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Jewish Teachings on the Crime of Human Trafficking



Prepared by the Temple Emanu-El-Beth Sholom Committee
Against Human Trafficking

© Rabbi Leigh Lerner, Temple Emanu-El-Beth Sholom, 4100
Sherbrooke St. W., Montreal, Quebec H3Z1A5 Canada
514.937.3575 human@templemontreal.ca

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1. Gender inequality

Human beings are created *B'tselem Elohim*, in the image of God, who “created them male and female.” (Gen. 1:27) At the outset, in the first creation story, men and women are created equally and are blessed.

In *parshat Nitsavim* (Deut. 29:9), Torah clearly establishes the covenant equally among men and women. While the working out of that equality in Jewish life is a continuing process, there is no doubt that the vision of the covenant includes all Jewish persons equally. We have the religious foundation stones upon which to build an edifice of gender equality.

So long as there will be prostitution, gender equality cannot be said to exist, for prostituted individuals – the vast majority of whom are women and children – are not perceived as human beings made in the Divine image and worthy of respect. Those who hold them in thrall and those who pay for sex perceive them as mere objects to be used for the fulfillment of their needs or desires.

2. Prostitution is a human rights abuse and constitutes violence against women and girls

In Genesis 34, Dinah is raped by Hamor. He then falls in love with her and wants to marry her, but our ancestors, Dinah's brothers, say, "Should he have treated our sister like a prostitute?" From the most ancient of days, every man knows that a prostitute lives in danger of physical harm and that treating someone "like a prostitute" means to show no respect for their physical person. Human rights begin when we acknowledge that everyone has a right to the physical safety of their person.

In Biblical days, desperate families sold children or adult daughters into sexual slavery. How sad that this practice continues in our day. The effect of such violence is what Torah views as the degradation of society: "Do not degrade your daughter by making her a prostitute, or the land will turn to prostitution and be filled with wickedness." (Lev. 19:29)

3. Victims are deceived, lured and/or kidnapped

Kidnapping is condemned from the earliest days of Jewish life. Joseph was kidnapped by his own brothers and sold into Egyptian slavery, where the mistress of the house thought she had a right to do with him anything she wanted, even sexually. Joseph fled and ended up in the dungeon. The Ten Commandments' prohibition "You shall not steal" is interpreted to refer to the stealing of persons because stealing material goods is proscribed in Lev. 19:11, and because the command lies next to two offenses against the human person: murder and adultery.

The Torah prohibits putting a stumbling block before the blind, which is interpreted to mean that deceiving and luring anyone with false advertising or false claims violates the commandment. Those who offering a modeling career, only to kidnap and force people into prostitution, put a stumbling block before the blind. Cases exist in Jewish history of procurers

berit, the covenant, Israel's marriage contract with the One God, and are considered adulterers.

"*Mitzvah goreret mitzvah; averah goreret averah*," one mitzvah brings another in its train. One sin brings another along with it. (*Pirkei Avot* 4:2) Judaism's dedication to *tsni'ut*, modesty, makes all pornography reprehensible, but the wrongs it incites go beyond what pornographers require people to do on camera. The WHISPER Oral History Project (Mpls., 1987) found that 80% of prostitution survivors were shown pornography to illustrate the sexual activities desired by the john. 52% stated that pornography played a significant role in teaching what was expected of them as prostituted women. 30% reported that pimps regularly exposed them to pornography to indoctrinate them into acceptance of the practices depicted.

10. Demand for paid sex fuels human trafficking for prostitution

Everyone knows that it is a sin, a crime against religious ethics and law, to steal. But not everyone knows that in the matter of theft, Judaism also holds the receiver responsible. If no one were willing to receive stolen goods, crimes of theft would drop markedly. It's a function of the free market.

Comparably, if no one bought sex, virtually no sex would need to be for sale. Human trafficking for prostitution would come to a near standstill. Those who buy sex must reckon with the fact that their presence in that "market" gives unscrupulous and violent men cause to dominate, enslave, and abuse women and children, moving the enslaved across the country or across borders in order to profit from willing buyers of sex.

8. Prostitution is often viewed as a victimless crime

Rabbi Yissocher Frand cites a midrash that tells us why the Generation of the Flood of Noah was cursed: conjugal relations with their wives were not for procreation or for the sake of their wives' enjoyment and welfare, but only for their own pleasure. Who is the victim? Yet the Sages tell us that their philosophy of life said only, "Have a good time," and once an individual's pleasure is placed above society's needs or respect for the person with whom marital ties are contracted, unchecked pursuit of pleasure eventually deteriorates into the violence of a Generation of the Flood.

Men who buy sex think they are merely having a good time for themselves with a consenting adult, so who's the victim? But they have not looked deeply into the matter. Below the surface lies violence. Of 55 women who sought help from the Council for Prostitution Alternatives in 1991:

- 78 percent reported being raped an average of 16 times a year by pimps, 33 times a year by johns.
- 73 percent reported having experienced physical assault in prostitution.
- 72 percent were currently or formerly homeless.
- 83 percent of prostitutes are victims of assault with a weapon.
- 67 percent met diagnostic criteria for posttraumatic stress disorder.
- 75 percent of women in escort prostitution had attempted suicide.
- 92 percent stated that they wanted to escape prostitution immediately.

9. There is a relationship between pornography and prostitution

Jewish tradition finds connection from one mitzvah to the next, from one transgression to another. Lay out the Ten Commandments on the two tablets of the Law side by side, and you find that "You shall not have any other gods" is side by side with "You shall not commit adultery." They are deemed by the Sages to be connected. Those who follow other gods deny the

marrying impoverished women to enslave them as prostitutes. Well-documented violations of this Torah law – and of the law of all civilized lands – have occurred time and again, as desperate, naïvely trusting youth are promised acting, modeling, and other lucrative careers, only to have their passports seized once they put themselves in the hands of the enslavers. They are then shipped abroad and forced into prostitution.

4. Sexual slaves are unable to free themselves

Consider Rahab, the prostitute of Jericho (Joshua 2:1). She gave aid to Israelite spies, and when Joshua led the Israelites into the Land, she was spared. Jewish tradition then credits her with walking away from her past to become a religious Jew.

Why did Rahab the prostitute hide the Israelite spies? Could it have been because she realized the hopelessness of her situation? Unless there was a veritable social revolution, she had no way out of her predicament. As her exit strategy, she backed the newcomers in the hope that when at last they rose to power, she would arise out of her sexual enslavement.

In our time, too, most of those enslaved as prostituted women see no way out of their situation. They are often drugged, under surveillance, and deprived of sleep, held against their will. They may be young Canadian runaways picked up at a bus station, sheltered, and later intimidated into submission. Or they may be illegal immigrants who fear deportation to an equally degraded life or reprisals against their loved ones at home by the gang that kidnapped them. Today's trafficked women need a virtual revolution in law and public values to free them.

The Exodus from Egypt (Mitzrayim) was also an exodus from mei tzarim- a place of narrow straits. The Israelites leave for wide open expanses of physical and spiritual liberation. Rahab's name comes from a Hebrew root meaning wide. The bondage in Mitzrayim is fully ended by the liberating and open expanses of

redemption in Canaan, which occurs thanks to Rahab's trust in the Israelites and their destiny.

What does our freedom as a people mean if we do not release others from the straits of slavery to expansive liberty?

5. No one chooses prostitution/Choice of no choice

History shows that prostitution is, in the vast majority of cases, the last resort of impoverished women. Human trafficking is the enslavement of women, usually by deceit, for the use of men who treat women as objects, not human beings. Trafficking often is simply the violence of kidnapping.

On March 30, 2008, An Israeli Knesset committee was shocked by testimonies of prostituted women who chose to share their life stories publicly. One said, "I sat there with my head hung low and a client came and picked me. That was the moment when I broke and became a different person. A person who works as a prostitute is trying to overcome the shame. They are lying to themselves in an effort to repress it, to say you can get used to this, but you can't."

Their harsh experiences convinced parliament members to withdraw a proposal to legalize prostitution, realizing that women do not choose to be prostituted.

6. Prostituted women and girls are victims

Beruria, the scholarly wife of Rabbi Meir, was the daughter of Rabbi Hanina ben Teradyon. When the Roman authorities slew Hanina for teaching Torah, his persecutors captured another daughter of Hanina who supported her father in his cause. They forced her into the life of a slave in a brothel. Beruria said to her husband, 'I am ashamed to have my sister placed in a brothel.' So Meir took a double measure of denarii and succeeded in releasing his sister-in-law. He fulfilled the mitzvah of *pidyon shevuyim*, redeeming the captive, but he had to flee the country for a time.

Is there much difference between what the Roman Empire did to Beruria's sister and what today's traffickers do to lonely young women from rural areas who arrive in the city looking for a new life, bewildered at what to do next? These women are readily identified, offered housing or a party to attend, become shot up with drugs and held in poverty and addiction to do the will of their captors.

The john, too, victimizes the prostituted woman, for men are almost always stronger than women and can force their way upon them. Sex happens alone, often in a place where the woman has no connection to help, and she may be coerced to act against her will on pain of physical harm. In short, she is victimized time and again.

7. In the transaction of buying and selling sex, men who buy sex, human traffickers, and pimps are criminals

Initially, Torah prohibits women from becoming prostitutes: "There shall be no harlot among the daughters of Israel" (Deut. 23:18). At the end of the Middle Ages it was decided that a married man who frequented prostituted women was obliged to give his wife a divorce. This law pinpoints the man, the john, as the central problem in the equation, though leaving his wife in straits.

By the 16th century, Jewish communities began to impose heavy fines on landlords who rented their houses for the purpose of prostitution. Anybody who knew of such a case was obliged to report it, and the bawdy house would be closed. Thus, those who profited from prostitution even tangentially were held responsible to cease and desist.

Recently, a law was proposed to Knesset to hold the john responsible for solicitation of paid sex and fining that individual. As of 2008, the law has not passed, but its proposal and serious debate demonstrate Israel's awareness that men, the users, are at the centre of the transgression.