

“Hata watufanyeje, kazi itaendelea”

*Everyday Negotiations of State Regulation
among Female Sex Workers in Nairobi, Kenya*

CHIMARAOKE IZUGBARA

Just late last night they nearly got me . . . Two of them were approaching me and I knew they were police. Luckily, there was this man passing and I walked fast and joined him . . . I said to him “Boss, please, behind me are policemen, they will arrest me for walking alone, please pretend we are together.” He looked at me and said “Ok, I will help you.” The policemen ran forward and said, “Hey woman you are not with that man, we were watching you. Follow us; we are taking you to the station.” The man told them that I was with him and that we are going home together. So, they moved away . . . As we walked, the man said, “Ok girl, I have helped you . . . let’s go to my car . . . it is parked over there, and you give me some love. I said ok, “if you have money and a condom.” He said “I don’t have a condom . . . I just saved you from the police. You know what they would have done to you, right?” I told him “Well . . . no condoms, no sex.” He said “Ok, in that case, just give me *kudara* [oral sex]. I will give you 600 bob [Kenyan shillings, U.S.\$7.13].” I told myself . . . “This is not a bad deal.”

—Rose, a Nairobi sex worker

Currently scholarship positing social actors as agentive beings capable of creatively mediating or transforming their own relationships with the structural forces at work in their lives has led to calls for critical research on how sex workers, particularly in contexts where prostitution is criminalized, negotiate the activities of state regulatory agents (Okal 2009). While agency has offered scholars a conceptual tool for charting sex workers’ maneuverability, inventiveness, and reflective choices in relation to the constraints they face at work (Emirbayer and Mische 1998), it has also inspired two impor-

tant questions: Does sex workers' engagement with the structures governing or regulating their lives actually cancel out the effect of disempowering social regulations? And, moreover, do sex workers' everyday practices for managing policing truly promote their well-being? (Izugbara 2007). Without downplaying the dangers and violations to which criminalization exposes sex workers globally, this chapter focuses on the strategies used by female sex workers in Nairobi, Kenya, to avert arrest by law enforcement agents and the implications of these strategies for their well-being and vulnerability. Nairobi offers an intensely exciting location for studying sex workers' engagement with formal policing. Prostitution flourishes in Nairobi despite the 2007 Nairobi General Nuisance By-Laws (formerly The By-Laws of the City of Nairobi of 1960), which directly criminalize it.

I raise two major points in this chapter. First, I argue that the efforts of law enforcement agents to regulate prostitution in Nairobi unite the city's sex workers into a community of victims and inventors. Nairobi's antiprostitution laws expose sex workers to a painful list of daily victimization and indignities. But sex workers in Nairobi are also not passive social agents struggling against unsympathetic laws, implemented primarily by corrupt and inefficient state agencies; they have developed strategies for defying arrest and regulation by law enforcement personnel. My second contention is that these strategies are paradoxical in nature: while they permit sex workers to flout formal control, they also reaffirm sex workers' marginality, making them more susceptible to victimization and negative health outcomes.

The arguments presented here are based on my three and half years of ethnographic work among sex workers in urban Nairobi, Kenya. During this time I lived and worked in Nairobi as an ethnographer with a leading international research organization. Data collection involved an assortment of qualitative techniques, including ethnographic observation and in-depth interviews. Informants were mainly sex workers operating in the bars and on the streets of Nairobi, although information was also sought from groups and individuals concerned with their lives, including police officers, Nairobi City Council officials, leaders of sex workers' organizations, taxi drivers, male clients of sex workers, human rights activists, lawyers, and night watchmen. I also regularly visited and spent time in bars and other places frequented by sex workers observing their behavior, drinking and chatting with them as well as clients, and eavesdropping on conversations. On many nights I walked throughout Nairobi's red light districts and conversed with the street-based sex workers there. Data from formal interviews were audio-

taped and complemented with handwritten notes based on observations and informal discussions. All the materials are presented anonymously to protect the participants' identities.

Prostitution in Urban Kenya: Sociohistorical and Legal Contexts

Certain unique socioeconomic conditions imposed by colonialism led to the rise of prostitution in contemporary urban Kenya. White (1990, 1986) contends that prostitution flourished in colonial Kenya and was central to the political economy of the colonial system. Prostitutes provided sexual services in addition to individual domestic or other tasks that reinforced male power. They supported colonialism by providing sexual and other services that enabled urban-based male laborers to return to their jobs at least slightly replenished. This benefited the colonial system, which, by 1930, had developed policies that forced men moving into the cities to leave their wives and children in their rural homes. Nairobi's Municipal Native Officers wrote, in 1938, that the city saved money on "proper native housing because the needs of eight men may be served by the provision of two rooms for the men and one for the prostitute" (Davis 1939, cited in White 1986).

By the 1800s *watembezi* prostitution (from the Swahili verb *kutembea*, "to walk") had taken root in Kenyan cities. *Watembezi* women were street-based and followed clients home to provide them sexual services in exchange for a fee negotiated in advance. Most *watembezi* women were unmarried, unemployed, and newly arrived migrants in need of an immediate source of income to obtain shelter and sustenance. *Watembezi* prostitutes usually shared rooms and primarily operated along busy thoroughfares and affluent neighborhoods, where they were recruited by men needing their services (White 1986).

*Malaya*¹ prostitution emerged first in the 1920s, in Pumwani,² east of Nairobi. *Malaya* women sold erotic and other forms of domestic labor from their own places of residence. The *malaya* prostitute waited in front of her room for her customers to come. Pumwani's municipal by-laws prohibited outdoor loitering and prostitution. *Malaya* relationships mimicked marriage, thereby conforming to civil law (Bujra 1975; White 1986). Since *malaya* workers usually did not go out to solicit clients or sell sexual services exclusively, they also could not easily be charged with a criminal offense. *Wazi wazi* prostitution, which emerged at the same time and existed alongside *malaya* prostitution, largely involved non-Kenyan women and is historically associated with Haya women from the Bukoba District in (then) Tanganyika,

also called Waziba in Nairobi. *Wazi wazi* prostitutes were reputedly aggressive, audacious, and brazen. They had the habit of yelling out their erotic credentials publicly and soliciting clients by moving from the door of one returning worker to another (McClintock 1991). *Wazi wazi* prostitutes rarely sold nonsexual services (White 1992).

Kenya's declaration of political independence in 1963 significantly altered the social organization of prostitution in Nairobi, particularly through mass education and the relaxation of migration and mobility laws. Rural-to-urban migration dramatically increased in post-independence Kenya largely because of the Kenyan political elite's failure to redistribute agricultural land abandoned by fleeing British settlers, prompting an influx of landless young men and women into urban areas. Other social currents that allowed for the expansion of the prostitution sector and made sex work attractive to many women in Kenya include the rise in tourism, urbanization, and industrialization, the liberalization of fishing and other extractive rights, the increase in escort agencies, the intensification of cash cropping, the growth in cross-border trading activities, economic crises, and, more recently, political conflicts in neighboring countries such as Rwanda, Somalia, Sudan, Ethiopia, and Uganda. The devastating impact of the poorly managed famines, crop failures, and droughts that periodically hit agricultural and pastoral communities in the country has also increased the number of women who engage in sex work as a survival strategy.

The uncertainties associated with urban residence in post-independence Kenya continue to force many married men to leave their families behind when they come to the cities. Critical shortages in urban housing and employment opportunities have meant that many migrants entering the city live in the slums. The extreme anonymity and multiethnic character of these settlements have been particularly influential in fostering weak controls on sexual behavior in the city. Further, many migrants have little or no formal education and have difficulty finding jobs in the city that provide a sustainable income. Historic gender inequities regarding access to education in Kenya have also meant that the majority of rural women migrants are less educated than their male counterparts and thus less employable. Perhaps as a result of these socioeconomic factors, a 1999 national survey showed that an estimated 6.9 percent of Kenyan women had sold sex for money, gifts, or favors the previous year (Elmore-Meegan, Conroy, and Agala 2004).

Growing consumerism and the high cost of living also sustain sex work as a lucrative alternative to the poor-paying jobs in the Kenyan formal and informal sectors. The HIV pandemic has also played a major role in the

growth of sex work in Kenya, creating a significant number of orphans and widows for whom prostitution has offered a means for caring for themselves and their dependents. Indeed, remittances earned from sex work are used to support whole family units, set up businesses, and fund education. Urban prostitutes vary considerably in their earnings and clientele; while an average of twelve to twenty clients per week has been reported, there are also instances where sex workers have up to six clients daily (Okal 2009). HIV is widespread among Kenyan sex workers, with about 40–88 percent of Kenyan male and female sex workers reportedly infected in comparison with 6–8 percent of the general population (Elmore-Meegan, Conroy, and Agala 2004).

Prostitution is stigmatized in Kenya, and sex workers in the country are common targets of violent physical abuses including rape and murder by clients, community members, and law enforcement agencies. Mistreatment and abuse of sex workers in Kenya are also rarely punished. For instance, when Castro Mwangi killed twenty-five-year-old Vivian, one of two sex workers he had taken home for group sex, because she refused to have unprotected anal sex, he was acquitted. Despite overwhelming evidence to the contrary, the court ruled that Mwangi had killed Vivian in self-defense (“Castro Mwangi” 2004). Also, when nineteen-year-old Frank Sundstrom, an American tourist and naval officer, killed Monica Njeri, a Mombasa-based prostitute and thirty-two-year-old mother of two, for not granting him the kind of sex he wanted, he went scot-free. In fact, Sundstrom admitted to the crime but was never prosecuted. His only sentence was a bond of 500 Kenyan shillings (U.S.\$46) and a pledge of good conduct (Migot-Adhola 1982; Omondi 2003).

Sex work in Kenya is currently regulated by a combination of colonial criminal laws, recent legislation (such as the Sexual Offences Act), and municipal councils’ statutes (FIDA 2008). Kenya’s national legal code, which is based upon Acts of Parliament, neither defines prostitution nor directly criminalizes it nor forbids it. However, several municipal laws, which are rules and regulations for administering local councils, unswervingly criminalize sex work and proscribe it. The focus of Kenya’s Penal Code is on third parties gaining financially from sex work or supporting it. For example, willingly and knowingly offering a premise for sex work is a crime. Kenya’s Penal Code describes two sex work–related offenses: living on the earnings of prostitution and soliciting or importuning for immoral purposes.

The 2006 Kenyan Sexual Offences Act also focuses on the “exploitation of prostitution.” Actions compelling anyone, including a child or person with mental disabilities, into sexual intercourse for gainful purposes or support-

ing sex work in any way, such as offering premises for sexual acts to take place, are prohibited. Many of Kenya's local and municipal authorities prohibit sex work directly through their by-laws. Examples include the General Nuisance By-Laws of 2007, formerly the By-Laws of the City of Nairobi of 1960 and the By-Laws of Kenya's Municipal Councils of Mombasa, Kisumu, and Kakamega. The Nairobi General Nuisance By-Laws (2007) provides that "any person who in any street loiters or importunes for purposes of prostitution is guilty of an offense," and the Mombasa Municipal Council By-Laws (2003) state that "any person who shall in any street or public place (m) Loiter or importune for the purpose of prostitution (n); Procure or attempt to procure a female or male for the purpose of prostitution or homosexuality . . . shall be guilty of an offense." Part VIII of the Kisumu Municipal Council By-Laws deals with public health concerns and describes "nuisances" as offenses in the following two categories:

A person shall not (m) molest, solicit or importune any person for the purposes of prostitution or loiter on any street or public place for such purposes; or (n) willfully and indecently expose his person in view of any street or public place.

The Kisumu By-Laws introduce the offense of "molesting for purposes of prostitution" and "soliciting for prostitution." Other sections of the code, specifically By-Law (n) concerning "indecent exposure," empower the police to arrest "loitering" women, as well as women who dress in particular ways. Overall, most of Kenya's municipal by-laws regarding prostitution are characterized by ambiguities and give law enforcement personnel extensive powers.

Sex Workers and Nairobi's Antiprostitution Law

Many of the sex workers I studied did not know that Kenya's national law does not proscribe prostitution. Research by the Federation of Women Lawyers (FIDA 2008) in Kenya showed similar results. The majority of sex workers in the FIDA study thought that Kenya's national law prohibits sex work and based their conviction on the frequent arrests and harassment that they experience at the hands of law enforcement officers. My own interlocutors believed that Kenyan national law empowers the police and municipal authorities to regulate sex work in Nairobi. Even when I showed them documented evidence that sex work is not illegal in Kenya per se, my respondents

doubted it, wondering how and why sex work would be legal in Kenya but not in Nairobi, the country's capital city.

The antiprostitution stance of Nairobi's municipal by-laws affects sex workers in a number of important and critical ways. First, it criminalizes all prostitutes and increases the risks they face in their work. As criminals, Nairobi's sex workers are frequent targets of arrest, molestation, and harassment by state agents. In the hands of Nairobi's poorly trained and corrupt law enforcement agents, the antiprostitution law translates into a very real, very long, and very painful list of daily mistreatments, victimization, and indignities for sex workers (Jolin 1994). Sex workers in Nairobi are mentored on, and learn the implications of, the illegality of sex work very early in their careers. Often, more experienced prostitutes offered extensive guidance to those joining for the first time. This frequently took the form of buddy systems or casual stories and counsel shared among the women, which Brents and Hausbeck (2005) observed among prostitutes in Nevada's legal brothels. Sanders (2004) also noted that storytelling unites experienced sex workers with beginners, creating solidarity and a mutual sense of community. Work-related stories among prostitutes particularly disseminated information on risk and provided support. They revealed common consequences of prostitution and helped women pass on tips for dealing with risky situations, creating a spirit of camaraderie. Louisa, one of my informants, reported that friends who had introduced her to sex work three years earlier unequivocally told her about the importance of remaining vigilant toward law enforcement officials. Louisa herself has shared her own work-related experiences with hundreds of practiced and beginning sex workers. "We tell each other our experiences and also learn from each other. That's the way to survive in this job," she said.

Judging by the available narratives, the illegality of prostitution in Nairobi made sex workers a particularly susceptible and powerless group, and state-supported efforts to regulate prostitution strongly and at once united the city's sex workers into a conscious community of self-identified victims. Indeed, sex workers' narratives about the criminalization of their work suggested that their common risk of victimization united and propelled them to assist and support one another. Client violence and abuse, especially murder, rape, robbery, denial of payment, forced unprotected sex, payment in counterfeit currency, and coerced anal sex, were also described as common and pervasive. Sex workers also reported cases of clients with HIV or other sexually transmitted infections (STIs) tricking and forcing them into unprotected sex and of mentally ill or maladjusted clients attacking them. "Which other

work has these many problems? We are definitely different,” declared twenty-five-year-old Leah.

My informants recognized criminalization as the bridgehead of most of the issues they faced in their work. It was blamed for the impudence with which the public mistreated sex workers, for the exploitation and abuse of sex workers by clients and law enforcement officers, and for sex workers’ inability to seek and obtain redress for work-related injustices. “People know they can get away with anything they do to you because they know you can’t even go to the police,” offered twenty-three-year-old Comfort, who primarily worked in bars. Given this scenario, sex workers lived cautiously and watched one another’s backs. A sex worker arrested by law enforcement officers reportedly has limited options: she either does what they want or has herself to blame. As sex worker Irene said, “We know what we are doing is illegal. So we are very careful. When they catch us we have no rights to claim. We just have to watch out and act like sisters to each other. The one you help today will help you tomorrow.”

Encountering, and Defying, Law Enforcement Agents

My interlocutors’ stories of their work were dominated by narratives of encounters with law enforcement agents. Two law enforcement agencies were recognized as constituting a major threat to sex workers in the City of Nairobi: the Kenyan police and the antiprostitution force of the Nairobi City Council, which sex workers refer to, respectively, as *Magava* and *Kanjo*. Although encounters with both agencies were reportedly pervasive and increasing, sex workers told me that they preferred encountering *Magava*, whose officers were easier to bribe into releasing arrested sex workers, whereas *Kanjo* would take bribes and still detain the sex workers. Sex workers admitted that they were aware every day that they might encounter these agents. Nairobi sex workers might encounter law enforcement officers anywhere and at any time—in bars and on the streets, at night and during the day.

Dorcas, who worked in an exclusive bar/sex compound in one of Nairobi’s high-class residential neighborhoods, experienced her first arrest by law enforcement officials in broad daylight in the compound where she worked. Dorcas was arrested along with seven others by *Kanjo* in an afternoon raid. She revealed that the sex compound had been targeted because of a quarrel over money which the compound’s proprietress had with her boyfriend, a high-ranking City Council official who had been providing her with protection.

Criminalization regularly exposed Nairobi's sex workers to acts of harassment and mistreatment by law enforcement officials. Pubs such as Simmers, Florida 1 and 2, Pavement, Lidos, and Six-Eighty, and streets and lanes such as Koinage, Muindi Buingi, Lithuli, Argwing Kodhek, Wabera, and Utali are notorious for prostitution in Nairobi, and are regularly patrolled by law enforcement. Women in these areas found walking alone or in the company of other women risk arrest. To entrap sex workers, officers sometimes pretend to be clients and then arrest them. Wanjiru, while canvassing for clients, was arrested on Arwing Kodhek Road by City Council officials driving around in a private van. When the driver of the van stopped near her, Wanjiru thought he was a client and went to talk to him, but another man jumped out of the van and arrested her.

Sometimes officers went into pubs to "chat up" sex workers and pretend they wanted to take them home. Then, once outside the bar, they arrest them. Officers also regularly raided streets and bars to arrest sex workers. Jane was arrested during one such raid in a popular bar in the South C neighborhood of Nairobi. She had been drinking in the bar in the company of other sex workers when four armed policemen swooped down on them. The arresting officers claimed that they recognized them as sex workers who collaborated with a notorious robbery gang in the neighborhood.

In the hands of corrupt law enforcement, antiprostitution laws translate into painful victimization and indignities for sex workers (Jolin 1994). My respondents displayed immense apprehension regarding Nairobi's antiprostitution law. As twenty-five-year-old Melissa noted: "It is not that they will arrest you or take you to court; it is that you can't tell what they will do to you once *Kanjo* or *Magava* catch you." Sex workers' narratives revealed their preference to be arraigned in court once they were arrested, but this rarely happened. Once a sex worker is arraigned, informants said, her physical safety is guaranteed, as the police rarely mistreat an arraigned person. But, until then, "anything can happen to you," Melissa reported. In the court sex workers could secure their freedom by paying fines or hiring a lawyer to argue their case. In some cases the courts set them free for lack of evidence. Court procedures could be time-consuming, however, and their outcomes uncertain. Hiring a lawyer was also very expensive and yet failing to do so often left sex workers at a judge's mercy.

Nairobi's law enforcement agents regularly abuse the law to mistreat sex workers. They rarely arraign sex workers, preferring to extort them. Very few of my respondents who reported having been arrested by the police were arraigned in court, and those who had been often were unable or unwill-

ing to meet the arresting officers' demands. Kadijah was arraigned in court because she could not pay the 2,000 shillings (about U.S.\$40) demanded by the City Council officials who arrested her. The four sex workers who had been arrested with her paid bribes and were released. The officers even offered to drive Kadijah to her house to get the bribe money, despite her insistence that she had none. When she refused to have sex with each official in the back of the patrol van, they drove her to the police station and locked her in a cell with two other women, who then beat her up and tore her dress. She was arraigned in court two days later but was released by a female judge for lack of evidence. A different outcome awaited Mary, who was arrested by a patrol team led by a policewoman who was rumored to have lost her husband to a Nairobi-based Rwandan sex worker. Known in the Eastland neighborhood of Nairobi for her toughness against sex workers, the policewoman ignored Mary's pleas and refused her bribe. Mary spent two nights in detention before her arraignment in court, where she was fined 1,500 shillings (about U.S.\$20).

The commonly reported extrajudicial activities of enforcement agencies against sex workers were rape, the extortion of bribes, verbal and physical abuse, illegal detention (sometimes in officers' homes), obtaining sex from sex workers by deception, and refusing to pay sex workers after sex. Arrests generally put sex workers at the mercy of the officers. Bribe amounts usually depended on the discretion of the arresting officers. Instances have been reported where sex workers paid as little as K 150 (U.S.\$7) and as much as K 3,000 (U.S.\$70) to be released. One informant had been arrested up to fifteen times in the past nine months, and another twelve times in the past year. All bribed their way out. One respondent reported spending nearly U.S.\$200 in bribes in the past year. Generally sex workers considered it more convenient to negotiate with and pay officers a bribe than to be arrested and taken to the court where the fines could be higher than the requested bribes. My informants believed, in fact, that officers who took bribes to free them were being compassionate, but many officers, upon collecting the bribes, would still demand sex from the women. Most sex workers, while on the street, carried *musimamo*, "eventuality money," which they often hid in bras, underwear, stockings, shoes, or wigs, to use as a bribe when the need arose.

Sex workers suffered particularly malicious forms of harassment in detention. They often were held in overcrowded cells that lacked sanitary conveniences. One sex worker did not bathe during the two days she spent in detention. Detained sex workers were sometimes also forced to engage in sex or domestic work in officers' homes. During her three-day detention at a

police station near Buruburu, Wendy cleaned house and washed clothes for the station's resident commander. She was later released without ever seeing a magistrate or being fined. One sex worker was denied medication following her arrest, during which officers gleefully told her that they would be happy to see her die in front of them. In detention sex workers lost jewelry and other personal effects, including shoes, belts, bracelets, wigs, handsets, and watches. Officers also entertained themselves by demanding that sex workers fight with one another, compete in races, participate in nude parades, or simulate sexual congress. During her detention, Sikala was made to perform erotic dances, simulate orgasm and the sex act, and even fondle her own breasts.

Police officers also rape sex workers, frequently forcing them into unprotected oral and anal sex. One respondent maintained that HIV/AIDS remains very high among the police in Kenya because "they like to force sex workers to have sex with them. Policemen do not bother about condoms. They just force you to bend over in the dark or push you into their patrol vans, pull their trousers down, and have sex. They do this a lot." This particular interlocutor admitted personal knowledge of several sex workers who had been forced into unprotected sex by patrol officers.

Acknowledging both the difficulties of working in a hostile environment and sex workers' own determination to defy state regulation, Rosemary declared: "Hata watufanyeje, kazi itaendelea[No matter what they do to us, work must continue]." Generally my research suggested that Nairobi's sex workers used novel strategies to defy arrest and control by law enforcement agents. As I will show, however, these strategies were accompanied by significant risk, disempowerment, and vulnerability for sex workers.

One means by which sex workers addressed state regulation was through membership in information networks, informal channels through which sex workers continually seek and transmit critical information about the current situation on the streets and in other work settings. Simply by exchanging phone numbers with other sex workers, a woman becomes part of an existing network or develops her own. Illustrating the dynamics of one such information cell, Jewel told us:

You simply take the numbers of others girls you meet on the street and give them yours. You can call them the following day and say "I am at Black Diamond [a pub in Nairobi] already, are you coming out tonight? Don't use this or that road, there is police or the traffic is heavy." She will know you care for her safety. Or you can call to ask her whether she is already in town and whether a particular road or pub is safe to go to.

Membership in information networks is critical for sex workers who want to avoid encounters with law enforcement officers. Through these cells, sex workers stay abreast of news about police activities in the city or near a bar; they may learn that a raid has just ended or that a street or bar has returned to normalcy after a raid. These cells also allow friends to know one another's whereabouts and whether someone is in danger. Sometimes non-sex workers, especially night guards, street men, bartenders, and taxi drivers, are also part of the cells. These persons act as lookouts for sex workers and monitor the tempo of various parts of the city, night and day. Tim, a taxi driver who works at night around Koinange Street and is a lookout for sex workers, told me he had the phone numbers of more than forty sex workers. Besides using these numbers to link sex workers with male clients, who might ask him where they might find women, sex workers also called him most nights on his phone to find out if the city was safe for them. Tim reported: "Once I sight the police I let them know. I will tell them what I have seen and where it is happening." Tim also told me that sex workers paid him by providing airtime for his mobile phone and sometimes with sex.

Membership in information cells also puts sex workers at a disadvantage, however. When police arrest sex workers, they often threaten them into using their phones to lure out their friends, who are then also arrested. Another disadvantage of belonging to a cell is that one could be called to bail out an arrested friend or to pay a bribe to secure a friend's release. When sex worker Naomi's friend was arrested, she did not have bribe money with her. The police thus detained the friend, threatening to arraign her in court the following morning. To raise money to free her friend, Naomi gave unprotected oral sex to one of her long-standing clients in a dark alley. Sometimes the night guards and taxi drivers who act as lookouts for sex workers also demand unprotected sex as payment from them. Lookouts demanding cash payments played on sex workers' desperation for money, increasing their vulnerability for abuse and unprotected sex.

Striking deals with law enforcement agents was a second major strategy that Nairobi's sex workers used to prevent arrest. This tactic involved various activities that led law enforcement officers to ignore sex workers during patrols, alert them to impending raids, avoid the areas where sex workers operated, or secure their release when arrested. Deals could be secured with both junior and senior law enforcement officers. Several means were used to get the police and law enforcement agents of the municipal councils to cooperate with sex workers, including protection fees given to officers through sex workers' organizations or through proprietors of pubs and bars where sex workers operated.

Sex workers in one of the pubs covered during this study contributed money weekly to secure police protection. Reports of granting police officers sexual favors to secure their protection and cooperation were also elicited. For example, Martha had befriended a high-ranking policeman as a precautionary measure, and Joan, an informal leader of sex workers, sent a different sex worker every week to a patrol commander as a protection fee. In Joan's words: "Last time he called that . . . he wanted two girls for himself and his friend. He will sometimes call off a patrol because of us or tell us where to operate."

As with membership in information cells, pacts with law enforcement officers had their unique problems. In order to get the money to pay conniving officers, sex workers sometimes resorted to risky sexual practices. Sex workers who paid officers with sexual favors also often did so under dangerous conditions, and such encounters usually involved unprotected sex. Joan told us that the commander to whom she sends girls always asks for "clean girls." "He will tell me, 'Hey, you know I do not use condoms at my age, so send me very clean girls or you will regret [it]; send me your new girls.'" Sex workers often paid dearly when they failed to meet the expectation of officers or fell out of favor with them. Kitty's pub was ransacked because of a quarrel she had with a high-ranking officer who had been offering her protection. Following the raid, Kitty attempted to reconcile with him.

Sex workers also dealt with the risk of arrest by working in groups, avoiding alcohol while at work, working in well-lit areas and familiar places, and using male scouts, called *mabeshites*. The sex worker raids, which I witnessed, drove home the importance of sex workers using these methods to deal with the problem of policing. Law enforcement officers in Nairobi often worked in groups of three to five plainclothesmen. Because government or police vehicles are easily identified when they pull up in the well-lit areas of the street where sex workers operate, undercover agents often used privately registered vehicles. When using official vehicles, they would park them a distance away. They would then approach the street where sex workers were soliciting clients, some from one end of the street and some from the other. Usually they walked casually, pretending to be clients, passersby, or even drunken vagrants. Law enforcement agents also often left their guns or batons in the vehicles, as those easily gave them away. Because they worked in well-lit streets and corners, sex workers were often able to evaluate persons approaching their work sites from afar and flee if suspicious. Many of my respondents admitted that they could tell whether an approaching man was an enforcement officer, even when the person pretended to be drunk.

Using private vehicles to raid sex workers also makes patrol officers easily identifiable. When a bus or van occupied by three or four men pulls up near sex workers, they flee. Working in well-lit areas enables sex workers to identify suspicious private vehicles before they reach them. “Often, they hire *small* buses, and we . . . know that men who come to pick women do not normally come in buses, so once a bus comes around where we work, we know there is something fishy.” Working in groups thus enables sex workers to pool their skills and street-related knowledge to assist one another in avoiding violence and arrest.

Operating in familiar and strategic places ensures that sex workers are in areas they know well, where they can hide or easily escape. Crossroads and areas where taxis gather are among the strategic places where Nairobi’s sex workers like to operate. When raided at a crossroad, sex workers can escape arrest by running in different directions. Where taxis gather, they can disappear into taxicabs, with drivers they already know. *Mabeshites* also alert sex workers to the presence of patrol officers or suspicious persons. Sometimes, when sex workers are arrested, *mabeshites* will emerge and claim to be their husbands or boyfriends. In one raid I witnessed along Koinange Street, a plain-clothed officer snuck up behind a sex worker and arrested her. Her shouts attracted two *mabeshites* who physically forced the officer to release the sex worker.

Still, all these strategies have their downside. Working in groups increases competition among sex workers, which is worsened by a reported disinclination among men, especially those who are wealthy and well known, to come to brightly-lit areas where sex workers prefer to operate. “What if you go there and your fellow church member or workmate sees you?” one male client asked me. Further, when sex workers operated in groups, many returned home without clients or were forced to accept cheap and often risky propositions from clients. *Mabeshites* were also paid, sometimes with unprotected sex, increasing sex workers’ vulnerability to STI transmission.

Conclusion

Theories of agency extol the human capacity for inventiveness and resistance, assuming that people’s agentic strategies most often present them with real possibilities for increased life choices and opportunities. This chapter demonstrates that this assumption is simply irrelevant in Nairobi, where sex workers’ practices for negotiating policing only add to the risks and vulnerabilities they face. The By-Laws of the City of Nairobi of 1960 criminalize sex

work, exposing sex workers to harassment and mistreatment by law enforcement officials. To navigate the activities of law enforcement agents, Nairobi's sex workers joined information networks, made deals with and bribed police officers, worked in groups and in well-lit areas, avoided unfamiliar places, and contracted male scouts. But these strategies ultimately heightened their vulnerability, increased their desperation, and pressured them to engage in risky sex.

A dynamic of the agentic strategies of Nairobi's sex workers for defying arrest, which rarely receives appropriate attention in the contemporary literature, is the potentially harmful consequences of such strategies. The tactics sex workers in Nairobi employed to resist state control actually increased their vulnerability to risk and harm, and also exposed them to further exploitation. Clearly agency offers a critical tool for understanding the resistance practices of politically vulnerable groups, but, contrary to the common refrain in the literature, agency may not always benefit those who express it.

NOTES

1. *Malaya*, meaning "worthless," is the Swahili word for a sex worker and is always used derogatorily. The term may have been derived from the dark brownish-red garnet stones found in Eastern and Central Africa that were once considered valueless and were discarded in favor of the more richly colored pyrope and rhodolite garnets. *Umalaya* refers to the act of selling sex.

2. Pumwani, one of the oldest settlements in Nairobi, was established in 1922 by the colonial government as a "Native Location." Colonial records state that the settlement was established as a first measure to curb native prostitution (White 1990).