

## Reconceptualising On-Street Sex Work as a Complex Affective Social Assemblage

Eradicating on-street sex work remains a key legal and policy mission in England and Wales. To this end, Engagement and Support Orders (hereafter ESOs) were introduced by section 17 of the *Policing and Crime Act 2009*. Drawing upon divergent and conflicting discourses of prostitution as both violence against women and as a public nuisance, the orders aim to facilitate exiting by imposing ‘compulsory rehabilitation’ upon on-street sex workers. Commencing from the proposition that ESOs – and the wider policy agenda – fails to achieve social justice for sex workers, this chapter calls for a reconsideration of the whole problematic of on-street prostitution. More specifically, we argue that on-street sex work needs to be reconceptualised as a complex affective social assemblage. Our chapter participates in complex systems theory (Waldrop, 1992), the ‘affective turn’ (Clough, 2007, Gregg & Seigworth, 2010) and an application of social assemblage theory (Massumi, 1992, Delanda, 2006, 2016). Undoubtedly, reconceptualising on-street sex work as a complex affective social assemblage is a challenge. However, this task must be commenced if we are to engender a transformative agenda for change. Significantly, social justice sits at the core of our theoretical framework: it is concerned with enhancing the flourishing of life and the wellbeing of communities (inclusively defined), and promotes a truly participatory response to social problematics.

To develop this argument and expound our theoretical approach, the chapter draws upon the findings of the first empirical study of ESOs (see further Carline & Scoular, 2015, Scoular & Carline, 2014). While supervisors’ creative use of ESOs led to fleeting moments and spaces of social justice, the ESOs’ criminal nature frustrates their transformative potential. In conclusion, we look forward to the future and highlight that it is possible to manage complex affective social assemblages as desirable system regimes, to trigger forces for co-operation and innovation and to intervene to promote the greater flourishing of life. Given the emergent and evolving nature of complex systems such as on-street sex work, it is impossible for us to delineate a programme for transformation. Indeed, this would contravene the ethos of our theoretical approach. We highlight that it requires the decriminalisation of sex work and the creation of a public forum which affords parity of participation to *all* on-street sex work assemblage. This includes *inter alia*, sex workers and their clients, local community members, police and project workers. We note that interventions will be

fundamentally local and bottom-up, subject to ongoing monitoring and evaluation and constantly adapting and evolving to respond to the changing dynamics of on-street sex work.

### **Constructing and Responding to On-Street Sex work: Legal and Policy Approaches**

In England and Wales, the law has long adopted a liberal approach to prostitution (Jagger, 1991, Nussbaum, 1999), leading to the entrenchment of a public/private divide. While the private act of selling/paying for (consensual adult) sexual services has not been criminalised, sex work related activities taking place in the public sphere and/or involving third parties fall foul of the criminal law (Wolfenden, 1957). Until the relatively recent focus upon tackling human trafficking (Home Office, 2008), street sex work has dominated the policy and legal agenda. While there has been a push to demonise and criminalise clients (Brooks-Gordon, 2010, Sanders, 2009a, Sanders & Campbell, 2008), policies have focused upon those who sell sex, particularly on-street sex workers (Cusick & Berney, 2005, Scoular & O'Neill, 2007).

The ESO reflects the official government policy's key rationale on sex work. Throughout New Labour's Coordinated Strategy (hereafter 'the strategy'), it adopted a zero-tolerance approach, stressing that 'street prostitution is not an activity that we can tolerate in our towns and cities' (Home Office, 2006: 1). In addition to highlighting the perceived nuisance caused by on-street prostitution (Home Office, 2006), the strategy constructed those involved in on-street prostitution as victims. The only appropriate response was to eradicate on-street prostitution. The strategy acknowledges that this required a multiagency response, involving, for example, housing, health, social services, drug action teams, domestic violence services and job training (Home Office, 2006: 14. See also Cusick *et al*, 2011, Hester & Westmarland, 2004, Sanders, 2006). Despite constructing the on-street sex worker as a victim, New Labour considered the nuisance caused by prostitution justified the retention of the soliciting offence, and that this provides 'the opportunity to tailor the penalty to meet the needs of those involved in prostitution and to address directly the factors that keep them tied to the streets' (Home Office, 2006: 37).

*'Renewed' or 'Forced' Welfarism?*

Researchers argue that the ongoing criminalisation of vulnerable members of society fails to promote a social justice agenda. While some commentators suggest that the strategy represents the adoption of a 'renewed welfarism' (Matthews, 2005), others argue that in reality it amounts to 'forced welfarism' (Sanders, 2009b) whereby sex workers are to 'be helped or else' (Phoenix, 2008). Those involved in sex work must change their behaviour, because such transformations will benefit both the individual and the wider community. While the strategy appears to be cognisant of sex workers' needs, this is undermined by the ESOs' features. As Sanders notes: 'The idea that someone can "exit" an entrenched and complex lifestyle by attending three meetings is entirely contradictory to the research literature on desistance and change' (2009: 514). Both the strategy and the ESOs fail to recognise and tackle the wider socio-economic factors and material inequalities that lead to prostitution. In contrast, involvement in prostitution is framed 'as an issue of personal responsibility' (Scoular & O'Neill, 2007: 764). This approach fails to respond to sex workers' needs and perpetuates social injustice:

Disadvantage and exclusion are no longer viewed as structural inequalities and social processes mostly beyond individuals' control, but are reframed as individual 'criminogenic needs', 'individualised crime factors' or merely 'private trouble', all of which are experienced and managed and controlled on an individual basis (Scoular & O'Neill, 2007: 770).

As Scoular and O'Neill (2007) argue, these processes of individual responsibilisation restrict social inclusion and citizenship to those sex workers who reform their behaviour - by exiting prostitution. Those individuals who persist in sex work remain socially excluded and criminalised. The criminal justice's net has been extended: while the phrase 'common prostitute' was rightly abolished, a statutory definition of persistence replaced it: two or more occasions over a period of three months (section 16 *Policing and Crime Act 2009*). This is a significant extension on the previous requirement of two or more occasions in one month. Through processes of responsibilisation, exclusion and increased criminalisation we can see how the current system fails to promote a social justice agenda. There is little concern to produce an agenda for change which is truly concerned with enhancing the lives of those involved in on-street sex work.

### **Exploring ESOs: Research Methodology**

The data drawn upon in this chapter emanated from the first empirical evaluation of ESOs deployment and effectiveness (see Carline & Scoular, 2015, Scoular & Carline, 2014). The British Academy funded research deployed a qualitative methodology to develop new insights into the legal regulation of on-street prostitution. We conducted a literature review and thematic analysis of policy documents and reports, the findings informed the construction of a semi-structured interview schedule. Following the submission of a Freedom of Information request, to identify the implementation of ESOs, we emailed an invitation to participate to service providers in the relevant regions, and an advertisement for the study placed on the UK Network of Sex Work Projects website. Those providers who agreed to participate helped facilitate contact with police officers and/or ESO recipients, depending upon availability. 31 participants were interviewed across eight cities in England and Wales, comprising of: 13 project workers/ESO supervisors, 11 police officers and seven ESO recipients all of whom were, or had been, engaged in on-street sex work.

Significant ethical issues arise when engaging in such research, particularly with regards to interviewing vulnerable and criminalised populations. Confidentiality and anonymity was of high importance, as was sensitivity on behalf of the interviewers. Information about relevant services was also made available to the sex workers at the interviews, should they require further support. ESO recipients were reassured that any information they give in relation to the current or older court orders would remain anonymised, and that any view stated would not affect their access to service provision at any time. The voluntary nature of involvement was made clear in all correspondence and reiterated at the beginning of the interview. Ethical approval was obtained from the University of Strathclyde. It is also important to acknowledge that the study participants represent only a small proportion of those involved in on-street sex work. In particular, ESOs recipients are caught within the criminal justice system and do not represent the diverse on-street sex workers population. We are cognisant that the opinions and perceptions garnered are partial and cannot be universalised. As we explore further below, the theoretical approach we advance emphasises focusing on the interactions between the heterogenous actors involved in on-street sex work, and the production of embedded local knowledge and interventions. As such, the data are informative in this regard.

Participants were asked questions pertaining to the impact and efficacy of ESOs, along with perspectives on best practice and suggestions for reform. The interview data were

fully transcribed and scrutinised, using thematic analysis: a systematic approach to the categorisation and consolidation of study findings (Howarth, 2002), in conjunction with the data analysis software NVivo. Elsewhere, we have scrutinised participants perspectives regarding the implementation and impact of ESOs, their views on breaching and areas in need of improvement. It is not, however, our intention to rehearse this analysis here (see Carline & Scoular, 2015, Scoular & Carline, 2014). We are interested in the interactions and interconnections between the heterogeneous actors, and explore what this means for a social justice agenda. We consider how it is possible to construe on-street sex work as a ‘social and affective assemblage’, which involves the creation of ‘territory’ and movements of ‘deterritorialization’ and ‘reterritorialization’.

### **Reconceptualising the Problematic of On-Street Sex Work and ESOs: Complex Systems Theory and Affective Assemblages**

The analysis of the strategy indicates that the prevailing legal and policy theoretical framework is rooted in (neo)liberalism, reductionist analysis and discrete causation – which assumes a linear cause and effect. This does not adequately understand and respond to the complexities of street sex work. It fails to advance a social justice agenda concerned with responding to the needs, and enhancing the lives of those involved in sex work. We maintain that a major renewal in theoretical and research methodology is necessary to re-think and re-investigate the problematic of on-street sex work. At a certain level, it is obvious that on street sex work is complex: this has been well established by research (Pitcher, 2006). Further, given the pivotal role of the body, sex work is embodied and material; it involves matter (bodies, both organic and otherwise) and not just language/discourse. Simultaneously, the complexity and the embodied materiality of sex work may be a promising direction to re-orientate the theoretical framework for understanding and investigating on-street prostitution. We turn to the new materialist theories of complex systems, affects and assemblages, and maintain that these have much to offer a social justice agenda for change.

#### *On-Street Sex work as a Complex System: An Overview*

The complex systems theory we take up is what is generally known as complexity theory (Waldrop, 1992). Complexity theory starts with a distinction between systems that are *complicated* and those that are *complex*. With the former, the system is made up of many self-

contained independent parts mechanically operating together. One can add or remove an independent part of the system and the mechanism will still operate. With complex systems, it is the *relations* between the parts of the system that is crucial. The dynamics are what are interesting: how its heterogeneous agents are interconnected, how they interact and the strengths and weakness of their interconnections and interactions. It is these dynamic interactions and processes which drive the system, and adding or removing a component will most likely transform or collapse that complex system. As the system is dynamically driven by the relationships between the heterogeneous components, as opposed to being centrally controlled, this creates the possibility for the spontaneous development of novel structures and new organisation, known as ‘emergence’ and ‘self-organisation’ (Holland, 1999). Whereas with a complicated system, each element could be analysed separately, a complex system must be looked at holistically, as it operates as more than the sum of its parts.

Complex systems, thus, have striking capacities and properties. These encompass the creation of system order out of processual chaos and a dynamic systemic organisation that is in continuous transformation (Bak, 1996). This capacity for self-organisation and emergence means that complex systems operate in unpredictable and non-linear ways. It makes them highly creative, exploring problems, experimenting, innovating and able to respond to constraints with rapid self-organisation. Herein, we locate the potential for the development of a social justice agenda for change.

Over the last fifty years complexity science has discovered and explored huge numbers of complex systems (Delanda, 2016). These range from chemical systems, to biological systems, to ecological systems and social systems. We argue that on-street sex work can be conceptualised as a complex system, which leads us to consider the dynamics of its systemic interconnections and interactions, and the potential for emergence and self-organisation. On-street sex work comprises complex subjects and spaces, resistances and negotiations. It is constituted by the dynamics and interactions between heterogeneous components including, *inter alia*, sex workers; clients; the local community (encapsulating people, buildings and streets); project workers and ESO supervisors; support services and drug action teams; police, probation and other criminal justice personnel. These dynamics occur within a wider socio-economic and political context which encompasses, *inter alia*, material and systemic inequalities; poverty; drug prohibition; housing shortages; domestic violence; neo-liberal responsabilisation and politics of austerity; insufficient job and

education opportunities; zero-tolerance approaches to prostitution. Understanding the relationships between these multifarious elements is fundamental to developing legal and policy responses which respond to the needs, and enhance the lives of, those involved in on-street sex work.

Investigating and understanding the whole of on-street sex work as a complex system is a major undertaking, and beyond the scope of this chapter. Rather, we focus upon one aspect: the deployment of ESOs. To focus and deepen our enquiry, we draw upon a specific conceptualization of complex systems: that of affective social assemblages.

### *Affect and Assemblages, or Affective Assemblages*

In parallel with the development of complexity science, a philosophical language for understanding complex systems has emerged, which has increasingly been taken up in the social sciences and humanities (and, to some extent, in law (Phillipopoulos-Mihalopoulos, 2015). This theoretical framework is frequently referred to as assemblage theory (Delanda, 2006, 2016, Massumi, 1997). It involves theorising complex systems, such as ESOs and on-street sex work, in terms of the abilities of bodies and systems to affect and be affected by other bodies and systems; hence the notion ‘affective social assemblages’. Indeed, it is through the concept of affect that we can begin to further explore the dynamic interactions and interconnections between the heterogenous components that comprise a complex system, and to understand emergence and self-organisation.

The classic formulation of affect is that developed by Spinoza: ‘By affect I understand affections of the Body by which the Body’s power of acting is increased or diminished, aided or restrained, and at the same time, the ideas of these affections’ (Spinoza, 2000: 164). Affects are sensed and thought by bodies, with bodies emitting affects according to their speeds and slownesses and differential relations with other bodies, affecting bodies in their zones of affect, and being affected when they fall into a neighbouring zone of affect (Clough, 2007, Gregg & Seigworth, 2010, Massumi, 2002). An affect can be thought of as an emergent event that is shock to thought and body that churns transformation for that body, and a lasting affixation to that body. Accordingly, affects are relational – they comprise the interactions between two bodies (or systems), and they are transformative – they involve either enhancing or diminishing the body’s capacities to act (and to be acted upon). Affects can be positive or negative. In terms of thinking and investigating complex social systems such as on-street sex

work, affects are the way participants and embedded researchers can sense, and understand the dynamics of the system, the interactions between the heterogeneous components and the potentials for transformation. It is how a system's power to transform other systems and themselves, their trials and tribulations of falling in the zone of affect of other complex systems and becoming transformed, can be sensed. Further, affects are how participants can sense lines of transformation, and the stallings and blockages of lines of transformation, and sense the system's potential collapse. In this respect, attentiveness to affect in the dynamics of a complex system, such as on-street sex work, is to trace and map the micro power relations operating between the diverse components (for example between the ESO supervisor and the sex worker) (Massumi, 2015).

The notion of affects has much to offer an agenda for change which is concerned with achieving social justice for on-street sex workers. We can begin to investigate how policies and practices produce and support interactions which engender positive or negative transformations in the lives of those involved. Significantly, this theoretical framework does not adopt a normative stance regarding prostitution. As affects are specific to individual bodies, engaging in prostitution (which is always already an interaction between bodies) may be life enhancing for some, while for others it may be diminishing. It may involve a mixture of the two, depending upon the specific circumstances and context. It is also important to remember that affects are non-linear and unpredictable. It cannot be easily assumed that policy/practice X will automatically produce affect Y. This is especially so given the vast array of components and bodies that interact in the complex system of on-street sex work. Undoubtedly, certain policies and practices are less likely than others to engender – or may indeed actually block - positive transformations (i.e. those that tend towards criminalisation and increased austerity). Nevertheless, there is always an unpredictability as law and policies frequently operate – and are operationalised - in unexpected ways and may produce unanticipated affects. As explored below, we can position ESOs as one example of this.

The official rationale behind ESOs was to facilitate exiting. It is a policy that is fundamentally concerned with producing particular affects. Its aim is to bring about a significant transformation in an on-street sex worker's life so that she/he desists from prostitution. In terms of affects, exiting would constitute a crossing of a threshold of change, which involves a change in the body's capacities and potentials, rather than a variation



around a steady state. To explore this further, it is essential to explore the interactions between the ESO supervisor and the ESO recipient/sex worker.

It needs to be noted from the outset that throughout their practices supervisors resisted the exiting focus of the ESOs, on the basis that this was counterproductive:

And if I, straightaway, went into exiting ... if I immediately lay down the law, saying well, this is what we really want you to do and this is what the court wants you to do, she'd be gone (project worker/supervisor 13, hereafter PW13).

We can see how supervisors had a sense that pushing an exiting agenda would produce a negative transformation in the ESO recipient, it would diminish her ability to affect and being affected. In contrast, the orders were utilised by many support workers to provide an opportunity for a holistic and non-judgmental engagement with sex workers, focused upon enhancing the recipient's life. Herein, we find moments of emergence and self-organisation and the potential for social justice.

Overwhelming, supervisors adopted a fundamentally person-centric approach: 'we work in such a way that it is about the women' (PW13), which involved engaging with women 'on their own terms' (PW9), as opposed to advancing a particular agenda. Fundamental to this was developing a good connection between the supervisor and recipient: 'building up a relationship with them I think is absolutely key' (PW1), as was trust; 'the biggest thing is having a trustful relationship' (PW9). This latter supervisor noted: 'We try to create a sense of trust in a nurturing environment ... and it replaces some of the stuff that maybe they've not had'. Recipients' appreciated this approach to counselling: 'do you know when you know someone's like proper listening and they're not just listening because it's a job?' (R5), which fostered ongoing positive connections: 'I kept seeing [ESO supervisor] after because I got close... and that, and I felt comfortable speaking to [ESO Supervisor] (R1).

This focus on developing trusting, nurturing relationships indicates an affective approach concerned with enhancing sex workers' abilities and well-being. As such, this corresponds with a social justice agenda. Furthermore, in this person-centric framework supervisors highlighted the importance of concentrating upon, and instituting positive transformations within, a range of practical and psychological aspects of life:

You've got to do a lot of practical stuff initially, and as you're building the relationship up, then you can get the emotional stuff done as you get to know them more. And it's changing, it's changing the psychological damage, the trauma, the stuff that they've been through in their lives (PW9).

This focus on personal self-development and flourishing informed how supervisors conceptualised success:

Success can be anything from someone thinking actually I could have something different...having someone believe that they actually deserve to have a life different to what they've currently got. And I that's an enormous success for that person at that time (PW1).

Success was also recognised to be person-specific and while a change may objectively appear to be small and mundane, it could represent a significant transformation for that individual woman:

...having the self-esteem to do that and the self-confidence to be able to think, yeah, you know, I might do a college course and stick to it. But then even things like little appointments, they can be a big thing (PW8)

Overall, supervisors reflected that their role involved 'empower[ing] people to go on to make lifestyle choices' (PW10), but in ways which involved being responsive to the subjective nature of transformations. For example, PW2 stated that they would work on building up a trusting relationship 'so that when they are ready ... they know exactly who to come to and the feel safe to do so. ... because we can only hold women where they are'. This points towards the innately emergent and nonlinear nature of affects; as moments of transformation arise and dissipate depending upon the individual woman and her life events (or, in complexity theory terms, her speeds and slowness), in a manner which cannot be easily captured within policy. For example, PW3 described how a sex worker will be 'just ready to make that change. Although they may have said that lots of times before, there's just something that seems to get to that point where it's like, right, this is it now'. Furthermore, supervisors indicated that they sensed this transformative moment: 'You can feel when somebody's ready to change things' (PW9).

Through this analysis, we can see how the relationships between ESO supervisors and recipients were affective and as such could facilitate positive transformation, and hence social

justice. This was undoubtedly due to the creative use of the orders, which points to moments of emergence and self-organisation. However, to further scrutinise the extent to which the orders may (or may not) promote social justice, we now turn to assemblage theory.

*Exploring the Territories (and De and Re Territorialisations) of the ESO Assemblage*

Assemblage theory supplements our consideration of ESOs and on-street sex work as a complex system, and what this might mean for developing a social justice agenda for change, as it sets out a detailed system specification. As a complex system, assemblages emerge from the interactions and connections between the heterogeneous components and actors. They may be biological (for example, the human body can be thought of as an assemblage) or social. Indeed, most of the social entities we know of, including on-street sex work, can be conceived of as an assemblage; a town, a school, a medical clinic, a social assemblage of discipline and punishment and large-scale social assemblages, such as feudalism or global capital. Further, all manner of sexualities and genders can be conceived of as social assemblages. As this suggests, an assemblage may be constituted by other assemblages: assemblages sit within intricate and intersecting nests - the ESO affective assemblage sits within the on-street sex work assemblage and the criminal justice assemblage. This enables an exploration of the micro-macro power relations and dynamics, as the micro assembles the macro, and the macro falls back on the micro and structures it. Furthermore, it is possible to evaluate social assemblages from a social justice perspective as being either life affirming or life diminishing.

According to Deleuze and Guattari, a social assemblage comprises the following key features: an expressive and a material regime, and processes known as ‘territorialisation’, ‘deterritorialisation’ and ‘reterritorialisation’ (Deleuze & Guattari, 2004 *passim*, Massumi, 1997). The expressive and material regimes are relatively straightforward. The former comprises language and discourse, which incorporates components such as policy documents and law. The coordinated prostitution strategy can be seen as part of the ESO assemblage’s expressive regime. In contrast, the material regime encompasses non-discursive components, such as bodies, streets, spaces and buildings. In reality, however, the expressive and material regime are inseparably and dynamically interconnected and interacting in affects. For example, we can understand how a court building is simultaneously material and expressive:

it conveys a message regarding the authority of the law. Similarly, bodies and clothing are both material and expressive.

Turning to the concept of territorialisation, while social assemblages come into being through self-organisation and emergence, they undergo also profound territorialisation processes: they organise their own space into which they create their territory. Accordingly, through the interactions and interconnections between the heterogenous expressive and material components, an assemblage will lay down a territory. Through processes of territorialisation, social assemblages 'stratify' (mark out and fix) space and constrain the very nature of the territory that can be constructed. This process not only involves the delineation of a geographical space, but also encompasses routines, customs and practices, as well normative and dominant ways of being. Through territorialisation, social assemblages construct codes for bodies and social flows of production. Within this context, coding can be understood as a top-down imposition of form and order upon bodies and social flows emanating from, amongst other things, law and policy (which are part of the expressive regime). As such, social assemblages capture and control bodies' affects and capacities to affect and be affected. Overall, territorialisation can be understood as a process which strives to bring about stable and repeated - and repeatable - relations between the heterogenous components.

Through the notion of assemblages, it is possible to investigate how the interactions and interconnections between the sex-worker and her client, the local community, streets, buildings, policing practice and strategy, prostitution law and policy (amongst others) lay down an on-street sex work territory. It is also possible to explore the affective dimensions of this territory, and how it enhances or diminishes the lives of those involved. With regards to the specific example of ESOs, we can draw upon the interview data to examine how the policies and practices lay down an ESO territory, and evaluate this territory from a social justice perspective. However, before we do so, it is necessary to explain the processes of deterritorialisation and reterritorialisation.

In Deleuze and Guattari's theory of social assemblages, territorialisation does not completely stratify and code a territory. Forces of deterritorialisation run through social assemblages, which are processes of destratifying territory and decoding bodies and social flows of production. Significantly, deterritorialisation is an inevitable feature of

territorialisation. Even if a social assemblage establishes a territory that is closed, and codes and stratifies the bodies and social flows, the innate ‘vitality of matter’ (by which we mean emergence and self-organisation) installs forces of ceaseless creation and change.

Deterritorialisation manifests in what is known as ‘lines of flight’: freeing bodies from restrictions and boundaries of control, and unleashing new social experimentation and increased capacities for affect and transformations. However, as with affects, not all deterritorialisations are entirely the affirmation of affective capacity and life. There can be destroying deterritorialisation, such as the deterritorialisation of drug addiction.

Nevertheless, deterritorialisation is the immanent social force that makes escapes from social capture and control possible, and the exploration of affective potentials to become new ways of affirming life.

However, the forces of social assemblages do not allow the free escape and liberation of deterritorialisation. Deterritorialisation is followed by processes of reterritorialisation: affective bodies and social flows are recoded and territorial de-stratifications re-stratified. It is not that the operations of reterritorialisation undo the operation of deterritorialisation; the recoding and re-stratification may be substantially different to the prior stratification and coding allowing greater scope for affective production. However, Deleuze and Guattari suggest that a deterritorialisation that is not recuperated in some way by reterritorialisation will be rare. Rather than being absolute, deterritorialisation will be relative. Thus, we can expect a constant relay in complex social assemblages of processes of territorialisation, deterritorialisation and reterritorialisation.

### *The Three Meeting Requirement: Deterritorializing Coercive Rehabilitation?*

The ESOs territory is initially established by the policy and legal framework which requires recipients to attend three meetings with an ‘appropriate person’. This leads to the inclusion of various actors and agencies, as the supervisors hailed from a range of projects, including NHS funded services, probation, drug intervention projects, various charities and sexual health organisations. Hence, we can map the basic material territory of ESOs to encompass a wide variety of buildings, premises and practitioners. What is more significant is the constitution of the territory through the supervisory practice – which encompasses expressive and material regimes. Herein we identify moments of (relative) decoding and deterritorialization, and the potential space for (fleeting moments of) social justice. Whereas

the Government's approach to exiting reinforces neo-liberal responsabilization and individualises the causes of prostitution (Scoular & O'Neill, 2007, Scoular & Carline, 2014), as we indicated in the discussion of affects, supervisors adopted a non-judgemental and person-centric approach that did not promote an exiting agenda. Their practices frequently went beyond and outside the official policy (Home Office, 2006, 2010a, 2010b), and focused upon facilitating positive and live enhancing transformations. These practices indicate moments of emergence and self-organisation, and can be situated as a deterritorialization, or more precisely a decoding, which may provide a space for social justice.

Supervisors capitalized creatively upon the ESOs' flexible nature. Indeed, one commented: '[t]he success ... with them is because they are so flexible' (PW11). This flexibility was found to inhere within the three-meeting requirement, and operated on three interrelated levels: timing, location and content. Supervisors were acutely aware that morning appointments for many on-street sex workers were unrealistic. They endeavoured to ensure that meeting times responded to the reality of recipients' lives. This was also linked to the benefit of placing ESO supervision within specialist agencies, who have expert understanding of the realities of sex work:

I've met women like into the early evening, just because these are the most chaotic, the hardest to engage, the ones whose drug use is usually the highest, so I'm not going to start making them appointments at nine in the morning, you know the other side of town, and given them no way of getting there. So I try and make it fit in with their lifestyle the best because I think, you know, the benefit of having a sex work project rather than ... the DIP team or CJIT ... is that we have the flexibility to work like that (PW2).

Further, participants reflected upon the factors which may lead to non-attendance:

And if they don't make the appointments, well, they're not engaging. Well, it's kind of, hold on, have we looked why they're not making the appointments. Um, you know, they don't drive, these girls ... and also, some agencies will set morning appointments. Well that's unrealistic for a prostitute because she's been out 'til five in the morning' (Police Officer 4, hereafter Pol4).

Consideration was given to the accessibility of the location, and supervisors responded to the difficulties faced by recipients: 'I had one girl who was quite chaotic; very, very, very poorly, bad legs, everything. And I made sure ... the three sessions took place at her home (PW1). This flexible and reflective attitude was appreciated by the recipients: 'It's a good thing about it ... you come to different places, you don't have to sit in the office' (ESO recipient 2,

hereafter R2). We can see how supervisors practice set down the territory of the ESO to include times and spaces which appropriately responded to on-street sex workers' complex lives, which corresponds with a social justice agenda.

Supervisors' also considered how space could be best used to meet sex workers' needs, again evidencing a more socially just approach: '... we try and use our drop-in as much as possible because it's geared up for the women in terms of like getting their needs met in all that one place' (PW2).

And basically, it's about what they want these meetings to be. So we might take them out for lunch and a chat to discuss what issues they've got, all that sort of stuff, and then we just take it from there (PW13).

Corresponding with the above discussion on affects, the perceived open nature of the orders enabled this flexibility, which subsequently provided a space for alternative – and non-coercive – approaches, which amounts to a decoding and a deterritorialization:

[W]e can almost do what we want with [the ESOs] ... because there's nowhere does it specify what the engagement actually has to be ... so we can tailor that to the individual. ...it might just be a case of ... a bit of therapy, sat doing some painting here or something, but if that's the engagement that's needed for that person and that's what we can do' (Pol8).

Supervisors helped recipients with practical issues that were – in the very least - more tangential to their involvement in sex work. This included accompanying them to medical appointments, help with benefits and housing, assistance with purchasing appliances such as a washing machine and a microwave and support to obtain food parcels, as well as harm-reduction techniques. To further support order completion, supervisors would also take into account recipients' meetings with other agencies: '...if she goes to a drugs appointment one day that's really important, and she's engaged in loads of like intense support with another caseworker, then I can think, that's just as good ... so I'll count that (PW1).

In focusing upon the on-the-ground implementation of the orders, we have been able to trace how supervisors' practice constituted the ESOs' territory in a manner which involved decoding and deterritorialization of the official law and policy on on-street sex work. Frequently supervisors utilised practices to facilitate positive transformation in sex workers' lives, but in a manner which did not presuppose exiting as the solution. This points to

moments of emergence and self-organisation, as the on-ground operationalisation of policy produced nonlinear results. From a social justice perspective, all of this is immensely promising. Nevertheless, it must be remembered that ESOs are a punishment, and this blocks their social justice potential. As we explore below, creative practices and moments of deterritorialisation and decoding are ultimately reterritorialised by coercive nature of the criminal justice system.

### *Negotiating the Criminal Justice System: Reterritorializing ESOs*

The processes of de/territorialisation and affects explored above flowed from the fact that supervision was invariably contracted to pre-existing and well-embedded projects. Indeed, the ESOs' effectiveness was considered to be reliant upon the involvement of appropriate agencies. As one supervisor noted: 'My opinion is, they're only efficient if they are supervised and managed by a dedicated sex worker project' (PW3). It is positive that specialist agencies are involved, given their expertise. Yet, projects are placed in a complex situation, required to negotiate the criminal justice system, and monitor and potentially discipline sex workers if they breach an order. The ESOs' productive potential is necessarily constrained, as moments of reterritorialization and recoding emerge: auspicious forms of practice – deterritorializations and decoding - are captured and brought back within the criminal justice system's coercive regime. As such, the criminal law and justice system moves to re-establish order, and to impose and compel certain behaviours from both supervisors and sex workers.

Problems arise as much needed support for vulnerable individuals is dependent upon the involvement of criminal justice agencies, with some recipients commenting that support was increasingly reliant upon being convicted: 'The support ain't as available if you haven't got an order, is it? (R2). One supervisor noted that engagement with the criminal justice system was 'time consuming' (PW5) for projects, which caused difficulties: 'as an agency, we don't have lots of time to be chasing up procedures, magistrate procedures, court procedures ... when you're already dealing with a huge caseload' (PW12). Having to negotiate the criminal justice system in such a way, produces significant challenges for projects which are already stretched. This will ultimately restrict their ability to provide the necessary support and services sex workers need.



Moreover, a disconcerting view emerged, particularly amongst some (although not all) police officers that being criminalised could now be construed as a positive experience for sex workers: 'Now going to court isn't a bad thing, it's a good thing' (Pol3). Given that the police are part of the criminal justice system it is, perhaps, unsurprising that some would hold this view. This amounts to a heavy reterritorialization, as it supports ongoing criminalisation by imposing form and order upon bodies. This reterritorializing tendency was evident in some police officers's opinion that the ESO was a 'toothless tiger' (Pol9), which little deterrent value (Pol3 and Pol4). They commented that some sex workers would perceive them to be an easy option: 'You stop them and they say, I'm not bothered, er, I'll go to court, I don't even get fined now, I just get this. And it's almost like a joke to some of them' (Pol7). This led to a practice in one area whereby the police would issue what is known as a criminal anti-social behaviour (CrASBO) if a sex worker failed to exit after receiving two ESOs (Pol2). Significantly, breaching a CrASBO can lead to a prison sentence.

While we have seen that supervisors were creative in their use of the ESOs, moments of social justice emerged despite of, not because of, their placement within the criminal justice system. It is important to remain cognisant that the ESOs is a criminal penalty. As one project worker noted, while the order may involve 'engagement and support ... we're forgetting that it's punishment' (PW10). Ultimately, the ongoing criminalisation of vulnerable individuals does not promote a social justice agenda. Indeed, some participants, including police officers, acknowledged the negative consequences of a criminal conviction: 'there is more of a push to not want to put people through in the fact that they don't want people having to go to court, because we don't want stigmatizing later on' (Pol1). This indicates moments of deterritorialization and decoding which occur through practices and provides some space for social justice. However, given the on-going criminalisation of soliciting, ESOs social justice potential is blocked, and radical deterritorialization requires the decriminalisation of sex work; indeed, this would lead to the creation of a whole new territory. Only then could participants start to develop interventions which truly enhanced on-street sex workers' capacities.

### **Conclusion: Affective Assemblages, Policy and Management of Complex Social Systems**

In this chapter, we argued that a concern with social justice requires reconceptualising on-street sex work as a complex system and an affective social assemblage. This theoretical

framework entails focusing upon the interaction and interconnections between the heterogeneous components, and evaluating the extent to which these affectual relationships may enhance or diminish life. To this end, we highlighted how ESO supervisors' practice was imbued with affects and involved processes of (de)territorialisation, enabling fleeting moments of social justice. We noted that placement of ESOs within the criminal justice system shuts down a truly socially just agenda concerned with promoting the flourishing of life.

Moving forward from here, it is important to highlight that complex systems theory and affective social assemblages all suggest an undertaking that would be both radical and immensely promising. Complex affective social assemblages may be organised and operate close to chaos, demonstrating unpredictability, surprise, emergence and systemic collapse events. As such, they may appear as too complex to understand, regulate and manage. However, they can be managed and regulated through practices such as steering, triggering, harnessing, tapping and transformation (Helbing, 2008). For example, 'adaptive management' has developed as an established body of knowledge on managing complex systems, primarily in relation to ecosystems (Hollings, 1978, Walker & Salt, 2008). Helbing, through the process of 'assisted self-organisation' has managed social complexity in relation to crowd movements, pedestrian traffic and transportation systems generally (Helbing, 2008, 2009, 2015). At the level of intimate relations of group collaborative work, leading affective assemblage theorist Massumi, together with Manning, have established the SenseLab to explore enhancement techniques for operating group collaborations and for a practice of micropolitics (Massumi, 2015).

What all three approaches share is the conviction that careful interventions can translate into the operation of complex systems, and that they are amenable to management and regulation. These approaches offer the basis for the development of interventions to actively manage complex social phenomena (Colander and Kupers, 2014, Chandler, 2014). It is possible to manage complex affective social assemblages, such as on-street sex work, to unlock forces for co-operation and innovation, and to promote a transformation for greater potential and flourishing in someone's life. It is a matter of knowing about complexity and affect, when to intervene and not intervene and, perhaps, when a line of flight may be triggered.

It would not be appropriate for us to set out a programmatic transformation agenda, as that would be to engage in top-down coding. Nevertheless, we can highlight that it requires the decriminalisation of on-street sex work and the creation of a forum which enables the emergence of local highly participatory interventions concerned with enhancing the lives of those within on-street sex work assemblages. This necessitates ensuring parity of participation for *all* of those involved in on-street sex - including *inter alia*, sex workers and their clients, local community members, police and project workers. Such an approach will help to address the injustice of the lack of participation of sex workers in the development of interventions, and is essential to engender a transformative and flourishing agenda for change; but it does require being attentive to the micro-power relations between the heterogeneous actors. It is also vital to highlight that interventions will always be in continual process. They will be the outcome of ongoing negotiations and compromises, subject to constant monitoring and evaluation to examine their affectual abilities, and frequently adapting and evolving to respond to the changing problems and dynamics of the assemblage. There is, however, only one goal: promoting the flourishing of life in its many forms and ways of being.

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