



DVAR TZEDEK

Parashat Vayeshev 5774

By Sigal Samuel
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Anu Mokal was four months pregnant the night policemen brutally assaulted her at a bus stop in Satara, India. They beat her so severely that she suffered a miscarriage. When she later filed a complaint against them, no investigation took place, despite the presence of witnesses. Why? Because she was a sex worker, and the policemen—who had charged her with soliciting clients at the bus stop—were just ‘doing their job.’¹

Anu’s story is disturbingly familiar: Today, millions of sex workers across the globe suffer abuse and discrimination from law enforcement officials as well as the general public. The fact that their work is criminalized increases their susceptibility to violence and gives them no way to seek legal redress.² While many people view sex work as immoral exploitation of women or insist that all sex workers must be victims of sex slavery or trafficking, the reality is that in many cases, women *choose* this work because it is the best of a severely limited range of economic options allowing them to support themselves and their children. Indeed, sex work is the means by which many resourceful women manage to build homes and pay school fees.³

I suspect that Tamar, in *Parashat Vayeshev*, would empathize with these women. Tamar is left financially vulnerable after the death of her husband when her father-in-law Judah fails to offer her security through levirate marriage to his remaining son, Shelah. Her social standing ruined, Tamar disguises herself as a prostitute to trick Judah into sleeping with her. She becomes pregnant and Judah, not realizing that he himself is the father, condemns her to death. But then Tamar presents Judah’s seal, cord and staff, saying, “I am pregnant by the man who owns these items.” Aghast, Judah recognizes his belongings and is forced to take responsibility for his actions. “*Tzadkah mimeni*,” he admits. “She is more in the right than I.”⁴

In this story, Tamar leverages the only two things left at her disposal—her wits and her sexuality—to regain her social standing. When she takes Judah to task in this way, her story plays out according to what scholars of biblical and rabbinic literature call “the trickster motif.” “Tricksters” are “characters of low status who improve their situation through use of their wit and cunning”⁵ and who “can lay claim to their reproductive power only through tricksterism, camouflage and seduction.”⁶ I believe, as scholar Charlotte Elisheva Fonrobert has argued, that this motif is so endemic to biblical and rabbinic narrative traditions because the patriarchal world of the Bible often made it so.⁷ Tamar’s was a

¹ Meena Saraswathi Seshu, “Flawed Laws and Policies Will Not Right Our Wrongs,” *Global Voices*, 16 Jul. 2012. <http://blogs.ajws.org/blog/2012/07/16/flawed-laws-and-policies-will-not-right-our-wrongs>

² Melissa Turley, “Relying On Sex to Survive,” *Pulitzer Center*, 31 Aug. 2012. <http://pulitzercenter.org/reporting/south-africa-sex-work-decriminalization-sweat-womens-legal-centre>

³ Kyomya Macklean, “It’s Getting Harder and Harder to Defend Sex Workers’ Rights in Uganda,” *Global Voices*, 3 Aug. 2012. <http://blogs.ajws.org/blog/2012/08/03/its-getting-harder-and-harder-to-defend-sex-workers-rights-in-uganda>

⁴ Genesis 38:25-26.

⁵ Melissa Jackson, “Lot’s Daughters and Tamar as Tricksters,” *Journal for the Study of the Old Testament*, June 2012. <http://jot.sagepub.com/content/26/4/29.short>

⁶ Charlotte Elisheva Fonrobert, “The Handmaid, the Trickster and the Birth of the Messiah,” *Bet Debora*. <http://www.bet-debora.de/2001/jewish-family/fanrobert.htm>

⁷ Ibid.

world in which women, with few material resources and little power, needed to leverage their wits and sexuality in order to gain the upper hand. Thousands of years later, this is—in many ways—still the world we live in. Indeed, like the “tricksters” of the Bible, modern-day women who use their wits and sexuality to take care of themselves often do so in response to a society that undercuts their power.

Today, sex workers face flawed legislation that is more concerned with criminalizing their work than protecting their rights, their health and their safety. Ugandan law, for example, targets the sex worker rather than the client. While the sex worker may be punished with up to seven years in prison, the client goes free. Worse, the criminal status of sex workers encourages their societies to stigmatize them, leading to the erosion of their basic rights and freedoms and to their exclusion from basic services like medical care, screening for sexually transmitted diseases and protection by the police from violence. Discrimination also prevents sex workers’ efforts to seek other economic opportunities that might enable them to find a new line of work: for example, in 2010, Uganda’s Minister of Ethics and Integrity blocked a sex workers’ conference, even though its aim was simply “to build the skills of sex workers—in leadership, economic empowerment, personal development and entrepreneurship.”⁸

Fortunately, many grassroots organizations are fighting to defend sex workers’ rights. For example, AJWS grantee WONETHA-Uganda, itself spearheaded by sex workers, documents and exposes cases of discrimination and stigmatization in the community.⁹ The organization also helps women access health care services, from which they are often barred, as they are perceived as vectors of disease.

By supporting organizations like these, we can stand in solidarity with women today who, like Tamar, use their sexuality and their wits to improve their situations. We can also bring about the second meaning of Judah’s “*tzadkah mimeni*.” While these words are typically translated as “she is more in the right than I,” they can also translate as “she is right; this [her situation] is from me [the result of my wrongdoing].” To amplify the voices of sex workers who speak, struggle and lobby on their own behalf is to promote an understanding that, if millions of women are forced to engage in sex work to survive, the fault does not lie with them but with a systemic injustice that will only begin to be rectified when we implicate ourselves, issuing our own collective “*tzadkah mimeni*.”



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⁸ See 4.

⁹ “WONETHA,” 8 Nov. 2012. <http://www.wonetha.org>

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