



## ICJW Bea Zucker Online Social Justice Course

### Prostitution & Human Trafficking – A Feminist Jewish Perspective

by Rabbi Dr. Meesh Hammer-Kossoy

#### **Unit 4: The Abolitionist Model: Prostituted Women as Victims**

In [Unit 1](#), we examined Tamar's story. At first glance, this episode in Genesis (Chapter 38) tells a romanticized narrative of a heroic woman who poses as a prostitute and prevails. But when you scratch the surface you will find some of the worst characteristics that still plague today's sex industry: the exploitation of women with limited opportunities and a history of sexual abuse, who are shamed and blamed for their own plight. Tamar's narrative ends well only because Judah ultimately steps forward and takes responsibility for creating her predicament.

In Unit 2 we further indicted the sex industry by demonstrating how the sex trade exists in collaboration with and fuels the human trafficking industry. In Unit 3 we explored how victims' sexual abuse as children elevates their risk of being trafficked and selling sex, and for the need to openly confront this abuse.

A society that capitalizes on human pain and vulnerability and then stigmatizes its victims is obviously deeply misguided and corrupt. What should be done about it? There are two main groups of activists with vastly differing approaches – solving the problems related to prostitution.

Abolitionists, also called [End Demand Advocates](#), argue for classifying prostitution as sexual exploitation and placing the criminal responsibility for it with the men who are fueling the demand for sexual services. They argue that the clients and pimps should be arrested and the prostituted women should not. They are victims who require the protection of the state, not further stigmatization and abuse.

On the other hand, decriminalization advocates believe that the worst ills of the sexual services trade can be eliminated by legalizing sex work and regulating it to prevent trafficking, violence, rape, and abuse. They [claim that the](#) abolitionists are motivated by a patronizing, old-fashioned religious approach to sexual ethics and women.

Many modern women are uncomfortable with adopting the package of sexual ethics presented by the Torah, and the biblical prohibition against prostitution is clearly a part of that religious ethic. However, a close reading of these directives remains relevant for us and there are many reasons why Jewish women should endorse the abolitionist model.

## The Abusive Family

There are two commandments prohibiting prostitution and neither are directed at the woman or refer to her as the guilty party.

The first of these commandments is directed at the father:

*Do not degrade your daughter and make her a harlot, lest the land fall into harlotry and the land be filled with depravity. (Leviticus 19:28)*

Maimonides expands on this rule:

A father may not say: "Since the obligation of the Torah for a seducer or a rapist was solely that he should give the father money, I will hire my virgin daughter out to someone to have relations with her for whatever price I desire, or I will allow him to have relations with her without charge. For a man has the right to forgo monetary rights to him to any person he desires." To counter such thoughts, it is written: "Do not degrade your daughter."  
(Rambam, Laws Unwed Girls 2:17)

The Torah expressly prohibits fathers prostituting their daughters because, as Maimonides explains, the father's control over the daughter leaves her vulnerable to him. It is repulsive to think that the father, the man who is supposed to protect his daughter, could betray her and exploit her. Unfortunately, we know this was common in antiquity, particularly in the [Greco-Roman world](#), and continues today in [many places](#), including in the [Western world](#). The Torah demands that fathers treat their daughters as precious human beings for whom they have a special responsibility, rather than as property for exploitation.

## Pimp as "Daddy"

Pimps often adopt the model of trusted "daddy", care taker and protector. After manipulatively obtaining trust, they repeat the betrayal described above in order to control young women, increase their vulnerability and force them into prostitution. Dorchen Leidholdt has [documented](#) the ways a pimp resembles a domestic abuser, instituting and maintaining control over his victim with an array of interconnected strategies:

"... isolation, intimidation, emotional abuse, economic abuse, sexual abuse, and threats. The first step in the seasoning of girls and women into prostitution is isolation from family, friends, and support networks that strengthens the abuser's control. While batterers teach their wives or girlfriends that their families and friends are dangerous and untrustworthy and punish the women for any contact with them, pimps inculcate in their victims the belief that they are outlaws who exist in opposition to the hostile, judgmental, and punitive world of "straights." Emotional abuse that instills in the victims feelings of inferiority and worthlessness through derogatory name-calling and constant putdowns and criticism is a staple of batterers and pimps alike. Economic control-especially by requiring victims to turn over their earnings-is the sine qua non of pimping."  
([Prostitution and Trafficking in Women, Leidholdt](#))

Thus, even where physical abuse is not apparent, the tactics of "coercive control" and gender-based subjugation are central to the behavior of both pimps and domestic abusers. The pimp's self-positioning as a supportive "father" or "spouse" gains him the power to control and betray his victim. It is this kind of betrayal and exploitation of vulnerability and trust that the Torah condemns when it commands "Do not degrade your daughter".

The mental, physical, and economic abuse which is omnipresent in the pimp-prostitute relationship is the justification for the [current Israel law](#) that criminalizes third party pimping while permitting the direct sale and purchase of sex.

### **Communal Responsibility**

The second commandment relating to prostitution is directed at the role of the wider community. As we saw in Unit 2, the Shulchan Arukh and Targum Yonatan both describe human trafficking as part of a larger system of oppression. Similarly, in Unit 3, Mishnah Megilla demands that society as a whole should talk about sexual abuse so that it can be addressed. The Torah says specifically:

*No Israelite woman shall be a prostitute, nor shall any Israelite man be a prostitute. You shall not bring the fee of a whore or the pay of a dog (male prostitution) into the house of the Lord your God in fulfillment of any vow, for both are abhorrent to the Lord your God.*  
**(Deuteronomy 23:18-19)**

[Nachmanides](#) clarifies that the passage in Deuteronomy is a commandment to the community:

It appears to me that this prohibition constitutes an admonition addressed to the members of the court that they should not permit one of the daughters of Israel to sit in public view at the crossroads for the purpose of illicit intercourse, or prepare herself a tent of prostitution as is customary in foreign lands where they sit at the door with timbrels and harps, similar to what is written: *Take a harp, go about the city, you harlot long forgotten; make sweet melody, sing many songs, that you may be remembered* (Isa. 23:16). ([Nachmanides, Deut. 23:18](#))

Can anyone doubt that the profits of the [\\$186 billion](#) sex industry, or the [\\$150 billion](#) human trafficking industry are "abhorrent to the L-rd your G-d" (Deut. 23)? This is especially the case when most of that money is going to pimps, traffickers, and drug dealers, rather than to the women who are suffering the exploitation.

Unlike in the time of Isaiah, when prostitutes may have used harps to attract customers, today's sex industry uses the internet and the pornography industry to drive business, compounding the evil by demeaning these working women:

“The sex industry markets precisely the violence, the practices of subordination that feminists seek to eliminate from the streets, workplaces, and bedrooms.”  
[\(Sheila Jeffreys, 1997, The Idea of Prostitution\).](#)

Similarly, Israeli MK Zehava Galon has [argued](#):

“... prostitution is sexual violence and enslavement of women, and in the vast majority of cases does not provide a livelihood for the women but rather for the pimps.... A society that permits buying the bodies of women is broadcasting that all women can be bought.”

So, in order for the court, i.e. the community and its legal system, to fulfill Nachmanides' imperative to uproot the industry, it is necessary to undermine the oppressive attitudes that make it possible.

### **Criminalizing Exploitation**

The Jewish tradition is rife with statements [condemning men](#) who purchase sex ([Proverbs 29:3](#) [Rambam, Laws of Marriage 1:4](#)) It is [grounds for divorce](#), and a [source of embarrassment and shame](#) (See also stories in the Talmud [Berachot 23a](#), [Avodah Zara 17a](#), [Kiddushin 81b](#))

Meanwhile, in our consumerist society, we are bombarded with messages telling us that everything can be purchased. Educating men about how buying sex means participating in the exploitation and violence that is endemic in the sex industry, and then holding them criminally accountable, is an essential part of countering the plague of prostitution.

However, criminalizing clients and pimps alone will not solve the problem. Without creating economic opportunities for sex workers that allow them to live and work with dignity, and providing support systems that provide rehabilitative services, huge numbers of women will remain victims of this brutal life. We must, as a society, follow Judah's model of taking responsibility, in order to create a just society.

### **Summary and Conclusions**

Even in modern times, with evolving sexual ethics and women's empowerment, the Torah's traditions have much to teach us as we reflect on modern prostitution, human trafficking and sexual abuse. The Torah demands that responsibility for these social ills be placed on the men who exploit women, rather than on those vulnerable women who are first victimized, then stigmatized by society. The Torah recognizes that prostitution and trafficking do not occur in a vacuum, but are products of a larger system of abuse and societal ills, and must be addressed as such. Prostitution may never be entirely eliminated, but millions of women and girls could and should be protected from this difficult fate. We should follow Tamar's example in demanding that society as a whole take responsibility for ameliorating the abusive system of prostitution and trafficking, which ultimately impacts all of us.

## Questions for Discussion:

**Fake News:** Are 60% of prostituted women victims of sexual abuse as children, or 95%? One of the most confounding problems in thinking about prostitution and trafficking stems from a lack of accurate statistics. There are large discrepancies in the “facts” relating to a wide range of issues, including: how many tens of millions of people are trafficked; how many billions of dollars are made in the industry; how many clients an average prostituted person serves in a night; and what percentage are forced and how many work by choice. The fact that the industry exists primarily underground makes all research subject to a certain amount of estimation and speculation, and campaign advocates routinely pick and choose the statistics to support their arguments. Surely, whatever the specifics, the statistics demand action. But how might this uncertainty and disagreement impact your ability to take firm positions on this important issue?

**Prostituted Woman vs. Sex Worker?:** Language matters! There are many terms for prostitution, each with its unique connotations, implying agency, moral judgment or approval. How should we refer to women who sell sex for a living? In writing this series, I have tried to use the term “prostituted woman” when conveying an abolitionist perspective, and the term “sex worker” when exploring the claims of decriminalization advocates. How does the language we use affect your attitudes to this issue and to the women themselves?

**Sexual Objectification of Women:** “Male dominance means that the society creates a pool of prostitutes by any means necessary, so that men have what men need to stay on top, to feel big, literally, metaphorically, in every way.” (Andrea Dworkin, 1997, *Prostitution and Male Supremacy, Life and Death*, New York: Free Press). Let’s say we agree with this position, which is also shared by many abolitionists. Is this sufficient cause to criminalize the purchase of sex?

## Suggestions for Action:

**The Fast of Esther:** It has been suggested that the day before Purim should be adopted as an international day of fasting and advocacy protesting sexual exploitation of women. Read more about this suggestion [here](#).

The United Nations has nominated July 30 as their World Day against Trafficking in Persons – read more here: <http://www.un.org/en/events/humantrafficking/> and find out about how to participate in events in your country on that day to highlight this important issue.

Join the **ICJW campaign** to stop human trafficking. Read more [here](#).