



ICJW Bea Zucker Online Social Justice Course

Prostitution & Human Trafficking – A Feminist Jewish Perspective

Unit 2: The Human Trafficking Ecosystem and the Ten Commandments

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In considering prostitution, the abuse and exploitation of women constitute only one side of the equation. One must also consider the way the sex industry undercuts the most basic moral tenets of our society by fostering a system of international trafficking that deprives women of their freedom.

Trafficking as Kidnapping

The Torah considers kidnapping a capital offense:

He who kidnaps a man, whether he has sold him or is still holding him, shall be put to death. ([Exodus 21:16](#))

According to the [United Nations](#), human trafficking is:

The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Unfortunately, human trafficking is more common than ever. In fact, there are [more slaves](#) in the world today than were shipped in the African slave trade between 1525 and 1866. Human trafficking is [a multi-billion dollar industry](#). While the number of victims is impossible to definitively quantify, the [US State Department](#) estimates 600-800,000 people are trafficked annually. There are an estimated [21 - 29 million slaves in the world today](#). Although many slaves are used for forced labor, women and girls sold for sex comprise a [very significant](#) proportion, if not the [majority](#), of the victims.

Sex trafficking takes place [everywhere in the world](#), including in the United States, England and Israel. Trafficked women are nearly always forced into [abysmal conditions](#) and even sold on the [auction block](#). They may be tricked into traveling; have their documents confiscated; locked up; brought to a foreign country without the ability to communicate; and/or beaten or tortured into submission. For [trafficking victims](#), life becomes a horror that is worse than any movie. All will agree that trafficking human beings is a grave sin.

The Ten Commandments: Do not Traffick People

This iniquity is possibly even prohibited in the [Ten Commandments](#). The Ten Commandments, traditionally believed to have been revealed by G-d at Sinai, express the core moral principles of our tradition. Scholars disagree as to whether the Ten Commandments are the most serious offenses or representative ones. This question has crucial implications for the meaning of the commandment "[Do not steal](#)."

[Malbim](#) takes the representative approach. “Do not steal” refers to property. The second tablet enumerates the interpersonal commandments in progression: moving from bodily offenses (murder, adultery) to property (stealing), speech (testimony), and thought (coveting).

However, the Talmud ([Sanhedrin 86a](#)), [Rashi](#) on [Exodus 20:13](#) and others, assume that the offenses enumerated in the Ten Commandments must be the gravest. In their opinion, that prohibition of stealing refers to kidnapping, not property theft, and thus commandments six (murder), seven (adultery) and eight (stealing people/kidnapping) are all capital offenses. (Rashi finds the prohibition of stealing property in Leviticus 19:11.)

Our Responsibility Too: The Eighth Commandment Expanded:

Because trafficking is morally appalling, we hardly need to hear G-d speak to know that kidnapping is not allowed! Perhaps it is this concern that motivates [Targum Yonatan](#) to expand the scope of the prohibition:

Do not steal from my nation, the children of Israel. Do not be thieves, nor shall you be companions or accomplices with thieves. Do not let thieves be seen in the assembly of Israel.

According to Targum Yonatan, not only are we are commanded at Sinai to not steal, but also warned to make sure we do not directly or indirectly facilitate it. Part of that responsibility rests with governments. Since 2000, when the [US State Department](#) started making its international relations partially dependent on its human trafficking ratings of each country, many governments have significantly improved their record on trafficking prevention and enforcement. However, Targum Yonatan demands we address not just the simple act but the ecosystem of theft.

Thus, the [Shulchan Arukh](#) ([Hoshen Mishpat 356:1](#)) concludes:

It is forbidden to buy a stolen object from a thief; and this is a great sin, because he is strengthening the hand of the transgressor and causing him to steal more. For if he did not find a customer, he would not steal.

To understand the role of the customer in the crime of human trafficking, it is essential to consider the relationship between prostitution and the trafficking industry. Many studies show that the “consensual” sex trade is a significant component in creating and perpetuating the trafficking market. Firstly, drawing a clear line between consensual purchase of sex and trafficking is impossible. Some activists argue that selling and purchasing sex is legitimate where the prostitute consents, but we should consider the extent to which true consent is possible among trafficking victims. A large proportion of prostituted persons enter the industry as minors who are legally incapable of giving consent. Even “consensual” prostitution involves pimps employing systematic force and violence. In one [study](#), 89% of women working in prostitution said that they want to leave it.

Secondly, [studies](#) show that pimping and patronizing or maintaining brothels [fuel the growth](#) of modern slavery by providing the façade behind which the traffickers operate. Where prostitution is legalized or tolerated, there is a [greater demand](#) for human trafficking victims and an increase in the number of women and children trafficked into commercial sex slavery, because the trafficked woman typically accepts less for her exploitation. Trafficked women are [trained under fear of violence](#) to present themselves as consenting, even desirous, so it is not easy to know when you are interacting with a victim, however “accommodating” she seems. Patronizing prostitutes, even if you could assure that she is working consensually, independently and safely, fuels an industry which creates an environment that undermines the basic morality of our society, creating incentives for human trafficking.

Conclusions:

Human trafficking is a form of kidnapping, a capital crime in the Torah. The fact, that according to many opinions, it is prohibited in the eighth of the Ten Commandments indicates how important this basic principle is to the tenets of a moral society. Yet, despite its abhorrence, it is shockingly rife throughout the world. Trafficked women live in hellish conditions. Jewish tradition holds even those not directly connected with the trafficking responsible for this crime. The principles expounded by the Targum Yonatan and Shulchan Aruch should admonish us to create conditions that render trafficking unacceptable.

Questions for Discussion:

What about the rights of sex workers by choice?

Is it reasonable to tell a woman making many times the wage she could make in another industry that she cannot sell her sex because it results in other women being trafficked? How much illegal trafficking can be fairly blamed on the commercial sex industry? One [young sex worker](#) in Amsterdam defends her trade, claiming that only 8% of women are working in prostitution against their will. Even if that statistic were accepted (though most estimates are much higher), is 8% sufficient to criminalize an industry? If not, what is?

What is the role of Diaspora pressure on Israel?

Once sex trafficking, especially women from the FSU, was a [serious problem](#) in Israel. Today, the State of Israel is listed by the [US State Department Trafficking in Persons Report](#) as a Tier 1 Country, meaning that the government is among the best in preventing and rehabilitating trafficking victims. Foreign pressure pushed Israel to improve its record and fulfill its own dreams and expectations. This raises a general question about Diaspora pressure on Israel in a full range of issues. What is the appropriate role of foreign pressure on the State of Israel, and what is our role as Jews in the Diaspora?

Resource:

Unfortunately, many trafficking victims are sold by family members, doubling the betrayal. Reading the popular novel [Walking Across the Sun](#) brings this tragedy to life.

Action:

Join the [Task Force on Human Trafficking's Project 119](#) campaign for the criminalization in Israel of the purchase of sex, as well as providing rehabilitation for victims of trafficking and prostitution. You can read about their recent successes [here](#).

Find out about the legal situation in your country and check how your government measures up to international standards in the US State Department Trafficking in Persons Report – countries are listed alphabetically on [this page](#).