

## Article

## “It Depends on Who You Are, What You Are”: ‘Community Safety’ and Sex Workers’ Experience with Surveillance

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### Abstract

The securitization of public space has a differential impact on sex workers, as do notions of ‘community safety’. This differentiation is, in part, a function of the contradictory nature of both security and community, as well as the positioning of sex workers as both at-risk and risky. Sex workers thus appear as ‘victims’ to be afforded community protection, but also as threats against which the boundaries of community need to be secured. Indeed, it is the latter narrative that dominates. This is particularly evident in how many projects to securitize public space and promote community safety, especially through CCTV, are currently implemented. Denied in these contexts is that harm is multi-directional and may also flow from ‘community’ to sex workers, and that these harms are produced to a significant degree through these security projects themselves. Drawing on primary data from a study on CCTV with sex working women in Toronto, Canada, the authors argue such contradictions are not the product of confusion, but instead have structured legislative responses to sex work, reflect normative conceptions of community and public space, and have actively produced unsafe and insecure conditions for sex workers.

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### Introduction

Laws that regulate prostitution vary from country to country and tend to reflect the social conception of sex work within the specific jurisdiction. Canada’s situation has been particularly unique since the December 2013 Supreme Court *Bedford v. Canada* ruling that three *Criminal Code* sections which criminalized sex workers’ activities and relationships were unconstitutional, thus effectively decriminalizing sex work (*Canada [Attorney General] v. Bedford* 2013). Notably, as *Bedford v. Canada* was making its way through the different levels of Canadian courts, the federal majority Conservative government continued to defend the impugned provisions. In doing so, they evoked notions of ‘community safety’ as a rhetorical device to suggest that communities will not and cannot be ‘safe’ spaces if prostitution exists within them. In a legal brief to the Ontario Court of Appeal in 2011, for example, government lawyers argued that “[p]eople no longer feel safe in their neighbourhood, children are exposed to johns, pimps and prostitutes, and to the public display of sex for sale” (Makin 2011: n.p.). Community safety, then, is understood to be compromised by the presence of sex work.

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Following the 2013 *Bedford* decision, the Minister of Justice and Attorney General of Canada, Peter MacKay, issued similar statements suggesting that the government was considering new legislative options

to address the significant harms that flow from prostitution to communities, those engaged in prostitution, and vulnerable persons. [The government is] committed to the safety of all Canadians and the well-being of our communities. A number of other *Criminal Code* provisions remain in place to protect those engaged in prostitution and other vulnerable persons, and to address the negative effects prostitution has on communities.

(MacKay 2013: n.p.)

Notable here is that MacKay gives rhetorical support to the idea that sex workers too are deserving of legislative protections. However, this was not the government's position in the 2011 legal brief noted above, which argued that Parliament, "is not obliged to minimize hindrances and maximize safety for those that [engage in prostitution] contrary to the law" (Makin 2011: n.p.).

The contradictory nature of government messaging on sex work is most apparent in the provisions of the recently passed Bill C-36, *The Protection of Communities and Exploited Persons Act*. This Bill, which created new offences for clients and managers while purporting to reduce the criminal sanctions against sex workers, was introduced in June 2014 and received Royal Assent in November of that year. Under the new legislation, it is illegal to buy sex but not to sell it, except if communication occurs near daycares, playgrounds, or schools (Auger 2014; Urbach 2014). Sex workers are positioned on the one hand as victims in need of protection from exploitative clients and managers, but on the other hand they are criminals who are bringing "violence, drug-related crime, and organized crime" into communities, and should thus be penalized if in places where youth might be (MacKay 2014: n.p.).

The victim/offender dualism in the government's position is telling, and reflects a much broader set of contradictions that surround sex work and ideas of who and what constitutes community. 'Community' is configured as simultaneously inclusive of everyone, including sex workers, as well as that which needs to be defended against the perceived dangers posed by sex work. The corollary is that sex workers themselves are understood alternately as potential victims and as threats, as at-risk and as risky (Bruckert and Hannem 2013a). Denied in these contexts is any sense that the prevailing regulatory climate itself may produce unsafe conditions for sex workers (which was the basis of the Supreme Court ruling striking down Canada's anti-prostitution laws in the first place), and that harm may indeed flow from community to sex workers, not just the reverse.

This article argues that these contradictions are not the product of confusion, but in fact are constitutive of the ways in which communities are rhetorically and materially formed. They have structured legislative responses to sex work, reflect normative conceptions of community, bodies, and public space, and have actively produced unsafe and insecure conditions for sex workers. Indeed, sex workers themselves consistently identify the contradictory nature of ideas of community and the harm that flows from them. This is strongly evident in one of the key ways in which projects for 'community safety' are currently implemented, namely the installation of Closed Circuit Television Cameras (CCTV) (Hier 2010; Howe 2010). Instead of producing uniformly 'safe' spaces, however, CCTV can be linked to urban *insecurity* and social marginalization for sex-working women. While some sex workers might engage in public working practices that rely on CCTV as a means of deterring those who may intend to rob or harm them (Sanders 2004), cameras in general often fail to prevent crimes from occurring. For the sex workers in the study discussed below, cameras were seen to increase visibility and criminalization rather than provide protection from harm (van der Meulen and Glasbeek 2013).

Relatedly, the securitization of urban spaces is quite obviously stratified, with some residents deemed deserving of protection and others not. In this sense, an 'exclusive' definition of community is privileged over a more 'inclusive' one (Cohen 1985), with sex workers positioned as outside of community and not deserving of rights and protections. As one sex worker so succinctly put it in commenting on the impact of CCTV, and as the title of this article indicates: "*It depends on who you are, what you are... I am a whore bringing in clients, you know. There's no protection.*"

Listening to sex workers themselves, we argue, is crucial if we are to think critically about the contradictory nature of ideas of community safety that produce a range of punitive interventions seeking to 'control' sex work and sex workers. This article stems from a study that sought precisely these perspectives. We begin the article by briefly introducing the study upon which our analysis is based, the sex workers who participated in the research, and the ways in which CCTV functions to increase their visibility, thereby cementing their position as both at-risk and risky, victim and offender. Since who constitutes 'the community' in community safety rhetoric has a particularly profound impact on sex workers, we next explicate who and what is typically understood to occupy this category. Subsequently, we look more closely at 'community safety' itself, considering how, why, and for whom CCTV is being deployed as a technology of securitization. We conclude with a consideration of sex workers' negotiation of and resistance to CCTV, particularly in terms of the ways in which they subtly or overtly locate themselves as community members deserving of safe-keeping.

### **Sex Workers' Voice, Visibility, and Victimization**

This research emerged from a larger, mixed-method study of gendered experiences with public CCTV cameras in Toronto, Canada (van der Meulen and Glasbeek 2013). Study participants included a diverse range of women (including trans\* women), who were largely recruited from community-based organizations. Participants were invited to join one of five pre-determined socio-demographic groups with which they most closely identified: low-income women; racialized women; women who engage in sex work; senior women (i.e. women over the age of 65); and women who frequent Toronto's club/entertainment district. This article focuses exclusively on the sex work group (for other study results see: van der Meulen and Glasbeek 2013; Wright, Glasbeek and van der Meulen 2015).

The sex workers' session was held at a local sex worker run organization and included 12 self-identified women between the ages of 25 and 64, with an almost equal number between the ages of 25-44 and 45-64. Their household incomes ranged from less than \$20,000 to over \$100,000 per year, with most belonging to households with an approximate income of under \$36,000. Participants had a wide variety of sex industry work experiences, including independent escorting, escorting for third parties, street-based sex work, exotic dancing, erotic massage, and more. All participants had also worked outside of the sex industry at various points, and a few were graduate students. While the sample size was small and the session only included 12 participants, their diversity of backgrounds and demographics provided for a particularly knowledgeable group whose experiences with surveillance are telling. Sex workers' voices and narratives are too often left out of discussions of surveillance and community safety, yet their experiences are of vital importance for reconceptualizing the field and for developing understandings of the securitization of space more generally. As such, the research was situated within a participatory and collaborative framework, which locates sex workers as expert knowledge producers (Dewey and Zheng 2013; van der Meulen 2011).

More specifically, our research process followed the concept mapping methodology, a mixed-method participatory approach that involves three research phases: brainstorming; sorting and rating; and mapping (Burke et al. 2005; Handley et al. 2004). This article draws on the findings from the first phase of the brainstorming sessions for sex-working women. The brainstorming sessions began with a verbal explanation and visual presentation of examples of CCTV cameras in public spaces (e.g. shopping malls,

public transit, sidewalks). Once the scope of the study was understood by participants and consent documents had been signed, the brainstorming sessions began when the facilitator presented the focal statement: "One way video surveillance in Toronto makes me feel is..." Each session was audio recorded and continued until a saturation of ideas was reached. The subsequent transcripts were coded with NVivo software using a general inductive approach (Thomas 2006). Two participants from each of the brainstorming sessions were invited to a final group meeting where preliminary results were discussed, thus encouraging a more participatory analysis process. To protect the women's anonymity, names used during the study were not transcribed and we have included everyone as 'participant' below (quotes that are grouped without spacing are excerpts from conversations between participants).

In the discussion that follows, we argue that based on the analysis of CCTV offered by the sex workers with whom we spoke, forms of visibility and invisibility structure the criminalization, marginalization, and ostracization of sex workers in profound ways. For sex working women, 'community safety' strategies like public CCTV cameras are not about being seen by protective and assistive eyes, but rather by eyes deployed and sanctioned to criminalize. Paradoxically, though, seeking to avoid the authoritarian gaze of the camera produces forms of *invisibility* that are also fraught with danger; moving out of the public eye can enhance sex workers' occupational violence and susceptibility to being victims of crime (Hanger and Maloney 2006; STAR 2006). These contrasting forms of visibility and their potential for harm (Ericson and Haggerty 2006; Foucault 1995; Parnaby and Reed 2009) are captured by one sex worker's negative reaction to the possible installation of CCTV outside of her home, which leads her to consider moving to a new address:

Participant: *I have always liked the fact that there's a bus stop right outside my door because there's lots of people walking around. There's lots of people going back and forth so I'm always like, "Brilliant".*

Participant: *Lots of strangers.*

Participant: *Exactly. Nobody knows. Nobody cares, right? But if all of a sudden cameras are going to start [being installed]... We've got another camera catching everything that goes by, that would make me very nervous and it might make me move. It would change where I move to.*

The dual character of sex workers' experiences of visibility/invisibility reflects their broader positioning as, in part, the sources rather than the recipients of harm. In this context, sex workers' own experiences with violence tend to go unnoticed and disregarded by the police and others even while they and their activities are rendered hyper-visible through forms of social profiling (Bruckert and Hannem 2013b). At the same time, the stigmatization of sex workers is also evident in increasingly common arguments configuring them as 'victims'. Thus, anti-prostitution feminists and policymakers depict an inherently harmful industry, particularly for women, and advocate for the prohibition of the sex industry in its entirety (e.g. Ekberg 2004; Smith 2014). For them, the eradication of sex work will be achieved by criminalizing those who are seen to exploit sex workers through the purchase and/or management of sexual services, a legislative model that has been adopted in Sweden, and more recently a similar approach has been implemented in Canada (for critiques see: Danna 2012; Gould 2001; Kulick 2005; NSW 2011).

While the criminalization of clients and managers might succeed in reducing criminal sanctions against sex workers (although research has shown that sex workers too are charged in these contexts), it does so by supporting a victimization perspective whereby they are always already degraded and dehumanized (Farley and Barkan 1998; Jeffreys 1997). This serves again to render sex workers invisible, and disregards what they say about their own experiences (e.g. Lunds 2007; Ostergren 2004; Sambo 2001). While it is certainly the case that sex workers can be the victims of violence, sex workers' rights advocates, sex workers themselves, and even Canadian courts have argued that this violence is a by-product of legal and social structures that disregard sex workers' human rights, both those that construct them as 'victims' and those that criminalize

their lives and work-related activities (Allinott et al. 2004; *Bedford v. Canada* 2010; Gillies 2013; Lowman 2000). We argue that in developing an understanding of the nature and causes of harm to sex working women, the most important thing is sex workers' own articulations and analyses.

The reading of sex workers as both at-risk and risky underlies community safety mechanisms that construct sex working women as both victims and offenders. The concept of 'risk' fits within a community safety rhetoric insofar as risk is "a response not only to crime, but to the *insecurity* that surrounds crime" (Gilling 2001: 383, emphasis in original), which is sometimes articulated as risk of generalized 'harms'. The women in our study note the tensions that characterize their status as both vulnerable to and sources of risk in a social context where CCTV is deployed as a community safety mechanism:

Participant: *I guess for me the fact that they might catch some dude... who is going to try to kill me on a date, that's going to be later. That's going to be after it already happened and that after-it-already-happened kind of evidence isn't worth it to me... It's way more likely to be used for them to build a case against me for using it as an in-call<sup>1</sup>... The after stuff is just to make it easier for them to close their case and DNA me or whatever. It's not really about me not getting raped or killed.*

Participant: *I think I kind of have mixed feelings about cameras. On the one hand, they can be used to help you but on the other hand they can be used to hurt you.*

Participant: *Well I have two sides. I have issues with being watched so I find I get uncomfortable. And then at the same time I have experience with sex work on the street level—I've had an awful, really bad, almost death experience on the hands of psychos. So it's only too bad that the cameras weren't working then. So in a way, I think it would be uncomfortable but then again at the same way I could also end up feeling safe.*

The conceptualization of sex workers as at-risk/risky or victims/criminals are both problematic and decontextualizing; imaginings of sex workers commonly fail to recognize that they too are residents of the localities to which 'community' adheres. Thus they often have many of the same concerns as *the* community and feel there is a need for some kind of communication and mutual accommodation. Although the social tectonics (Butler and Robson 2003) that operate in these spatial locations cause sex workers to have dissimilar experiences of surveillance and security from many others, they are not unaware or uninterested in community safety concerns, and many show a great deal of willingness to take those concerns under consideration when working (Jeffrey and MacDonald 2006). This consideration can, however, be stifled by the ways in which CCTV impinges on their personal safety and liberty. According to Daniel Gilling, community ostensibly serves to provide "'natural' insulation for its members against crime by establishing an equilibrium between collective rights and obligations, between freedom and security" (2001: 384). Sex working women, however, must choose between freedom and security; the deployment of surveillance cameras disrupts their own sense of safety and thus their 'equilibrium' is off.

### **Defining the 'Community' in Community Safety**

Notions of 'community' are particularly applicable and pertinent in the policing and surveillance of the sex industry and sex workers. Of relevance to note, however, is who and what is included in this definition. Community has been conceptualized as an immaterial entity—possessing standards of tolerance that are independent of, even opposed to, its members (c.f. Frug 2001; c.f. Isin 1992). Community has also been conceptualized as a collectivity that is not just geographically, but

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<sup>1</sup> An in-call is when a client travels to meet a sex worker; for example, when a client travels to a house, an apartment, or hotel room arranged (or provided) by the sex worker or a third party.

demographically, finite (Anderson 2006). In matters of municipal law, the community that satisfies consultation requirements is commonly limited to proximate middle class homeowners (Levi and Valverde 2006). Thus, in cases involving the so-called nuisance of street-based sex work (Barnett 2008), it only becomes an offence when it is thought to disrupt the 'quiet enjoyment' of certain types of property by certain types of people (c.f. Valverde 2011). Community refers to both discursive and material social units, it is simultaneously a geography and demography, a rhetoric of inclusion and exclusion, safety and risk, private and public. The deployment of 'community' in community safety campaigns is of particular relevance to sex workers, as it frames the quotidian negotiation of the myriad practices of social order and crime prevention which, in the words of Adam Crawford, "coalesce around appeals to 'community'" (1997: 3), and thereby shape the everyday lives of sex workers.

In the context of community safety, community is a key 'technology' (Rose 1999) governing the regulation of crime (Crawford 1997). In other words, appeals to community in relation to crime control initiatives constitute a particular governing strategy that reflects political and ideological assumptions about the nature of crime and proper regulation, and also reproduces particular forms of social order. While research on the role of the community in community safety tends to focus on the shifting of crime prevention efforts from the state to local organizations and individuals (Bannister et al. 2011; Croall 2009; Henry 2012), we address the role of community in defining and managing dangerous others and sites of urban risk. In examining community safety as a mechanism of boundary making and partition, and documenting the experiences of those who are on the *outside* with respect to its implicit inside/outside problematic—what Kevin Walby and Andre Smith have termed inside/outside 'binary frames' (2012: 56)—we reorient studies of urban social order and crime prevention strategies. While sex working women identify with the experience of being members of *a* community, as the following quote illustrates, they also recognize that they are not members of *the* community, or communities, that surveillance technologies are deployed to protect:

Participant: *It's not serving the community that needs it most, that is most likely to be getting violence on the street, right? It's making middle class or upper class people feel maybe safe but not really people who need physical safety, right?*

As this comment notes, and as sex workers are well aware, crimes against them are exacerbated by law, a fact that, in Canada, underpinned the decisions of three levels of court to strike down prostitution-related laws in whole or in part (*Bedford v. Canada* 2010; *Canada (Attorney General) v. Bedford* 2012; *Canada (Attorney General) v. Bedford* 2013). That this is denied in current federal government responses to sex work again reflects the contradictory yet overlapping ways in which 'communities', those engaged in prostitution, and 'vulnerable' persons are constructed, and in the process betrays the ideal of a whole implied by the declaration of commitment to the safety of *all* Canadians.

This separation also works to bracket sex workers' vulnerabilities through the acknowledgement that 'those engaged in prostitution' (MacKay 2013) are potentially experiencing vulnerability, but are also distinct from the category of 'vulnerable persons' as a whole, in other words those who are not simultaneously configured as a source of danger. As a result, offences against 'the community', which are far more diffuse and indirect than the harms that sex workers might face, are prioritized in various community safety interventions. Yet, the public nuisances that street-based sex work is said to engender, for example street congestion, noise, and littering, are far less harmful than the serious physical violence and insecurity that sex workers themselves can face (Lowman 2000; STAR 2006). Worse, despite the severity of violence against sex workers, they often lack access to legal supports and police attention (Cameron 2007; Francis 2006), and instead can be the subjects of police violence and/or receive their own criminal charges (Bruckert and Hannem 2013b). Again we see the visibility/invisibility dynamic at play, with the women in our study more often identifying with the experience of being criminalized than the experience of being viewed as a potential victim of crime who may need to rely on the protection of legal apparatuses:

Participant: *The assumption is I am going to do something wrong. Which I may... or may not... but the assumption is there.*

In Canada, the *Criminal Code* is the primary source of the regulatory arrangements to which consenting adults engaging in the sex industry are subject. In *Bedford v. Canada*, the courts considered the three main sections of the *Criminal Code* that targeted common work-related activities and relationships, namely: s. 210, which criminalized indoor locations used for engaging in sex work; s. 212(1)(j), which criminalized living wholly or in part on another person's sex work earnings; and s. 213(1)(c), which criminalized public communication and negotiation of sexual services. Of primary concern to conceptualizations of 'community safety' and 'public nuisances' was the act of communicating for the purposes of selling sex, which the majority Ontario Court of Appeal decision maintained *should* remain illegal due to community nuisance factors (*Canada [Attorney General] v. Bedford* 2012). Though the Supreme Court of Canada eventually overturned this notion, the discourse on communication as nuisance is illustrative.

While the category of nuisance is formally limited to the regulation of property and its uses (Valverde 2011)—in this case, the impediment of pedestrian and vehicular traffic for the purposes of solicitation—it is commonly configured as adhering to sex workers *as persons* (Jeffrey 2004). This perspective was evident in the 2011 government brief to the court cited above, which identified the dangers when "children *are exposed to johns, pimps and prostitutes, and to the public display of sex for sale*" (Makin 2011: n.p., emphasis added). Witnessing itself, when done by 'vulnerable' children, becomes the source of offence; in this context, CCTV and other forms of surveillance become the proxies for these imagined vulnerable populations. The offence of communication included communication for the purposes of engaging in prostitution, in any manner, without evidence of nuisance (in the formal sense) or adverse impact of any kind on other people. In effect, this provision rendered criminal all public work-related negotiations of a particular group of persons engaged in what was a lawful activity; it constructed certain bodies as inherently 'unruly' (Faith 2011) and disruptive to communities.

The 'nuisance' of sex workers is public in the sense that it is subject to government regulation in what is conceptualized as *the public* or 'community' interest. It is also public in that sex workers ostensibly become unruly in the context of public space or in any space open to public view; and it is this process of *becoming* that also produces sex workers as social nuisances to the community. As Mariana Valverde's (2011) critical analysis of nuisance and nuisance-style urban governance reveals, "the category of nuisance is inherently social" (2011: 294); something becomes a nuisance only if someone is bothered by it and decides to seek legal redress (2011: 297). The embodied and relational nature of the *Criminal Code*'s previous, and now slightly modified, communication provision necessitates governing strategies that place 'eyes on the street' (Jacobs 1993). In Toronto, these strategies commonly involve the anonymous eyes of CCTV surveillance acting as a proxy for 'community members'. We make use of these 'eyes' as a lens through which to understand the different ways that community, safety, and their relationship to sex work function. In what follows, we highlight how the logic of community informs crime control strategies targeting sex-working women.

### **'Community Safety' Rhetoric and the Experience of Sex Work**

It is important to examine what community safety looks like, namely: what spaces need to be securitized; who is deploying technologies of securitization such as CCTV; and how they are being used. The crimes that community safety are primarily concerned with take place in public space, or what Daniel Gilling refers to as the "out there" (2001: 385). Community safety is ostensibly fixated upon any "interference with the public at large, that is with the environment represented by streets, public places and neighbouring premises" (*Prostitution Reference* 1990). Interference is not about confrontations between and among individuals, but about the invasion of spaces that constitute community; it is about offences that violate

normative and middle class expectations of how people should behave in public, which are, in turn, assumed to be the 'default setting' of residents and communities (Valverde 2011: 297). Thus, someone may commit an offence even in a place where there aren't many, or even any, people to be offended; this is where CCTV can serve as a proxy for the eyes of the 'community'.

Furthermore, since it is often difficult to verify the presence of the largely anonymous gaze of community safety, some sex working women engage in acts of self-surveillance whether they are being observed or not (c.f. Foucault 1995). As discussed below, some of the women in our study actively performed 'normal' while on their way to work as a way of evading detection:

Participant: *I will try to look more innocuous.... I will try to blend in and not be as noticed, especially when I am working. Like I am going to work in jeans and stuff like that. Still dressed up but not too dressed up, or otherwise I will dress really, really good and try to do... the Bay Street kind of look. So I look like some person who has a legitimate job.*

Participant: *If I am going to my out-call,<sup>2</sup> I won't look as sexy as I normally would. I will try to blend in. But beyond that I think fuck it. Unless I am doing something illegal.*

Participant: *That's the thing about getting away with stuff, right? I found I used to have a real edgy look but I found if you want to get away with stuff, you've got to blend in and look all innocent.*

Participant: *Hide in plain sight.*

Participant: *An innocent look really does—it's interesting. It really does.*

Transgressions against what is commonly framed as the enjoyment of 'peace and quiet' (Valverde 2011) by residential proprietors, are not just about disrupting a public place for commercial gain (this is, after all, a common use of public space), they are about disrupting an aesthetic. Community is normative (c.f. Gilling 2001), and includes expectations of both dress and behaviour. Those who are able to "*blend in and not be as noticed*" in the well-ordered community can navigate public space with ease, for the most part. Bodies that are docile in their effect, productive in their vocation (i.e. "*the Bay Street kind of look*"), and conforming to what is normative do not offend the public environments that constitute the community. However, not all bodies can (or want to) perform in this way. Access to the respectability evoked by truly blending in is highly stratified. Some bodies cannot render themselves "out of sight" (Pendleton 1996: 376). Street-based sex workers who are racialized, low income, and/or trans\*, for example, can have a much harder time blending in than white and middle class sex workers:

Participant: *Who is [CCTV] helping? It's not helping anybody I know. It's helping people who aren't on my side, anyway. Aren't on the side of my friends. I mean, they are more on my side because I am white, middle-class, whatever right? But all the racist, sexist, stereotypical assumptions you are going to get are in the minds of the people watching... It just makes me want to rip [the cameras] all down.*

The greater visibility of some sex working women substantially increases their risk of criminalization, but their very visibility to surveillance technologies like CCTV, either by chance or by choice, also often compels them to seek out greater invisibility by moving to other more risky spaces:

Participant: *It makes our work harder. [CCTV] makes us more unsafe because... you have to find a place... people are already having to work farther and farther out and in darker*

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<sup>2</sup> An out-call is when a sex worker travels to meet a client, for example to the client's house or a hotel room.



*and darker corners or, you know, more at risk with clients or whatever in their spaces, and so you have to find more corner-y places that don't have a camera. So how does that keep us safer?*

Here women use darkness and the enclosure of corners, in the figurative as well as literal sense, to obstruct the criminalizing gaze of the police, the community, and the surveillance cameras they employ. Crucially, though, while this technique of being 'out of sight' in public space, seen but not *seen*, can guard against criminalization, it can also increase occupational dangers, as sex workers may need to rush the negotiation of services and quickly move to a secluded location (Allinott et al. 2004). Strategies of safe-keeping that rely on the 'protection' of privacy—even privately owned spaces—are not necessarily better as use of such spaces can draw the curious and prying eyes of neighbours, building managers, and superintendents who, in turn, can inform police of suspected illegal/illicit activity:

Participant: *Somebody noticed a lot of traffic, apparently.*

Participant: *You've got to be very careful in residences.*

Participant: *I know. Property management. If they did decide that [they] wanted to listen—a superintendent or someone, a property manager... ultimately I'm worried about it being used against me in kind of a criminal [case].*

Participant: *The police were trying to use the video surveillance in my apartment to prove that I was there or something and it was so dark that they didn't work so I was very lucky in one instance.*

The community membership conferred by private property in the dominant understanding of 'community safety' discussed above is thus also only intermittently available for sex workers. It is important to investigate these private spaces, especially in residential areas (Wright, Glasbeek and van der Meulen 2015), although here we pay particular attention to public space and the community that ought to (according to community safety discourse) freely transverse it.

Interestingly, the public space with which community safety is concerned is not always that which is proximate to residential districts. The narratives of the CCTV gaze that sex workers become caught up in are often set against the backdrop of public city space (O'Neil et al. 2008). Perhaps unsurprisingly, many of the women involved in our study discussed experiences with CCTV on public transportation. Even in these spaces, the logic of community persists; there is a community that is deserving of and has a role in contributing to a collective safe-keeping. Thus, there is not just a tendency towards the protection of middle class districts for living, but also for transportation. Toronto's subway system is even more a network for transporting middle-class workers than in other comparable cities (Hulchanski 2010), and therefore it is also a public space in which middle class safe-keeping is of concern:

Participant: *When I saw them on the new subway cars, it was kind of upsetting because I never felt unsafe on a subway car and then I saw these cameras and I'm like, "What?" It just made the space feel less safe to me. Funny enough, I don't mind them on the [subway] platform because I feel like I can choose to be filmed or not, if I stand in that area. So like if I feel unsafe, I just go over there.*

Participant: *As a criminal or as a victim, there's an expectation now that there's crime that's going to happen in our subways.*

The criminalization enabled by surveillance extends as well to privatized public spaces, a geography of criminalization that many study participants suggested was especially palpable in spaces that offered little shelter from the scrutiny of the gaze, such as elevators in hotels and apartment buildings:

Participant: *I go to hotels a lot and there's cameras in the elevator.... I work the same hotels all the time. You know, it's like I am in the elevator with people who are way older than me, sometimes making out with them and I'm waiting for a hotel person to be like, "We know who you are. We know what you do" because I always look the same. I'm always dressed the same. I am just waiting for it to happen. I don't know what I'm going to say. So I feel a little bit paranoid.*

Participant: *Even if I am on an elevator with my not-so-legitimate partner, I don't want to do anything on there because I know I am being spied on and I would normally be affectionate, you know, and I just don't feel like putting on a show.*

As we can see, ideas of community safety are applied unequally across these different spaces and by different public and private actors (Smith 2012; Walby and Smith 2012: 56). As community safety campaigns involving CCTV are diffuse rather than centralized, urban citizens pass through multiple manifestations of this rhetoric as they pass through different spaces in the city. Nathan Jurgenson calls this model of social observation in which "the many watched the many" the 'omnipticon' (2010: 377). For Jurgenson, the omnioptic model represents a democratization of the gaze that positions individuals "not just as passive consumers, but also producers of ... the gaze" (2010: 377). In the case of sex workers and community safety, however, just as the visibility of certain bodies is stratified, so too is access to the production of the gaze. Rather than being democratized, surveillance in these contexts is more accurately seen as diffused but still profoundly repressive. The women in our study discussed the ways in which their very status as sex workers makes them vulnerable to CCTV being used against them depending on how the gaze is being deployed and by whom:

Participant: *It all depends on who is watching the film, what their motivation for filming you is and the bottom line will never be to protect you. It will always be to persecute you and see what they can get.*

Participant: *We are sex workers. And we are doing something that is technically illegal in a public place. But that's not the point. That's not what they are using it for. If they were, then there'd be a hell of a lot of constant prosecutions. But there is no evidence that they can use [CCTV] that way. Half the time they don't know who—it's selective. Then if they do catch you at something and they know it's you, they will use it. That's wrong. That's morally and ethically wrong.*

These myriad practices and attempts to produce public safety through CCTV, which sex workers often have very little access to, are also largely uncoordinated and can include police cameras and those deployed by a host of others. Even police CCTV, which one would imagine to be more coordinated, is often haphazard and monitored in highly differentiated ways. Richard Ericson and Kevin Haggerty, for example, explicate these practices of securitization, noting that "the legal frameworks that enable surveillance systems contribute to an environment that allows officials to draw selectively on regulations as they see fit in order to secure any number of desired outcomes" (2006: 21). While police efforts are largely uncoordinated, they do tend to draw on shared conceptions of community safety in which sex workers are outsiders that must be targeted for regulation. The women in our study had the following to say of police:

Participant: *I was assaulted by about nine cops and I was in bad position ... after they told me that I was under surveillance of the camera and voice audio, I was punched. I was slapped. I was kicked. They made a mess of me but the time came for the lawyer to obtain*

*the video, the lawyer that was representing me—there was nothing there. Nothing but a big screen of nothing. This is from the police station.*

Participant: *They use it for their own benefit.*

Participant: *If they have tapes, it only shows up if it's in their favour.*

Participant: *You don't trust the police.*

Participant: *I think [CCTV makes] the police and the government's job easier but it doesn't make our job easier. It means that if there is a crime... it makes it easier because they can go and find a licence plate on a camera or something instead of doing police work...*

Participant: *...you get these public officials relying more and more on these technologies but they don't really work. Like are you really going to be able to catch somebody because it's on some CCTV? And then I think there's also a selective policing there, too.*

Participant: *... they reinforce existing stereotypes but I think they are also used to justify harassment and targeted policing. I think that we know we have targeted policing.*

Rosie Campbell and Maggie O'Neil (2013) argue that the uncoordinated nature of police surveillance belies claims made for the efficacy of surveillance. Rather than panoptic and permanent, they describe it as 'elliptical' and 'ephemeral'. Crucially, this 'failed' surveillance has a strong effect in that it facilitates harmful discretionary practices. For Campbell and O'Neil, strategies of monitoring, controlling, and containing sex working women are negotiated through 'unwritten rules of engagement' that are applied differently across time and space (2013: 8). As a result, the police regulation of sex working women is commonly experienced as selective and geographically variable (Laing 2012). Rather than suggesting a 'weakness' in surveillance practices, however, it is precisely the incomplete character of surveillance that produces this differentiation. It also opens up the space for discretion that often results in police abuse (Bruckert and Hannem 2013b; POWER 2014). While the elliptical nature of surveillance in fact serves to augment its repressive dimensions, sex workers do not remain passive in the face of the challenges and dangers produced by these regimes of surveillance. Through strategies of negotiation and resistance, sex workers produce their own 'unwritten rules of engagement', in the words of Campbell and O'Neil, that contest the rhetoric and practices of community safety embedded in those regimes.

### **Sex Workers' Resistance and Renegotiation of Community**

Sex workers employ diverse strategies to resist and renegotiate the workings of surveillance and to thereby enhance their personal safety and avoid potential criminalization. Because of the configuration of sex workers as primarily 'outside' community, however, these strategies are rarely recognized as enhancing community safety more broadly, and in fact are more often depicted as further evidence of sex workers' risky behaviour. As such, their practices of resistance are profoundly ambivalent, and are often not immediately apparent. Indeed, in many instances their challenges are posed as desires: the desire to rip down cameras or otherwise disrupt CCTV's criminalizing gaze.

Participant: *Well some people were talking about how they feel when they see a camera. I actually just kind of go ballistic and I want to break the camera. Like quite frankly, if there is a way to not get caught—which is the story of my life, right?—but I would love to have a big protest where everyone just ripped down the cameras.*

Participant: *I might be ripping them down if I think I can get away of it... I might be ripping them down if I think there's a way I won't get caught.* [Laughs]

These imagined insurrectionary acts are important, we argue, for sex workers to sustain their own work and life in the context of increasing repression, but their practices of negotiation and resistance go beyond this as well. In discussing surveillance, Kirstie Ball (2011) suggests that we need an embodied understanding of resistance in order to come to grips with the complexity of such strategies and the disparate arrays of actors they involve. For Ball, resistance to surveillance is about "disrupting flows of information from the body to the information system, disrupting the time it takes to encode the body, coding the body in an alternative way, troubling or moving the interface/boundary between the body and the surveillance study" (2011: 312-313). These forms of resistance tend necessarily to be episodic and small-scale, producing reversals of the gaze that force a humanizing of sex workers in the face of the objectifying gaze of the camera. Sex workers have certainly organized in a more sustained way to challenge their criminalization and to call for social change (van der Meulen, Durisin and Love 2013), but what we want to focus on here are the everyday forms of renegotiation of and resistance to the terms of surveillance. Most importantly, we argue, the simple and precarious act of claiming spaces of safety within the confines of the repressive practices of 'community safety' represents a politically significant tactic.

In many respects this conception of resistance echoes the 'infrapolitics' described by James Scott (1990) that operate invisibly, made up of everyday practices that challenge the intimate workings of power. These 'weapons of the weak' (Scott 1985) are significant in that, for Scott, they lay the groundwork for more explicit political challenges, but they retain an intrinsic significance. In the urban contexts with which we are concerned, Michel de Certeau's (1984) dichotomy between 'strategy' and 'tactics' is useful in coming to grips with the practices of resistance that we are describing. For de Certeau, strategies mark out the practices of institutionalized authority, whose power to circumscribe and rationalize space shapes urban social systems in fundamental ways. Tactics are mobilized within these spaces by those who are marginalized, manipulating panoptic forms of spatial organization and "creat[ing] shadows and ambiguities within them" (1984: 101).

The invocation of shadows here is especially interesting in the context of our earlier discussion, which stressed the extent to which sex workers sought to evade the camera's gaze by keeping to the shadows and hidden corners of the city. Where de Certeau romanticizes these corners, a perspective that effaces the ways in which gendered and other differences structure the urban experience, we have found that these shadows are equally the realm of danger. In this sense it is not only in evasion of the gaze, but in responding to it that resistance emerges into the light, sometimes unapologetically and sometimes accidentally investigating and challenging the workings of surveillance. In this sense bell hooks' (1992) account of Black female spectatorship provides an important resource in thinking through experiences of visibility/invisibility, which in her account fundamentally structures Black women's experiences, but we suggest structures many sex workers' experiences too. It is the gaze constrained by an anxiety producing compulsory invisibility that, in part, produces in sex working women a desire to look. It is the decontextualization of their bodies and the construction of 'their presence as absence', as seen but not *seen*, that makes their gaze a subversive act (hooks 1992: 118). hooks refers to this rebellious gaze as the 'oppositional gaze'; it both interrogates the gaze, in this case the community and/or watcher, and looks back in an effort to name what is seen. The oppositional gaze is not only about agency, but about critique.

For the women in our study, the investigative act of looking back often involved a reflexive consideration of the prioritization of their safety in crime prevention strategies aimed at community safety. The following quotes are illustrative of sex workers' anxiety, agency, and critique that characterize their oppositional gaze and critical spectatorship:

Participant: *Sometimes if I don't notice a camera and then I accidentally look straight in it, I feel guilty or embarrassed or like, "I shouldn't have looked at it" because now whoever is looking or watching the tape—*

Participant: *You aren't even doing anything.*

Participant: *I know.*

Participant: *I am just wondering to myself, "Who is this helping?" It's not designed to help me. It's supposed to make me feel secure but I think it does is it lulls you. It lulls you to think you're in a safer area, you're in a safer place, that there are people who are watching out, so less likely that something will happen to you to victimize you. But really, what are those cameras there for if they are not helping me when I actually need it. When I go to them and say, "I need it", it's not there.*

Participant: *I just feel like it's just there as a political thing. I think it's this war on crime, kind of conservative fear-mongering. It just adds to fear and it makes it look like they are doing something when they're not really, truly doing something for the people who need it most.*

Participant: *It's self-serving, basically.*

Sex workers' narratives about critical spectatorship thus reveal and elucidate the experience of community safety as being about order, or the appearance of safety, and not actual safety—especially not for sex workers themselves. It is experienced as being about the disciplining of bodies (including in instances where "You aren't even doing anything") and the regulation of the occupation of space rather than the stated purpose of preventing violence or enhancing safety.

In this context the oppositional gaze involves the disruption of power relations. As hooks puts it in analyzing the challenge posed by Black women's gaze to hegemonic ideas of white supremacy: "not only will I stare, I will look to change reality" (1992: 116). The women in our study similarly troubled the power relations between watchers and those who are selectively represented in the ways in which they come to be seen and portrayed. This involved both looking back at and periodically performing "a little protest" for the eyes of community safety. These tactics, to use de Certeau's term, while often silly, served to humanize sex workers, and to upset criminalizing and decontextualizing narratives imposed from outside. In these cases sex workers were not keeping to the shadows, but were remaking the conditions of their visibility in small, infrapolitical, ways. Those who monitor the camera, if there is such an active monitoring occurring, are challenged to see sex workers in another light and develop an alternative, humanizing narrative:

Participant: *I know there's a guy sitting at a desk watching the cameras. Whether or not he's watching, I don't know but there's like five screens of 30 different [CCTV cameras]—because it's also a hotel so all these cameras, all these cameras. I know someone is sitting there and could potentially watch or they flip from one camera to the other on the screen.*

Participant: *But if you start wiggling, they are going to just sit right there.*

Participant: *But these are guys who see me all the time. They are responsible for checking us in and out so sometimes it's just fun to have a little fun with it. If you know someone is watching and then you can be a little silly or a little ridiculous just to sort of—I guess in some ways it's like a little protest.*

Participant: *Stick my tongue, you know, raspberry them a little bit.*

Participant: *Especially in the elevators.*

Participant: *I totally do. If I work and I'm in a little bikini right? And I'm like, "If you're watching..."* [Everyone laughs]

Participant: *And that's what they fast forward to!*

Participant: *Moon 'em, right?* [Laughs]

While some women thus aim to make themselves hypervisible (Fleetwood 2011; Mowatt and French 2013; Reddy 2010) in ways that subvert criminalizing and dehumanizing narratives, others take up avoidance as a strategy of resistance to or subversion of visibility. Acts of avoidance were often aimed at asserting a right to privacy. Avoidance is not simply about concealing criminalized behaviour in order to evade detection, it is also about objecting to an invasion of women's sense of privacy. As noted earlier, this interest in claiming privacy may also enhance security risks and other dangers associated with invisibility. Nonetheless, some of the women in our study didn't care to be seen at all, by eyes that criminalize or by eyes that have the potential to protect:

Participant: *You become more furtive... If you know there's a camera, whatever it is you are doing—it doesn't matter if it's legal or illegal, I don't want them knowing what I'm doing. It just becomes a rebellious response.*

Participant: *It's an invasion of privacy. To my mind, it's an invasion of my privacy, that I can't walk to the corner, get some milk, pick my nose, talk to a stranger. Whatever it is that I'm doing it's like—even if I was doing something illegal, I don't know. It should be private.*

Participant: *If I know they are watching I just so don't want them to see me.*

In many respects, we would suggest that the most significant act of resistance undertaken by sex workers was the act of producing safety within the profoundly unsafe regimes of surveillance and community safety. For many of the women involved in our study, resistance means being productive, insofar as they are carrying out a vocation in a way that promotes their safety, which sometimes simply means to be present and seen, especially in numbers. While being visible and working in numbers are techniques of promoting both personal safety and the safety of other sex workers (STAR 2006), they can be thought of as subversive in relation to the history of Canadian anti-prostitution laws and the communities these laws have been deployed to protect (van der Meulen, Durisin and Love 2013). Because notions of community safety construct sex workers themselves as bearers of risk and disruption, their acts of visibility explicitly challenge community norms and the laws through which they are enforced. However, as Sarah Ahmed (2014) recounted in a public lecture on willfulness, "some bodies have to push harder than other bodies just to proceed". Building on this notion, it is our contention that for some bodies safety itself is a radical act; it is a political form of advocacy. This is a very different conception of safety than that which orders community, however, as one sex worker indicated in bringing together ostensibly opposite forms of violence, that is, weapons and CCTV cameras:

Participant: *...whenever I hear things on the news, and on every night, it's really not them using [CCTV] to catch some wanted criminal on the FBI's most wanted list. They are using it to persecute us in some way, shape, or form. So I am very leery of them and I am very paranoid about them in the sense that I check and make sure—I used to just check a place for weapons and exits. Now I check for cameras too.*

The women in our study did not directly articulate their responses to these realities as resisting surveillance, merely as ensuring safety and asserting a right to privacy, despite the dominance of the urban regulatory practices that these objectives push up against (c.f. Lyon 2007: 167). In enacting safety, sex

workers are staking a claim to conceptions of community, property, and visibility that, for de Certeau, represent strategies enacted by the powerful. The situation of sex workers thus points towards the profoundly contradictory and complex workings of power, their engagement with urban space producing infrapolitical forms of resistance and renegotiation. Rather than simply moving into the shadows, though, individual sex workers' expressions of opposition to the social and legal mechanisms that enhance their occupational risks often involve staking claims to recognition by those structures (Gilliom 2006). Indeed, the forms of resistance sex workers deploy are motivated by a desire to neutralize the adverse effects of surveillance on their personal safety and liberty, as well as to eliminate or modify CCTV systems and the regulatory practices they represent (c.f. Ericson and Haggerty 2006). These acts disrupt the processes whereby sex workers come to be seen and produced as solely dangers to the community, but it remains an open question to what extent these forms of infrapolitics will translate into broader social change. One crucial goal of this paper is thus to provide a medium through which sex workers' own forms of resistance can be translated into other registers.

## Conclusion

Community safety has complex connotations for sex workers. This complexity is, in part, a function of the contradictory nature of ideas of community and the positioning of sex workers as both at-risk and risky, victims and criminals. These discourses and practices both render sex workers as highly visible markers of the boundaries of community, and efface their experiences and their own roles in communal life when setting out the legislative frameworks for that community. The result is not only an exclusion from full communal membership, but also a dramatic curtailment of sex workers' own safety, a fact recognized in the *Bedford v. Canada* decision. What is especially notable is that *Bedford v. Canada* was the result of sex workers organizing on the basis of their shared experiences, one of the rare instances in which these experiences have had a legislative impact, albeit with strong opposition from the state. The persistent danger is that the federal government has implemented new legislation that configures sex workers more explicitly as 'at-risk' and thus continues to situate their experiences outside the boundaries of community.

What our study has shown is that the ideas of community safety through which these legislative projects are structured are fundamentally flawed, and are built on forms of visibility and invisibility that reinforce conceptions of social order and middle-class subjectivity in which sex workers occupy only a precarious and delegitimized place. Regimes of surveillance and policing, most visibly in the form of CCTV, thus enact, extend, and strengthen these conceptions to the point where, as numerous comments above attest, sex workers themselves experience surveillance as an extension of broader forms of violence to which they are subjected. Further, within and through the myriad iterations of community safety, sex workers have tended to be actively excluded from collective strategies of safe-keeping. In response, they have taken up a range of separate strategies aimed at ensuring their own personal safety—some more successful than others. Even when individually successful, though, such strategies are rarely if ever acknowledged as contributing to community safety over all. Sex workers participate in securitizing the urban spaces in which they work and live, while simultaneously challenging the decontextualizing narratives that justify their exclusion from definitions of community. This challenge, we argue, foregrounds the need for a fundamental reconceptualization of ideas of community safety and the legislative responses through which these ideas are materialized.

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