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Trafficking – coerced labor affecting women, children, and men worldwide – has a long, unseemly tradition and a surprising place in Jewish life past and present. Though politically trafficking usually is associated with involuntary sex work, it is, in fact, a far more complex phenomenon involving many forms of coerced agricultural, factory, sexual, and domestic labor. Jews have worked in and fought against trafficking for more than a century. During the last decades of the 19th century, many vulnerable Jewish women from Eastern Europe were sold and trafficked by Jewish mobsters into sexual slavery. One of Sholem Aleichem’s most famous stories was about a Jewish pimp who trafficked women to Argentina, and Bertha Pappenheim – the German-Jewish feminist – spent much of her life fighting trafficking and prostitution.

Today in Israel, where trafficking grew in the early 1990s as young women were brought from the former Soviet Union, trafficking remains an important and darkly disturbing phenomenon. Closer to home, charges of labor trafficking have swirled around Agriprocessors, the largest kosher processing plant in the U.S. It is estimated that each year nearly a million people are trafficked for factory, farm, and domestic work both within and across borders. The following pages of *Sh'ma* explore how Jewish texts, sexual ethics, our history, our values, and our global networks both compel and enable us to combat trafficking – from its economic, legal, and social roots to its broadest ramifications.

Trafficking, Through a Jewish Lens

Jodi Jacobson and Ruth Messinger

Over the past few years, a growing number of Jewish social justice groups have developed a keen interest in the issue of human trafficking, an issue that has become more prominent due to increasing attention by the Bush Administration and the U.S. Congress, the media, international development and human rights groups, and other religiously affiliated groups, particularly evangelical Christians.

Human trafficking is in effect a modern form of slavery. The United Nations defines trafficking as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat, or use of force or other forms of coercion...[to achieve] control over another person for the purpose of exploitation.”*

Trafficking in persons takes many forms. The U.S. State Department, in its annual Trafficking in Persons (TIP) report, defines nine “severe” forms of trafficking in persons, including forced and bonded labor, debt bondage, involuntary servitude among migrant laborers, involuntary domestic servitude, sex trafficking, and various forms of exploitation of children for labor, soldiering, or commercial sex. Trafficking is different from (though in some circumstances it may be related to) “people smuggling,” which occurs when persons voluntarily pay others to ferry them across a border, such as in the case of the well-known “coyotes” that operate between Mexico and the U.S.

Individuals and communities are vulnerable to trafficking and subsequent enslavement because they already live in conditions of economic and social marginalization so desperate that they are subject to and willing to believe promises made by traffickers of a better life elsewhere, irrespective of the lack of evidence for these promises or the trustworthiness of their credentials.

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Such examples include an impoverished Filipina, seeking to provide a better life for her family, who is convinced to travel to the Middle East on the promise of good pay, only to be trapped involuntarily as a domestic servant far away from home and with no one to secure her rights. Or a wife so conditioned by social mores of marital subservience that she is in effect trafficked into prostitution by her own husband. Or children sold into slav-

Egypt, recounted in the Pesach story, teaches that there is little worse for human beings than being denied control over their own lives. These obligations and the tenets of Jewish law and practice make trafficking an issue the Jewish community should not ignore.

As horrific as the realities of trafficking may be, there is no simple solution to this highly complex problem. Trafficking has become a politically charged issue; the definitions of trafficking and strategies to eradicate it are often highly contested, and some strategies are more clearly linked to other political agendas than to the real needs of trafficked persons.

How big is the problem? Data cited by the U.S. Department of State put the number of persons trafficked across national borders annually at 800,000 (a figure not including the millions trafficked *within* their own countries). These data, however, are highly contested. A 2006 U.S. Government Accountability Office (GAO) report criticized the Department of State's methods of collecting data and questioned its conclusions, as have many independent researchers. In fact, conducting research on trafficking is challenging at best — definitions lack consistency, the lack of standardized data collection techniques are few, and accurate data collection and documentation of such underground criminal activity is difficult.

Data collection is also compromised when police and other government authorities are themselves complicit in trafficking and, for the right amount of “under the table” payment, look the other way. And in a political climate where an “illegal immigrant” is subject to summary deportation, victims of trafficking are more likely to hide than to reveal their situation, so reporting is difficult. Although it's clear that those accused of trafficking in the U.S. should be prosecuted, it remains unclear whether trafficked persons have any rights in their country of residence. Do they receive healthcare and needed social services without retribution? Or are they deported irrespective of their wishes to desperate circumstances in their own countries?

Laws and policies based solely on “victimhood” and those that “blame the victim,” also make the problem harder to solve. Trafficked persons are victims of a crime, and they must be seen as individuals with basic human rights and with the agency to make decisions for themselves. In some settings, for example, and under current U.S. law, all commercial sex

How we, as Jews, act — based on which definition and evidence of the problem we are trying to solve and in whose name — is still unclear.

ery by parents in India (or Thailand or Vietnam) desperate to feed their family through the sale of one girl or boy to a “businessman.” (These parents are given a false promise that s/he will be well-cared for and able to send money back home, when in reality that child is forced to work in factories under slavlike conditions.) Or, as in a story recounted by an AJWS grantee, a woman sold by her parents for a “temporary marriage” to an Arab Sheikh visiting India on business; she is taken as his wife to another city, then in a matter of weeks is abandoned, divorced by a man she never knew but unable to return to her original home.

Human trafficking is a “Jewish” issue because it resonates within the Jewish community, linking us to our own long history of enslavement and oppression, of being forced to act in accord with the wishes and intentions of persons with greater power. This issue is relevant both at home and abroad; trafficking plagues both the U.S. and Israel (see essay by Rahel Gershuni) as well as countries in the more “distant” developing world. Questions have been raised, for example, as to whether some of the workers embroiled in the recent controversy surrounding abusive labor practices at Iowa-based Agriprocessors, the largest kosher meat processing plant in the U.S., are victims of trafficking, contradicting the very principle of kashrut.

We are linked to modern trafficking and slavery by our history of slavery and challenged — through the obligations of *tikkun olam* and *pidyon shivuyim* (freeing of slaves) — to act on behalf of others enslaved, whether they are “strangers” or members of our own community. The mandate to remember our slavery in

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AJWS, as a grant-making organization with nearly 400 partners in 36 developing countries, funds organizations that assist and promote the basic human rights of trafficked persons as well as address the conditions underlying vulnerability to trafficking. Grant-making guidelines for organizations working on anti-trafficking initiatives are available at ajws.org.

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workers are defined as “victims of trafficking” irrespective of why or how they came to be engaged in sex work and whether or not they choose to leave sex work of their own volition. More globally, policies that identify all sex workers as victims of trafficking have justified “rescue and rehabilitation” strategies in countries such as India, Thailand, and Vietnam, even though human rights advocates report that some such rescue attempts effectively incarcerate women in rehabilitation camps, taking away their rights to freedom of movement, ties with their children and community, and any form of agency to make choices about their fate.

Because trafficking has its roots in economic and social deprivation, it is critical to understand and address both the symptoms and the root causes of the problem. Effective strategies require understanding vulnerability to trafficking in the same way we have come to understand other issues of global concern. Gen-

der-based violence, for example, is at once a legal and a public health problem, but also one rooted in deeply-held social mores governing power relations and gender roles in society and in the economic disparities between women and men. Setting up shelters and legal clinics for victims of gender-based violence is a necessary but not sufficient condition for addressing this problem. We must go further. Likewise, creating legal frameworks and rescuing trafficking victims in tandem with human rights principles are necessary but not sufficient steps toward ending this problem.

The obligation to act on behalf of others who are enslaved is not in question. But how we, as Jews, act — based on which definition and evidence of the problem we are trying to solve and in whose name — is still unclear. Our obligation to *tikkun olam* requires us to challenge our assumptions and understand and address these issues in their totality in the historic struggle for freedom from slavery. 🌍

*United Nations, 2000, Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Visit shma.com to view AJWS guidelines for organizations that fund anti-trafficking work.

Trafficking in Israel: A Laboratory for Social Change

Rahel Gershuni

How democratic governments undergo change is an elusive question. As a rule, governments are slow-moving, heavy entities, somewhat akin to elephants. They take their time to recognize new phenomena and to react to them. On the other hand, nongovernmental organizations (NGOs) can be compared to mice, scurrying close to the ground with ears finely attuned to every change, and equipped with the speed to react almost instantly.

On a daily basis, a slow pace may not be such a bad idea. None of us would feel comfortable if governments leapt into action at the barest hint of change. But what factors coalesce to make governments change? What creates a situation where governments creatively address new problems?

Let’s look at how the Israeli government, as a living laboratory for social change, transformed its policies regarding the trafficking of persons. In this case, change occurred when pressures built from within and also from outside the government, and when people with knowledge and power insisted that government officials not retreat to an ineffective comfort zone.

Trafficking to Israel began in the 1990s

when young women from the former Soviet Union were brought to Israel for the purpose of prostitution. When trafficking began, government agencies did not identify it as a new phenomenon, but rather classified the victims into known categories — as illegal entrants or foreign prostitutes.

Government reaction followed these classifications. Women were either deported or, on occasion, indicted for illegal entry or allied offences; they were not encouraged to tell their stories or to remain in Israel for testimony. Even when law enforcement was considered, it tended to be weak and halting, as a result of the ambivalence that characterized enforcement of prostitution offences in Israel.¹ (*footnotes on page 4*)

Gradually trafficking was recognized as a new phenomenon, requiring different modes of enforcement, and the trafficked women were viewed as victims rather than as criminals or prostitutes.

The change was a function of internal and external pressures. Internally, the growth of the phenomenon and its severity were felt in police fieldwork. During the heyday of trafficking, 3,000 women a year were trafficked.² They were

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¹ Israeli State Attorney Guidelines then in force limited enforcement to cases in which additional factors were involved such as victims who were minors or the commission of additional offences by the perpetrators. In addition, as a rule, light sentences were meted out to those involved in prostitution offences.

² This number is based upon Israeli police estimates. NGOs' estimates were higher.

³ Under this regimen, women were not paid at all, or paid only paltry sums until they had compensated the trafficker for the costs of transporting and buying her.

bought and sold in public auctions, imprisoned in brothels, held in debt bondage, and their passports detained.³ This was beyond the previous scope of prostitution offences, leading to new police guidelines and the formation of an inter-ministerial committee to study the subject. The committee's recommendations encompassed a wide range of multidisciplinary tools to address trafficking, including establishing shelters for trafficked women, heightening police enforcement, and establishing legislation to promote closing of brothels.

Externally, several nongovernmental organizations heightened public and government awareness. In addition, the 2001 U.S. Department Report on the status of trafficking in various countries documented that Israel was not conforming to the minimal standards or taking adequate measures to combat the problem. This sent shockwaves throughout the country and proved a potent agent for change.

And, finally, the Parliamentary Inquiry Committee on Trafficking in Women provided an additional and forceful push, highlighting the issue, inviting key government spokesmen to account for their efforts, and promoting legislation that reclassified trafficking beyond the old categories of prostitution. It is instructive that this legislation was

example, legislation to criminalize trafficking for purposes beyond prostitution — including slavery, forced labor, and removal of organs — was enacted, which also established provisions to prosecute Israeli citizens who have committed trafficking offences abroad. Provisions to facilitate forfeiture of assets of crime, to establish a trafficking fund, to mandate minimum sentences, to accord protections for victims during the criminal procedure, and to give victims the right to legal aid were also established.

Among the measures to protect victims of trafficking are:

- a shelter for up to 50 victims of trafficking who will receive medical and psychosocial assistance and job retraining
- free legal aid for civil or administrative claims arising from the trafficking
- visas and work permits to trafficking victims for a period of one year for the purposes of rehabilitation
- waiving offences integral to the trafficking crime such as illegal entry
- assessing risk for victims if returned to their countries of origin
- compensating victims in criminal cases or civil suits

Today police estimate there are no more than a few hundred victims of trafficking for prostitution in Israel. In addition, the patterns of criminal activity have changed and victims are rarely held under inhuman conditions, as in the past. However, slavery and forced labor still occur, especially in the foreign-worker community, as does trafficking for organ removal.

Despite the progress, inertia continues to present a problem, and activists must remain vigilant to ensure that government agencies do not revert to old classifications, as when trafficking victims began returning to Israel and police indicted them for illegal entry, though policy had been formulated not to prosecute victims for crimes integral to the trafficking.

Israel has made great strides in its battle against trafficking through pooling the resources of the government and NGOs. While NGOs were the pioneers who first recognized the phenomenon and worked with the victims, government intervention has been essential in monitoring borders, vigorously prosecuting traffickers, allocating resources for legal aid, and various policy decisions, including visas and work permits for victims.

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not initiated by government, but rather by a private member of Parliament.

The change in awareness sparked a series of comprehensive steps designed to address trafficking in a focused manner.

Among the most important steps were the following preventive measures:

- Heightened monitoring of borders
- Increased coordination among government agencies and NGOs
- National plans to address trafficking
- Ratification of international treaties
- Public information brochures distributed in countries of origin to warn women of the dangers of trafficking

In addition, several measures were proposed that address law enforcement issues. For

One of the most valuable lessons learned from this social experiment was how to foster cooperative work between the government and NGOs through pooling experience and information, and making use of the advan-

tages of each body. In order to do so, it was necessary to overcome prejudices on both sides and in the words of an NGO activist in Moldova: “learn how to shake hands without a clenched fist.”

From Teacher To Trafficked Woman

Karyn Grossman Gershon

In her faded jeans, a black blazer, flats, and delicate earrings, Tanya looks more like the school teacher she was trained to be than a woman who lived through six years of hell as a trafficked woman in Spain. Until now, she has not shared her story publicly because the Russian press has insensitively portrayed the experiences of trafficked women in sexually charged ways and exposed their identities in the communities where they are being repatriated.

The collapse of the Soviet Union between 1989 and 1991 initially resulted in a dramatic economic decline for many people living in the region. For example, in Tanya’s city, just hours outside of Moscow, people were laid off from government-owned factories and others began receiving their salaries very sporadically. With the government and economy in transition, social services to the needy dried up. Russians living in small cities with shuttered factories and no natural resources began a long period of trying to figure out how their economy would shift to sustain their communities.

When Tanya’s father died, she realized that she could not realistically support herself and her mother. She heard that a local job placement agency was sending women to Spain and that the agency would advance all of her expenses. Tanya was told that she would be a hostess in a bar and would be responsible for encouraging patrons to buy drinks. She would receive 50 percent of the purchases and the bar, the other 50 percent. She was promised inexpensive housing and was assured that no sex was involved. In return, she had to repay the \$1700 advanced for her expenses, plus 50 percent interest in two months — a total of \$2850. The agency’s representative confidently told her that she would make enough to repay the debt on schedule and then would be free to keep all future earnings or, set off on her own.

Upon arriving in Spain, the agency took Tanya’s passport as “a precaution to ensure repayment of her debt.” When Tanya expressed concern, she was told that she could return home, but “How would she repay her debt?”

The promised apartment had a kitchen, bathroom, and two bedrooms. Twenty women lived in the apartment, sleeping in shifts on bunk beds and under the constant supervision of a guard. The guard escorted the women daily to the bar and occasionally to the supermarket for supplies. The women received only 20 percent of the money from the drinks they sold.

Despite the difficult situation, Tanya forged ahead until the agency announced that the bar had been sold and would be re-opening as a strip club. The women were given the option to repay their debt within two days or remain as strippers and prostitutes. Tanya nervously shared her situation with one of her regular customers at the bar and he offered to pay her debt and set her up in an apartment. Tanya’s savior was initially kind to her and indicated that he would eventually marry her. Over the next months, Tanya’s Spanish improved and she realized that this man was married and, moreover, he was increasingly isolating her. Without much money or a work visa, she was trapped. She asked to return to Russia. At this point, he began beating her and keeping her locked in the apartment.

Over the next two years, Tanya used every opportunity to get to a phone to contact the Russian embassy and the Spanish police. In each instance, she was given little assistance and treated with complete disdain. Her abuser learned of her attempts, escalated the beatings, and tightened security. Finally, she was able to get access to a phone and reached her mother in Russia. She told her mother where she was being held and asked her to send help.

Tanya’s mother, a traditional Russian Orthodox woman from a provincial region, could not understand what had happened. She had no idea whom to ask for help and she was petrified that if she was indiscreet, her daughter would never be able to return to their community because her reputation would be so damaged. Fortunately, one of her friends knew that the Jewish community had organized an interfaith response to trafficking.

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RESOURCES ON TRAFFICKING

American Jewish World Service guidelines for funding Anti-Trafficking Initiatives: www.AJWS.org

Religious Action Center of Reform Judaism: www.RAC.org

Project Keshet: www.projectkeshet.org

Project Keshet in the FSU: www.projectkeshet.ru

National Council of Jewish Women: www.ncjw.org

Avodah: The Jewish Service Corps: www.avodah.net

RedLight Children: www.redlightchildren.org


IN ISRAEL: Atzum-Justice Works: www.atzum.org

Juhu Thukral, Esq. was until recently the director of the Sex Workers Project at the Urban Justice Center, where she provided legal representation to trafficked persons. She has been an advocate for the rights of immigrant women in the areas of health, work, and sexuality for over fifteen years.

Project Keshet's commitment to the issue of trafficking emerged when women in the organization's network began informally studying Jewish texts as a basis for community activism. In 1998, their study of "*pidyon shivuyim*," the freeing of captives, came face-to-face with articles in the *New York Times* highlighting trafficking in women globally and particularly in Israel. According to the Israel Women's Network, approximately 3,000 women in Israel were in the trafficking pipeline, a large percentage from the former Soviet Union. While Israel is not one of the largest recipients of trafficked women, it remains one of the most visible. By addressing the issue of trafficking, the women in Project Keshet's network aligned their Jewish identity and activism. They began to organize anti-trafficking activities in their communities and to demonstrate that Jews who had embraced their religious identity could remain in this region and share their Jewish values in a way that helped Jews and non-Jews alike.

Project Keshet connected Tanya's mother with an officer in her local police department, who formally requested that the Spanish po-

lice raid the apartment where Tanya was being held. While prosecuting her abuser would have been ideal, it was agreed that the Spanish police could move faster and more safely if they arrested Tanya for being in Spain on a visa violation and sent her back to Russia.

Today, Tanya lives with her mother. With a very high unemployment rate in her city and outdated teaching credentials, she does not anticipate achieving financial self-sufficiency in the near future. Using a small grant for vocational training, she is studying to be a baker, a low-paying job that does not draw on her strengths. She has been invited to participate in the next ORT KeshetNet vocational computer training program in her community. She has received some medical care but no counseling. In the meanwhile, she has been getting discreetly involved in anti-trafficking activism to help save other women and to regain her sense of self. Considering that there are more than 400,000 Russian women who are currently being trafficked, she counts herself fortunate to be among the couple of thousand who have been reunited with their families. 

Human Rights and Trafficking

Juhu Thukral

Anti-trafficking advocates often speak of the need to protect the "human rights" of trafficked persons, while the U.S. government touts its "victim-centered" approach to the problem. These catchphrases convey the genuine concern that trafficking elicits on the global stage, as tales of child labor, sexual coercion, and beatings in the workplace horrify a well-meaning public. However, there is little agreement in the advocacy community or government as to what it means to respect the human rights of trafficked persons, or what a truly victim-centered approach might entail.

One reason for this lack of clarity is the muddling of prostitution and trafficking. Some advocates and government officials argue that trafficking, which is coerced labor of any kind — including sexual labor such as prostitution — is really all about prostitution and not much else.

This position sets the stage for a largely criminal justice solution to the problem of trafficking in persons. It denies that people are vulnerable because of inadequate opportunities for legal migration; lack of comprehensive legal protections for many low-wage and immigrant workers, such as guest workers or undoc-

umented persons; economic concerns that drive people to migrate to other countries to seek a way to support their families; and lack of understanding on the part of many immigrants as to the rights and protections that they can demand in their new country.

For example, a young woman from Mexico is convinced by her husband that if she comes to the U.S. to work for a few years, they can save enough money to build a house for their family. Only when she arrives does she realize that he is putting her into prostitution, and he coerces and pleads with her, promising that it is only for a short period of time, so they can build that dream house. She believes that she can endure long enough and will survive, if only she can earn him enough money for the house. In the meantime, she knows better than to disobey. Another example: an English-speaking teacher from Russia decides to visit the U.S. for a few months, hoping to work and save up a little money, given how little she can make as a teacher back home. Having overstayed her visa, she works for a man who promises to help her obtain legal status. Instead, he forces her to work in his home for almost no money, and reg-

ularly rapes her. Their level of education and facility with the English language are irrelevant for both of these women — they have both wound up trafficked, living in a climate of fear. As long as a steady drumbeat of people are willing to migrate, seeking opportunities for work, and the receiving countries do not ensure that immigrants' rights are protected, there will be groups of people who are vulnerable to the threats, coercion, and assaults that are the hallmark of human trafficking.


While criminal justice responses such as prosecution of traffickers are essential in the fight against trafficking, they cannot be treated as the sole, or even primary, solution. The best way to effectively address the issue within a human rights framework is to promote sound economic policies that reduce the need for migration as people seek economic security. It is essential to examine the larger consequences of global economic policies, whether they are trade agreements, subsidies, development assistance, or the effect of capital markets on local economies. Related to this is the need for living wages to be paid to immigrant workers in receiving countries. Accessible venues of migration are also essential — desperation, combined with few opportunities for legal migration, create an atmosphere fraught with danger. Similarly, laws that protect migrants' employment rights, regardless of their status

(undocumented, guest worker, tourist, or permanent resident), will ensure that exploitative and coercive practices are kept to a minimum. Finally, outreach and education about legal rights and the practices of traffickers are critical to the prevention of trafficking and to finding and assisting trafficked persons.

Such policies will support, within a human rights framework, people who are vulnerable to trafficking. Also critical to a human rights framework are less invasive criminal justice tactics. It is essential that police have concrete information about trafficking situations

The best way to effectively address the issue within a human rights framework is to promote sound economic policies that reduce the need for migration as people seek economic security.

before they conduct what may be a futile raid on a brothel. They must create long-term relationships with the immigrant communities who can provide useful information about trafficking in their midst.

It is clear that long-term solutions focused on the human rights of trafficked persons can reduce vulnerability. The real question is whether advocates and the government have the commitment to move from confusion around prostitution to promote such solutions. 

The Breadth of Trafficking

Melissa Ditmore

For many years, there has been a widely held but erroneous assumption that there are no important distinctions between trafficking and sex work. Many people routinely assume that sex workers must be trafficked, or at least coerced in some way. In the same way, their awareness of human trafficking begins and ends with sexual slavery. If the two phenomena are not strictly identical, the common wisdom is that they overlap to such a degree that they can essentially be considered as “the same thing.”

This belief is not merely incorrect; it is deeply harmful. Though treating the two distinct phenomena the same way may have a long history, it is a history of worsening situations rather than ameliorating problems. In order to effectively address the different needs of sex workers and trafficking victims, it is essential to recognize not only the similarities but also how the needs differ.

All human trafficking, for labor, or sex, or anything else, involves coercion, or deception, or both. Sex trafficking is a terrible form of trafficking, but it is not the only one. There are, in fact, many forms of trafficking. Men, women, and children are also — and more frequently — trafficked into a variety of other industries, including domestic service, agriculture, and sweatshop manufacturing. The lives of these victims may be less media-genic than those of victims of sex trafficking, but their situations are often no less brutal, dangerous, and degrading. The use of coercion and deception to force people to work and to deprive them of the rewards for their labors is by no means limited to the sex industry.

Despite the breadth and variety of trafficking cases, the popular imagination continues to conflate trafficking with sexual slavery. Images of women forced into prosti-

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Upcoming in Sh'ma

Conversion: Broadly
Speaking

Jews & Money:
What we Say about
the Economy

Gender Education:
The Teen Years

Philanthropy &
Controversy:
Allocations and
Agendas

Learning, Beyond
the Seminary &
Academy

The Jewish Home:
Twenty Rooms in
Twenty Pages

Wendy Chapkis is professor of sociology and women and gender studies at the University of Southern Maine.


To read this essay in its entirety, and learn more about the measures that anti-trafficking activists are taking on behalf of trafficked people, especially when the problems intersect with immigration issues, visit shma.com.

tution encourage genuine and appropriate emotional responses to trafficking, but fixating on this one aspect leads us to ignore the plight of people in other, equally terrible, trafficking situations.

A focus on sex trafficking is unhelpful to sex workers who have not been trafficked. Many sex workers are not coerced or tricked into entering and remaining in the industry. Subject to the same economic pressures as the rest of us, they have made a conscious decision to engage in a particular line of work. Though their situations within the industry may be less than ideal, treating them as victims of trafficking and applying trafficking law to them weakens their legal protections against abuse and may even make them victims of punitive anti-trafficking laws.

It is also unhelpful to focus only on women and children in the sex trade because all such workers fear violence and abuse. Men and transgender sex workers are often excluded either deliberately — because programs are designed to assist only women and children — or due to a lack of awareness. Cultural prejudices mean that male and transgender sex workers

are even less likely to turn to the authorities for help when they are abused.

Conflating trafficking and sex work squanders opportunities to address real victimization and to assist people in real situations of abuse. It also denies the agency of sex workers. By focusing on commercial sex rather than coercion and deception as the defining characteristics of trafficking, such conflation trivializes and ignores the experiences of people in genuinely abusive situations outside the sex industry. Unfortunately, Congress is considering enshrining this misguided equation as law, with a bill passed by the House (HR 3887) that would redefine all prostitution as trafficking. Such a law would divert Department of Justice resources to enforcing vice laws rather than addressing situations of abuse. It would both undercut the ability of government agencies to provide services to those who desperately need them, and it would create “victims” where none exist — bringing the full force of anti-trafficking law to bear on a group that is already stigmatized and marginalized by society. By any standards, this would be a miscarriage of justice. 


Immigration and Trafficking

Wendy Chapkis

In 1999, the passage of the Trafficking Victims Protection Act (TVPA) was a startling achievement in a time of deep hostility to the poor, to immigrants, and to women engaged in nonreproductive, nonmarital sex. In passing the TVPA, Congress voted to provide welfare benefits and residency permits to a small class of abused and undocumented immigrants, including those engaged in prostitution. The passage of this law was all the more remarkable because it came directly on the heels of two massive “reform” measures that dramatically cut benefits to most poor Americans and legal immigrants.

Why were individuals historically defined as criminals at risk of detention, discipline, and deportation redefined as victims deserving public support? Two key elements in the TVPA may help explain this shift. First, while the law covers severely abused and exploited undocumented immigrants engaged in all fields of work, it was inaccurately presented as primarily a response to “sexual slavery.” And, as an immigration measure, it offered conventional assurances of enhanced policing of U.S. borders,

this time on the grounds that less porous borders would help protect would-be slaves who might otherwise be forced to enter the U.S. against their will.

While the TVPA may be part of an effort to restrict immigration, it is unusual in that it also offers material assistance to qualified victims regardless of their immigration status. Because of this provision, anti-immigration forces within Congress insisted that restrictions were needed to “prevent hundreds of thousands of people claiming to be trafficking victims... [leading] to a massive amnesty for illegal aliens.” The law relies on a problematic distinction between violated innocents — vulnerable women and children forced from the safety of their homelands into gross sexual exploitation — and guilty economic migrants, most often depicted as men. But most trafficking victims are also economic migrants. Their victimization often involves high debts, coercion, and abusive working conditions; misrepresenting trafficking victims as entirely passive objects obscures the complexities of the problems and the best strategies to assist them. 

“A Woman is Acquired”: Slavery and Jewish Sexual Ethics

Gail Labovitz

I begin with a quote from M. Finley, scholar of Greco-Roman slavery in antiquity, which will serve as a proof-text for addressing slavery and rabbinic Judaism:

“It is noteworthy how much of the current debate about American slavery moves beyond disagreement about the immediate data and their interpretation to ‘other’ matters, to Catholicism and Protestantism, to racism, absentee landholding, the world cotton market, the limitations inherent in a federal state structure, ad infinitum. Serious debate about ancient slavery is no different qualitatively, though ‘other’ matters are not identical...”

Slaves appear regularly in the Mishna, the foundational work of rabbinic Judaism, and thus throughout commentaries on the Mishna and the development of Jewish law and practice. There are questions to be asked about the history of actual slaveholding among the Jews of antiquity — not whether at least some Jews owned slaves, but perhaps whether those who did, did so according to rabbinic guidelines. Be that as it may, here I will explore what Judaism’s “other matters” might be when we admit that rabbinic Judaism allows for a slave system. After all, nearly all of us, even if we do not consider ourselves “halakhic” Jews, are heirs to the rabbinic vision of what Judaism should be. There are, in fact, likely, a number of “other matters.” One that continues to have insufficiently recognized yet significant impact even today, and that I would like to address here, is in regard to the interrelated areas of marriage and sexual ethics.

Marriage is understood in rabbinic literature as a metaphorical ownership of a woman. According to the first paragraph of the mishnaic tractate *Kiddushin*, a woman is “acquired” by means of money (or a document or sexual intercourse); this is, legally at least, what still happens today at a Jewish wedding when the groom gives the bride a ring, standing in for money, under the *chuppah*. What is more, the next paragraphs of the Mishna discuss how other items are acquired, including animals, real estate, and slaves. Women are thus further associated with the property of the male householder — which means that rabbis can use slaves to think and reason about wives, women, and marriage. For example, divorce in rabbinic Judaism, and thus strands of modern Judaism, is

actually the process of undoing the husband’s ownership. Thus the rabbis can think about divorce by analogy to the process of manumitting a slave, beginning with the fact that it is in its legal form a unilateral act of the husband (other similarities include the ways in which the relevant documents should be written and delivered). In our day, the unilateral nature of divorce has contributed to the “*agunah*” crisis for women — Orthodox women or women seeking divorce within the Charedi-run courts in Israel — who cannot leave Jewish marriages because their husbands refuse to grant a divorce or use the divorce as a form of blackmail.

Rabbinic ideas about sexual ethics, too, especially for women, are also deeply influenced by the lack of sexual agency that is typical for slaves (it should be noted that this is the case for Roman and early Christian ethics as well). One of the definitions of a slave is a person who is subject to the control of others over his/her body, whether by means of forced labor, physical punishments, and/or sexual abuse. A free person, then, is defined as the inverse, a person who has, *and is expected to maintain*, the integrity of his/her body — especially her body. For example, the Jewish marriage contract, the *ketubah*, is intensely interested in a woman’s sexual history. At one time, this document was a binding, enforceable form of prenuptial agreement, meant to provide a woman with financial security if her husband divorced or predeceased her. Only a full-fledged Israelite virgin is entitled to the maximum amount, 200 *zuz*. A freed slave-woman, however, is only entitled to 100; her nonvirginity is presumed. Even today, although its significance is largely ceremonial, many Jewish women receive a traditional *ketubah* at their weddings. Since few Jews today understand Aramaic (the language of the *ketubah*), few realize that the bride’s status as previously unmarried, or as previously divorced, widowed, or Jewish-by-choice, is likely to be inscribed therein.

While a full discussion of other relevant cases is not possible here, even these two examples demonstrate that Jewish slaveholding laws are hardly only historical vestiges. The “other matters” of slavery continue to reverberate in Jewish practice; we do ourselves no favors pretending otherwise.

Dr. Gail Labovitz is assistant professor of rabbinic literature at the American Jewish University, chair of the department of rabbinics for the Ziegler School of Rabbinic Studies, and an ordained Conservative rabbi. She has also worked as the senior research analyst in Judaism for the Feminist Sexual Ethics Project at Brandeis University and as the coordinator for the Jewish Women’s Research Group, a project of the Women’s Studies Program at the Jewish Theological Seminary of America.

Everyday Traffic

Bonna Devora Haberman

In 2008, the U.S. State Department ranked Israel among countries that do not fully comply with the minimum standards for the elimination of trafficking. Trafficking women into prostitution thrives because of the enormous demand, estimated at more than a million monthly visits to brothels by men from all sectors of Israeli society. How do we make the enslavement of girls and women in relentless degradation, abuse, and rape tolerable to the “clients” and profitable for the “dealers”?

We all participate in objectifying, degrading, and consuming women; in this way, we are all paving and maintaining the roads for trafficking.

From most of thousands of advertising messages we see daily, we absorb the vacuous stare of anorexic women whose sole purpose is seduction. Manipulated, plasticized, surgically modified, starved and exposed women’s bodies are mainstream fare on websites, TV, billboards, airline shorts, music videos, and in magazines. Once considered pornography, sexualized depictions of women decorate and allure consumers — often with tacit or overt violence. Using women to market products is marketing women. Consuming the women and the products they ply, we rev up the trafficking engine.

The media images and messages, lingerie-like “prostitute”-style fashions, hyper-sexualized women idols, throbbing misogynist lyrics and visuals, constant surveillance of girls’ and women’s bodies, pervasive and abusive pornography — all of these cultural norms desensitize men to women’s humanity, condition men’s sexual “needs,” and subordinate women to fulfill them.

Our “Barbie” world is taking its toll. According to research by the World Health Organization, 35 to 40 percent of Israeli girls between the ages of 11 and 16 suffer from an eating disorder. Israeli fashion photographer Adi Barkan comments, “We in this industry have perpetuated and even glorified eating disorders by celebrating thinness and packaging malnutrition in such an attractive way.” Adi introduced a bill to the Knesset requiring models to undergo health examinations and have their body mass index checked before entering the modeling profession — apparently the first bill of its kind in the world.

Adi has it right about anorexia. But he

doesn’t quite convey the full picture. The marketing of women disciplines girls and women about more than appearance. The male gaze — and its latent threat of sexual violation — constrains movement and instills fear. A National College Health Risk Behavior study stated in 1977 that one out of every five college-age women report being forced to have sex. Globally renowned human rights activist Catherine MacKinnon observes that this level of assault is more extreme than any war, more than any form of terrorism.

Trafficking into prostitution is an extreme expression of our everyday culture that practices and enforces the commodification and marketing of women and girls for profit. Jews have been involved for a long time. A century ago, Shalom Aleichem, wrote “The Man from Buenos Aires.”

“I supply the world with merchandise, something that everybody knows and nobody speaks of,” Motek [a Jewish salesman] said obliquely [in Yiddish].

“What do I deal in? Not in citrons, my friend, not in citrons.”

And from the 1860s to the 1930s, Jewish white slavers, through Zwi Migdal’s “Warsaw Jewish Mutual Aid Society,” bought and sold impoverished Jewish women from “Fiddler on the Roof”-type *shtetlach* and ghettos of Eastern Europe. They sent them to Argentina, Brazil, India, South Africa, and China. Only with the rise of antisemitism in Europe did the “Society” abdicate control over thousands of women and annual profits of more than \$50 million. In the 1990s, with the lifting of the iron curtain, Jewish traffickers began running active networks that prey on the desperately poor and vulnerable in struggling Eastern European states and beyond.

Each and every culture is responsible to intervene in the cycle of gender-based oppression. Let’s begin in our own parking spot. Jewish textual sources often dehumanize women in the most primary institution of society, marriage (*see Labovitz essay*).

האשה נקנית בשלש דרכים וקונה את עצמה בשתי דרכים. נקנית בכסף בשטר ובביאה (קידושין א:א)

“A woman is acquired in three ways and acquires herself in two ways. She is acquired with money, or with a contract, or through sexual intercourse.”

Bonna Devora Haberman, a lecturer and researcher at Hebrew University, teaches Jewish Gender Studies and fuses ethics and passion for social change with feminist hermeneutics of Jewish texts and culture. She returned to Israel in 2004 with her spouse and five children, having taught at Harvard University and at Brandeis University where she founded and directed the Mistabra Institute for Jewish Textual Activism.

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This mishna perpetuates a biblical tradition of marriage as male trade in women — *kinyan*. Both male acquisition and the unilateral male divorce prerogative normalize the dehumanization of women in Jewish culture. Whereas Judaism has long been a contributor to human ethics, many current religious practices debase humanity. The full impact extends far beyond ritual. Every moment of acquiescence and every act of complicity fuels

the terror against women — against ourselves, our friends, sisters, mothers, and daughters — and smoothes the steady flow of traffic.

Some talmudic utterances critique the purchase and sale model. The Gemara queries, “Why does our Mishna say a woman is acquired, and [another] Mishna says that a man sanctifies her?” On the wings of traditions such as this one, our time has come to sanctify one another where now we profane. 

Discussion Guide

Bringing together myriad voices and experiences provides Sh'ma readers with an opportunity in a few very full pages to explore a topic of Jewish interest from a variety of perspectives. To facilitate a fuller discussion of these ideas, we offer the following questions:

1. What is the relationship between gender-based oppression and the trafficking of women?
2. Why is trafficking a Jewish issue?
3. How might Jewish communities draw on human rights and Jewish textual sources to address the issue?

Jewish Women

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Holly

Directed by: Guy Moshe; Written and Produced by: Guy Jacobsen; Produced by: Adi Ezroni; Released by: Priority Films; Running time: 90 minutes

Reviewed by Nancy Schwartzman


Holly is an intimate film with a global mission. Spurred to action by the five-year-old girls he saw forced into prostitution in Cambodia, writer and producer Guy Jacobsen created the film to raise awareness about child sexual exploitation. The K-11 is the notorious epicenter of the underage illegal sex trade in Southeast Asia. Eleven kilometers from downtown Phnom Penh, the “K-11” thrives with the knowledge of the Cambodian police and the help of the Chinese, Vietnamese, and Cambodian mafias. The film’s central character, Holly, played by first-time actor Thuy Nguyen,

youth, and forced to serve pedophiles until they’re discarded. Without a hint of titillation or exploitation we are given a look inside a world most of us can’t imagine.

Systems of slavery can’t work without buyers, and we are introduced to the johns and pedophiles — who could be travelers anywhere — in an equally authentic manner. In one shot, Patrick speaks with a German lawyer played expertly by Udo Kier, who extols the exotic beauty and youth of the girls and has no inner conflict about satisfying his cravings in Cambodia while playing the good father at home. He justifies his behavior with a moral and cultural relativism that is the textbook definition of a perpetrator.

Holly informs the audience while delivering a fast-paced suspense film. Through Holly’s journey to escape we see the wreckage that is Cambodia: landmines, homeless children scavenging in dumps, and rampant police corruption. Patrick is a true anti-hero; he is reluctant to get involved, and when he does he must fight off his own conflicting feelings of desire and the impulse to protect. By the time he finds Holly she is wearing bright red lipstick and she is no longer a child.

It is rare that we abandon the comfort of our lives and demand change when we see an injustice. In many ways it is the filmmakers who are the heroes of this story. The entire creative team of *Holly* is from Israel, where sex trafficking has been an enormous problem. Jacobsen says “you cannot be a prophet in your own country” and chose instead to create a film about the experience in Cambodia. Going undercover in the K-11, the producers surreptitiously took photographs and studied the mannerisms and speech patterns of trafficked girls, johns, and madams. After numerous threats, guards with AK-47s were hired to protect the cast and crew while filming. Quite simply, they risked their lives to make this film.

Priority Films has created Red Light Children, a nonprofit dedicated to exposing, fighting, and ending child sexual exploitation. It is a passionate step toward raising awareness of this global industry and an inspiration for all of us to take action. 

The producer, Guy Jacobsen, remarked, “You cannot be a prophet in your own country” and chose instead to create a film about the experience in Cambodia.

is a twelve year-old Vietnamese girl sold by her family and forced to work in the ramshackle bungalows and back alleys that serve as prisons for countless young girls.

Guy Jacobsen did not want to make a film about pedophilia or a story that portrays the sensitive pedophile; instead he and director Guy Moshe wanted to expose the issue from the point of view of a young girl. The film evolves into an unlikely love story between two lost souls. Patrick, played by Ron Livingston of *The Office*, is a smuggler of artifacts. He gambles, drinks, plays cards, and floats through Asia never stopping to make a human connection or take a hard look in the mirror. His motorbike breaks down by the K-11 district and he is stranded for a few days. He is advised to spend the night at one of the brothels, where he insists on just a room, “no girls.” Holly prepares the room for him, and “Mama-San” the female brothel owner sings songs that Holly is a virgin, and for a good price he can buy her.

The film, extraordinary in its realism and attention to detail, demonstrates how the motherly “Mama-San” becomes a vicious and manipulative warden as she coaxes frightened girls, and how the brothel becomes a prison, where little girls are jailed, robbed of their

Nancy Schwartzman is a filmmaker and an activist creating community solutions to combat sexual violence. Her documentary film, The Line, is a personal journey that explores consent with a daring stylistic approach. To learn more visit nancyschwartzman.com.

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The reality is less dreamy than what's described in the text. Rabbinic sources suggest that the quasi-conversion of the non-Jewish slave was less about theology and more about the utilitarian practicalities relevant to keeping a kosher home. Moreover, no matter the specific reason pro-

motored for this "conversion," nothing will succeed in masking the brutal reality of slavery. Apologetic efforts to sugarcoat this troubling truth will inevitably prove less fruitful than genuine efforts to grapple with this conflict. The most compelling effort to address the Torah's approach to slavery underscores, in the spirit of Maimonides, that God never mandates the revolutionary revision of human nature, but instead promotes more evolutionary means.

While the Torah's values are diametrically opposed to the enslavement of human beings, it understands that obliterating slavery altogether would have been untenable at that time, and instead regulates the industry, demanding that slaves be treated with dignity. This approach is honest to the Torah's meta-ideals so dramatically proclaimed by Isaiah in the Haftorah of Yom Kippur, urging us to depart from our empty deeds and commit to "letting the oppressed go free."

Phil Miller touches upon a dilemma I encounter each time slavery appears in the Torah. How can our tradition — which we understand to be so deeply moral, so concerned with human rights, and so protective of the weakest in society — seem to condone an institution that, in the modern world, is the antithesis of all of these values? How can we accept this assault on the most basic human dignity, whether perpetrated on a Jew or a

non-Jew? The different treatment for Israelite and non-Israelite slaves is deeply troubling.

The solution, ultimately, is that Jewish tradition does not abide by permanent servitude. We are taught the implicit need to free *anyone* enslaved by a life that he (or she) did not choose, and we

"...A non-Jewish slave that is purchased from a non-Jew, we say to this slave, 'is it your desire to become one of the slaves of Israel and to be kosher?'...If so, we inform this slave about Judaism's essential beliefs and some of the mitzvot ..."

Shulchan Aruch Yoreh Deah 267:3 Laws of Slaves

Frederick Douglass's furious cry over the religious and moral hypocrisy of Southern Christianity in 1845 rings in my ears as I write. "He who sells my sister, for purposes of prostitution, stands forth as the pious advocate of purity....Revivals of religion and revivals in the slave trade go hand in hand together."

The Torah describes in graphic terms the suffering of our ancestors in Egypt/Mitzrayim. It then mandates that, upon entering the Land, the Israelites create a society that is an antithesis to what they knew in the land of the pharaohs. Thus, Leviticus 25:39-46 confounds in allowing the perpetual servitude of non-Jews within that society. Here in our text, the Jewish acquisition of non-Jewish slaves is defined by a process of partial conversion. S/he must be granted a status only a hair's breadth from full conversion and citizenship in the Jewish people. This person's primary obligation is thus to God and not a flesh and blood master. Jewish law outlaws the hypocrisy of a spiritual and moral society that perpetuates the subjugation common to ancient Egypt and the antebellum south. It warns us to obliterate the specter of trafficking and resist all temptations to dehumanize any human being.

—Phil Miller

seeking harsh sentences for trafficking.

Brutally abused and raped many times daily, these slaves reveal a society that recalls a responsibility to see itself as having left Egyptian bondage at the seder only to become the taskmaster on the morrow. "B'tzelem Elohim bara oto" — "He created humankind for the sake of the Divine image." (Hans Jonas) Lest we diminish that image beyond recognition and depreciate loyalty to the state beyond repair, we need to free these captives. This is the "fast of freedom" our God demands on Yom Kippur. (Isaiah 58:6)

—Levi Lauer

must create the mechanisms for that freedom. With all of its responsibility, working for freedom for all must remain a basic tenet of our Jewish lives. Our freedom demands that we guarantee freedom for others still enslaved in their *mitzrayim*, their narrow places.

—Sari R. Laufer

Sexual slavery in Israel undermines every moral foundation the "State that would wrestle with God" proclaims. Misguided priorities lead the army to allow Bedouin smugglers annually to bring thousands of trafficked women over the Egyptian border to be sold on the block; police make combating human trafficking a low priority and ignore illegal newspaper advertisements for sexual services and the well-known locations of brothels and "discreet apartments"; prosecutors permit lenient plea bargains with pimps and traffickers; too little support is given judges

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Yehudah Mirsky, Fellow at the Van Leer Institute in Jerusalem.

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Landlords and Tenants

Jill Jacobs

Sigi Ziering Ethics

This year our Sigi Ziering column focuses on the ethics of homelessness. Each month an esteemed guest columnist wrestles with what Jewish texts and our interpretive tradition teach us about the parameters, and limits, of Jewish responsibility to those without shelter. The column is sponsored by Bruce Whizin and Marilyn Ziering in honor of Marilyn's husband, Sigi Ziering, of blessed memory. Visit shma.com to view the series of columns with responses, as well as a series of paintings by artist Pat Berger on the homeless of Los Angeles.

Rabbi Jill Jacobs is the Rabbi-in-Residence at Jewish Funds for Justice. Her book on Jewish approaches to contemporary economic and social issues will be published by Jewish Lights in 2009.

Residents of a rent-stabilized apartment building in the Bronx were recently shocked to receive rent increases of up to 16 percent, far above the currently permitted increase of 4.5 percent. The landlord justified this increase by pointing to major work recently done on the building's crumbling façade; according to NYC law, rent increases may be higher when significant capital improvements, beyond ordinary repair, are made to a building.

Debates between landlords and tenants about the responsibilities of each are hardly new. Joseph Caro, the 16th-century author of the *Shulhan Arukh*, summarizes the landlord's responsibilities as follows: "One who rents a house to another is obligated to construct doors and to fix broken windows, to reinforce the roof, to fix broken ceiling beams, and to install a bolt and a lock...[and for] all things that are the work of a craftsman and that are essential to the habitation of homes and courtyards." (*Hoshen Mishpat* 314:1)


In a gloss on this text, Rabbi Moshe Isserles, a contemporary of Caro, adds that the landlord remains responsible for such repairs even if the tenant agrees to rent the home as is. While a desperate tenant might agree to live in an apartment with a leaking roof, this tenant's consent does not excuse the landlord from protecting the health and wellbeing of the tenant.

Tenants of the Bronx apartment building suspect that the landlord wants "to get us out and rent the apartment to people who can pay more." But some have no place else to go. This fear brings to mind a talmudic concern about evicting tenants who are likely to become homeless as a result. In general, the rabbis of the Talmud insist that a landlord give tenants sufficient notice before eviction, and may not evict tenants during the winter, when housing is hard to find. (*Bava Metzia* 101b) Landlords

also may not raise the rent as a backhanded way of evicting a tenant during the winter.

In other cases, Jewish law favors the landlord over the tenant. If the price of maintaining the property rises, the landlord may raise rents, even during the winter. A landlord who loses his or her own home, or who wishes to give a house to a newly married child, has some additional leeway to evict tenants. Jewish housing law worries about the safety and wellbeing of the tenant but it does not demand that the landlord become homeless or suffer financial ruin for the tenant's sake.

In the case of the Bronx apartment building, the city ordered the landlord to repair the façade after a section of the building fell, seriously injuring a child. This incident demonstrates that repair to the façade falls under the Jewish category of work necessary for the safe habitation of the building. While the landlord may raise rents in accordance with ordinary cost increases, such as higher prices for heating oil, maintenance work, or property taxes, the landlord may not hold the tenant financially responsible for making the building safe for habitation. Nor may the landlord use rent increases to provoke residents to move, especially in a case in which some residents may find themselves, in the words of Maimonides, "abandoned on the street" as a result.

As the U.S. experiences a recession, landlords may become less willing to make expensive repairs and more likely to pass these costs onto tenants. Tenants may become increasingly nervous about the possibility of losing their homes without another place to go. Jewish law reminds us to work toward housing practices in which landlords do not experience financial ruin, and in which tenants can feel safe and secure in their homes. 

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