



ICJW Bea Zucker Online Social Justice Course

Prostitution & Human Trafficking – A Feminist Jewish Perspective

by Rabbi Dr. Meesh Hammer-Kossoy

Unit 1: “Tamar and the Timeless Characteristics of Prostitution”

Introduction

One of the [major debates](#) among feminists is whether prostitution should be legalized or abolished. At the heart of the debate is a conflict about how best to advocate for women and empower them to take more agency over their lives. Feminists share common goals of ensuring that the human rights of women everywhere are upheld, and striving to improve their overall quality of life, but they are divided over the best legislative approach to achieve these aims. Should prostitution be seen as a professional choice and therefore legalized, regulated, and made safe for women? Or, because the sex trade inevitably results in violence against and dehumanization of women and encourages human trafficking, should it not be enabled under any circumstances?

Feminists and human rights activists divide strongly into two camps: abolitionists and decriminalization advocates. Abolitionists, including [Catherine MacKinnon](#), [Andrea Dworkin](#), [Gloria Steinem](#), [Nicholas Kristoff and Sheryl Dunn](#), believe prostituted women are victims and demand that the men who patronize and exploit them should be treated as criminals. On the other hand, decriminalization advocates, including [Human Rights Watch](#), [Amnesty International](#) and the [American Jewish World Service](#), urge the de-stigmatization and protection of sex work as a legitimate choice for women.

In the next four units, I hope to examine a variety of issues that reflect on this question. Unit 1 will lay the groundwork for the discussion by examining an important biblical narrative. In unit 2, we will factor in the evil of human trafficking. Unit 3 will advocate for the need to speak frankly about the dangers of sexual abuse, incense and violence, regardless of the legal status of prostitution. Finally, unit 4 will argue the position of the abolitionists, rooted in interpretations of both narrative and legislative Torah material.

Prostitution in our Family History

Perhaps it isn't so bad to be a prostitute? There are a number of stories about prostitutes in the Bible, and while the work itself is never condoned, the women themselves are not necessarily negatively portrayed. Tamar our foremother, played the harlot-- King David is her descendant and the Torah isn't embarrassed to tell the tale. Although modern sexual ethics are often not echoed in the Bible, a close reading of the story of Tamar and Judah, and a comparison between prostitution as it is portrayed in this story and in contemporary times, provide us with food for thought.

Bad Beginnings

Genesis 38 foreshadows disaster, with Judah, the fourth of Jacob's sons, turning away from his family and marrying a Canaanite. Although Judah and his wife, the daughter of Shua the Adullamite, have three sons, matters quickly deteriorate:

Judah got a wife for Er his first-born; her name was Tamar. But Er, Judah's first-born, was displeasing to the Lord, and the Lord took his life. Then Judah said to Onan, "Join with your brother's wife and do your duty by her as a brother-in-law, and provide offspring for your brother." But Onan, knowing that the seed would not count as his, let it go to waste whenever he joined with his brother's wife, so as not to provide offspring for his brother. What he did was displeasing to the Lord, and G-d took his life also. Then Judah said to his daughter-in-law Tamar, "Stay as a widow in your father's house until my son Shelah grows up." For he thought, "He too might die like his brothers." So Tamar went to live in her father's house.

A long time afterward, Shua's daughter, the wife of Judah, died. When his period of mourning was over, Judah went up to Timnah to his sheepshearers, together with his friend Hirah the Adullamite. And Tamar was told, "Your father-in-law is coming up to Timnah for the sheep shearing." So she took off her widow's garb, covered her face with a veil, and, wrapping herself up, sat down at the entrance to Enayim, which is on the road to Timnah; for she saw that Shelah was grown up, yet she had not been given to him as wife. ([Genesis 38:6-14](#))

Two important, contemporary parallels emerge from Tamar's story:

Prostitution has a Back-Story

The sexual encounter between Judah and Tamar is just one shady act in their difficult personal histories. It is not surprising after Judah "descends" from his brothers and intermarries, especially with a Canaanite, that Judah's sons reproduce his problematic behavior. Onan cruelly uses Tamar sexually but deprives her of the children that she desperately wants. Judah's family seems so dysfunctional that G-d puts both Er and Onan to death, an action exceedingly rarely ascribed explicitly to G-d. We know little about Tamar's relationship with Er, but she is a victim of abuse, at least at the hands of both Onan and Judah. Her painful sexual history makes her especially vulnerable to prostitution.

Similarly, it is heartbreaking to read about how a history of incest, [abuse](#) and [neglect](#) is [endemic](#) amongst women and girls working in the sex trade. Abolitionist scholar, Dr. Melissa Farley [summarizes](#) the research: "Prolonged and repeated trauma precedes entry into prostitution, with most women beginning prostitution as sexually abused adolescents. Homelessness is frequently a precipitating event to prostitution."

"Choice" is an Overstatement in Sex Work

Tamar, like most prostituted women, has a very limited number of options. After the death of her second husband, Judah is uninterested in her needs. He sends her back to her father's home, but does not release her from her legal bond to his family so that she can remarry. Lacking social and financial autonomy, Tamar waits patiently and only turns to independent action a long time afterwards. Under these circumstances, is it reasonable to say that Tamar "chose" prostitution?

In this sense, Tamar's situation evokes that of many modern prostituted women. A 2011 [study](#) of more than 5,000 Indian women found that, while only 3% said they were "forced" into the sex trade, only 10% said they freely chose it. Faced with poverty, domestic violence, or desertion, "choice" is a misnomer. Even [advocates for decriminalizing prostitution](#) recognize that women choose to work as prostitutes from extremely circumscribed options. Thus, it is no surprise that one [sex worker](#) who is a legalization advocate strongly defends her choice of work as a "decision" of simple economics, but simultaneously says that it would be an unacceptable choice for her adult daughter, thus casting doubt on how proud she really is of her "choice". For most women, prostitution is "chosen" only when the other "options" are truly debilitating.

Hazardous Working Conditions

As the story continues, we see a major difference between Tamar's working conditions and those faced by modern prostituted women:

When Judah saw her, he took her for a harlot, for she had covered her face. So, he turned aside and went to her by the road and said, "Here, let me sleep with you," for he did not know that she was his daughter-in-law. "What?" she asked. "Will you pay for sleeping with me?" He replied, "I will send a kid from my flock." But she said, "You must leave a pledge until you have sent it." And he said, "What pledge shall I give you?" She replied, "Your seal and cord, and the staff which you carry." So he gave them to her and slept with her, and she conceived by him. Then she went on her way. She took off her veil and again put on her widow's garb. ([Genesis 38:15-19](#))

Tamar serves one selected customer and returns to the physical safety of her father's home. There is no pimp or procurer. Her payment is significant, and Judah leaves a deposit to guarantee it. At least in this stage in the story, Tamar's working conditions have little in common with those of most modern prostituted women.

While there is tremendous variation among the working conditions of sex workers in the modern world, and indeed some are paid very well and have a high degree of professional control, the norm is brutal. Catharine MacKinnon [writes](#): "Women in prostitution in Kolkata told me they service twenty to thirty men a day on average, with no choice over the sex or the men. So do the math. Each woman... services as many as 8,000 men a year." This sounds very extreme, but [decriminalization advocates](#) tell a similar story. Even in [Amsterdam](#), where sex work is "safe, legal and protected", non-white women (who command a lower hourly rate) working in the red-light district need to serve at least six clients a night just to cover expenses. It is no wonder that if girls and women were not addicted to drugs when they turned to prostitution, [statistics show](#) they soon will be.

The story continues:

Judah sent the goat by his friend the Adullamite to redeem the pledge from the woman; but he could not find her. He inquired of the people of that town, "Where is the prostitute, the one at Enayim, by the road?" But they said, "There has been no prostitute here." So he returned to Judah and said, "I could not find her, moreover, the townspeople said: 'There has been no prostitute here.'" Judah said, "Let her keep them, lest we become a laughingstock. I did send her this kid, but you did not find her." About three months later, Judah was told, "Your daughter-in-law Tamar has prostituted herself; in fact, she is with child by harlotry." "Bring her out," said Judah, "and let her be burned." ([Gen. 38:20-24](#))

Shame and Disposability

The hypocrisy of Judah is disturbing. The very fact that he had sex with a prostitute does not stop him from holding Tamar to a totally different standard. Given that Tamar's existence is an inconvenient responsibility for Judah, he was surely pleased to rid himself of her blight by calling for her death in the name of "family honor". She is disposable in every way. He has driven her to this extreme action, but her shame vindicates her further abuse. Had she been shamed, [raped](#) or even [murdered](#), her lot would have been similar to that of many modern prostituted persons.

The rabbis have an adage: "Anyone who disqualifies others, it is a sign that he himself suffers the same disqualification." ([Gemara Kiddushin 70a](#)) The shame that Judah casts onto Tamar is a reflection of his own sense of guilt. Indeed, Judah has already expressed his fear that he may become a laughing stock. Judah knows there is shame in having sex with prostitutes and, in his defensiveness, jumps to accuse Tamar.

Western society has adopted Judah's tactic, neglecting the most vulnerable girls and women until they fall into prostitution, and then blaming, stigmatizing and criminalizing their behavior. Abolitionists demand that we treat women as victims and place the shame squarely onto their clients. Studies reveal that publicly shaming the clients of prostitutes would greatly [reduce demand](#).

Heroic Endings:

Judah's story continues:

As she was being brought out, she sent this message to her father-in-law, "I am with child by the man to whom these belong." And she added, "Examine these: whose seal and cord and staff are these?" Judah recognized them, and said, "She is more in the right than I, inasmuch as I did not give her to my son Shelah." And he did not have sex with her again. ([Gen. 38:25-26](#))

Faced with his own identifying objects, Judah finally takes responsibility for his actions. He acknowledges that he has driven Tamar to act as she did by placing her in a vulnerable situation. The Torah is saying that Tamar's actions have to be understood in their larger context of abuse and neglect, for which Judah is responsible.

By taking responsibility, Judah actually becomes a hero. His tribe is identified as the one worthy of kingship, and King David and his dynasty are descended from the union of Judah and Tamar. Judah's sins are embarrassing. The Talmud (Megillah 25a) considers brushing this story under the carpet. But the rabbis object: on the contrary, because Judah ultimately takes responsibility for his actions, the story is a source of pride.

Conclusions:

In many ways, Tamar's story is not a typical story of prostitution. She is not portrayed as turning to regular prostitution as a form of economic survival. On the contrary, she is portrayed as a "righteous" woman who uses a single sex act in an emergency for the sake of a higher mission, not for financial gain.

However, on closer reading, we can see many commonalities between Tamar and the conditions faced by most modern prostituted women. Prostitution is usually not their first abusive sexual encounter. Frequently, they are abandoned with very few alternatives, perceived as disposable to society and the men around them. Shame

and the fear of violence looms large in their lives. We can feel a lot of compassion for Tamar's susceptibility to prostitution. Compound this situation with added economic vulnerability and brutal work conditions, and we gain even more empathy for the modern prostituted person. Like Tamar, they call on us to step up and share the responsibility.

Governments and their citizens should recognize that prostitution is more a result of victimization and abuse than a free choice of women. They must further take responsibility for alleviating the conditions that lead to this abuse, including sexual abuse, drug abuse, devaluation of women, and the legitimization of male sexual domination. When we do, we, too can stand proud.

Questions for Discussion:

Another way of reading the story of Tamar and Judah is to emphasize Tamar's agency. Upon realizing what he has done, Judah confesses "Tamar is more righteous than me..." One could argue that Tamar is the righteous one in this story because she takes agency over her life, in the only way possible within the power structure of the culture in which she is living. Surprisingly, Judah acknowledges that he was in the wrong. Contrast this episode with the story of David and Bathsheba, (II Samuel 11), where Bathsheba is a voiceless, passive, object. Tamar, on the other hand, is active and has a voice.

What ultimately empowered Tamar to change her fate was her ability to use sex to change her situation. The same might be said of other famous Jewish heroines, including Ruth, Judith, and Esther, who used their sexuality in illicit ways in moments of need. Try rereading the story with that in mind. How can you use the story of Judah and Tamar to think in a more complex way about both abolitionism and decriminalization?

Resources:

For a different treatment of Tamar, including artistic renderings, see Dr. Bonna Devora Haberman's writing for ICJW, [here](#).

Action Items:

Organize a group of women to read Nicholas Kristoff and Sheryl Dunn's "[Half the Sky](#)", or watch the movie together. Another powerful movie is "[Lilya 4-Ever](#)", a Swedish-Russian docudrama that put trafficking in the spotlight.