some are widows or divorced. Interviewee women informed that there are 10 percent women within the age group of 20-25 years of age, 30 percent between 26-40 years, 50 percent between 40-60 years and around 10 percent were above 60 years of age. Except for less than 30 percent which had primary education, 10 percent with middle education, and  $\leq 1\%$  with higher education, mostly illiteracy was common trait among majority of the female interviewees. 90 percent interviewees were married; with 40 percent widows and divorcees and the remaining 50 percent reported that their husbands were either taking drugs, had remarried, or are gamblers, therefore they were not looking after the families, financially and physically. All of them belonged to low income groups, with strong vulnerability to fall below the poverty line. So far as their housing profile is concerned, they reported to be living on either rent or with extended family housing; some were sharing accommodation with co-workers. There were local as well as outsider women, as from Charsadda, Mardan, and other areas of KPK and also from Punjab.

Nishat told us: *‘husband has married another women and I have the responsibilities to raise my family and kids; four boys and two daughters, I have a huge debt to pay, 35 lacs (3.5 million), that’s why I work’.*

Rabia reported that: ‘

*Husband takes drugs and does not earn so I have to choose this profession to survive and for my child, one-year-old. He is sick, I buy medicines for my child. I am new to the profession, joined some 3 months back’.*

Ulfat a resident of Rawalpindi, who was more fluent in Panjabi and was more candid during the interview told:

*‘I have five children. Four daughters and one son. Can’t ask my daughters to go out and earn. I have chosen it for myself. Husband is dead’.*



Analysis of the interviews reflect that illiteracy, low income background, dysfunctional families with absent husbands, burden of dependents, etc. had been the traditional push factors for opting of their vacation. Ludwick et al., (2015) argue that *“woman drug dealer's awareness, understandings, decision-making processes, her experiences and interactions within a given drug market are in large part determined by her social location and how various elements that socially locate her intersect with her gender, resulting in individualized experiences.”*

However, the patriarchal order offers better explanation to these apparently simple structural factors. The gender difference is based on the division of labour, space and economy between male and female beings. In this study we found that there are no such neat divisions and hierarchies except for victimization of the females. Men are found absent or lacking in their masculine position and roles; the absentee men rather switched roles in a sense which has been referred to as ‘feminization’ of these men. In case of *satti*, the absent (deceased) male partner left the widow without protection and sustenance by her husband so she throws herself on the pyres and chooses death, as the only choice she can make within the patriarchal order. The female smugglers though chose the profession and exhibit agency by taking decision on their own behalf in a society where men usually chose for them. However, their choice is no different than the *satti*, given the risks and hazards involved in the profession. They are aware of their hard choices.

The risks and hazards are many, ranging from exploitation of criminal employers, conduct of coworkers and transporters, unhealthy and unsafe conditions of work, and above all maltreatment by enforcement agencies. The latter extends beyond and generates a trail of terror when goods are seized- it causes on the one hand terror of the male enforcement procedures of legal juridical practices and on the other hand, initiates trail of terror by owners of goods, employers and investors, transporters, etc. whose goods and vehicles have been seized by the enforcement agencies and who are put to indeterminate fate of legal-juridical costly procedure.

Marwari Bibi complained about police and customs officials:

*‘Customs officials are a bit considerate that sometimes they let us go considering us women, but Police, Khasadars and other agencies are not empathetic. They confiscate our goods and vehicles. We protest but they only let us go after demanding a huge sum. Sometime they demand from 50, 000 rupees to one lac’.*

*‘We all have huge debts to pay and this financial debt has made us choose this profession. Police keeps us in there (havalat) sometimes overnight,*

*and confiscate our goods unless some influential person makes a telephone call for us which is not for everyone'.*

*'Police at the check posts search us and our clothes and belongings. They touch us, which is otherwise considered bad in pushtun culture. they beat us with clubs and push us. they have no sympathy for us'.*

Gul Bibi complained about behavior of police, customs and others, and said that *'custom staff keeps our goods for sometimes months (two- three months) and we have to repeatedly go to the custom offices to get our goods released'.*

The last aspect reveals the vulnerabilities of these women exposing them to risks outside the feminine gendered spaces, and female (man)-ouvers of stepping out of the patriarchal order. These risks can be classified into two broad categories of orders: vocational order and legal-juridical order, both constituted and reproduced within patriarchal power hierarchies of state and economy. Vocational order is established by the employers of women, investors, transporters, other co-workers and male laborers. They consider these women responsible and liable for 'successful' delivery and therefore responsible for their failure and seizure of goods at the hands of enforcement agencies, overwhelmingly a male enterprise. Women find themselves passive victims, left with limited choice but to obey the masculine order.

Kulsum Bibi told:

*'last night there was Mehndi of my daughter at home. The guests were there. everybody had gathered for the ceremony, they called me at 10:00 pm in this chilled weather to come and help them cleared the goods. I had to come. We cannot say that we are not coming today, whatever the weather condition is. (showing her legs she told that) I have covered my legs with extra stockings to save myself from cold weather'.*

They are pressured by employers and owners of goods, either for release of goods or for payment of *tawaan* (penalty) for which *jirgas* are held and accounts are determined and settled. This keeps these women's fates changing as *tawaan* can burden them any time under debt since enforcement is personal, whimsical and random, as implemented by low level officials on the street. On the other hand, the legal-juridical procedures are costly, male dominated, technical, indeterminate and falling within the 'state of exception' constituted by influential references, officials, lawyers, judiciary, court officials, etc. Both orders - vocational and legal-juridical - constitute the broader patriarchal order which reproduces these women and the spaces within which she performs her gender subject position.

Risks are not only involved in the loss of goods, but in the very construction of the identities of these women. Risking their identity and being tagged as deviant makes these women '*doubly deviant*'. They are considered not only hazard to the male dominated structures of society which are dispersed not in the domain of labour but morality, family, and community honor. Men generally and their male counterparts in the profession specifically, consider them violating the ascribed gendered spaces. They have to suffer ostracization in families and communities.

A 65 years old female respondent told us:

*'People say we are 'Ganda-mar' Our family has stopped interacting with us. The logic they have is that we are what we do'.*

The stereotypes about women, their sexuality and corruption is reinforced in these relationships. The conservative relatives consider such women as independent and *azad khyal* because they are doing deviant things and staying away from homes which is not considered normal in Muslim families and particularly Pashtuns who have strict notions of *purdah* and *ghairat* (Azim et al., 2018). Sometimes these women make conscious choices to do gender properly, as they are feeding their families and undertaking traditional functions and roles as educating and marrying them successfully. They are also seen consciously deviating from normative behaviors, an attempt to increase their agency in choice of profession, being in masculine spaces their dealing with men, the language they used (as they were frequently using abusive language and swearing words); their use of abusive language and swear words was not only while expressing their views during interviews but also with their male co-workers and acquaintances around them.

Though there are structural push factors for their choice of profession, a profession which is itself closed one, as subjects can enter into this but can't exit out voluntarily. They have to stick on, as their men are absent in their spaces and 'gender roles'. Most of them came to know about the vocation in the first place through other females in this profession. And these affiliations remain one of the supporting factors to not to change the profession. This sense of community sometimes allows them to work as a pressure group (an apparent signifier / metaphor of women empowerment) in the situations when goods of anyone of them are seized by the enforcement agencies, as it happened on the day when we had interviews scheduled with them. The group had blocked the Pishtakhara Road in protest against police. They blocked roads and had a break from routine round trips for delivery of goods, and instead come out for protest and pressure to get the goods released on the ground, before these are taken to public offices for lengthy legal procedure.

It does not imply that subaltern (these smuggling women in this case) are free to speak their agency out, instead they act just like suicide bombers exposing themselves to their deaths being deployed by the male warlords. However, at the end the profits of the protest activity benefit the owners of goods and organizers of smuggling. These women do risk themselves exposing to the violence by enforcement agencies working against smuggling of goods. They are the 'army of roses' as Barbara Victor's novel refers to female Palestinian suicide bombers who found equality with men just in death. the paradox is, as Victor (2003) says that the differences "*do not disappear even within that extraordinary concept of martyrdom*" (ibid:xi). Mbembe' (2003) notion of '*necropolitics*' explains 'the forms of the subjugation of life' which reconfigure the notions of sacrifice, terror and resistance and are being deployed in the interests of "rendering the repressed topographies of oppression as living dead" as *satti* in the case of Spivak. Women in smuggling as protective escort are used in risky and oppressive spaces for the benefit of criminal corporate interests. In the claim filed in Customs legal juridical procedure, these women are shown by their male employers as themselves owners and claimants of goods which does not reveal their entrepreneurship but the statistical official records, as universal truth claims, further problematize (Foucault,1884: 141-167, 273-289) and reify their gender doing abnormally and deviantly. Writing these women in official records as themselves independently property owners constitutes, archives and reifies these women as solidly transparent identities and subjectivities of deviant, therefore exclusively attracting imposition of juridical-penal order.

## Conclusion

This study has investigated the notions of gender doing, deviance and agency among the female carriers of smuggled and non-duty paid goods in Peshawar. This study concludes that neither traditional notions of gender, space, and deviance are complete understanding nor the western feminist and liberal notions of agency. It denies that the categorization of gender is sufficient to provide for and speak about the topographies of oppression in which these women are doing gender while risking their identities and revealing limited agency constrained and situated within the patriarchal spaces. It contributes to sparsely investigated area of research and raises the understanding about these women. It brings them to the forefront of debates in postcolonial and poststructural inquiry of identity and representation of the marginalized. The study thus enriches and reinforces the margins against the mainstream euro-central body of examination and investigation. This offers opportunities for future researchers and studies to come up with the possibilities of integrating these voices in the mainstream women

discourses and politics. It also opens open space for debating and critiquing the social welfare and good governance claims of modern state.

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