



FROM THE SOURCES: TEXTS ON JEWISH SOCIAL JUSTICE

Purim: Power, Sex Work and Trafficking in Megillat Esther Supplementary Resource

Introduction

On Purim, we celebrate Esther as an empowered woman who uses the skills at her disposal to influence the course of history. Yet Esther can also be understood as a powerless victim of sex trafficking, who is rounded up and coerced to serve the king. Our varied perceptions of Esther mirror debates in both law and public opinion today about the agency of sex workers. Do women in sex work have agency? Is sex work always exploitative and coerced—through physical force or lack of alternative means of income? In the story of Purim, Esther is celebrated because she speaks out, serving as her own advocate and the advocate of her community. Often, how we perceive the agency of sex workers today influences the degree to which we implement policies that enable them to speak out and serve as their own advocates.

Trafficking, Sex Work and the Choice/Force Dichotomy

The assumption of choice or force in sex work has a critical impact on how trafficking and sex work are defined and addressed. Human trafficking relates to the transportation of persons for the purpose of exploitation, which can include sexual exploitation but also can include other forms of exploitation, such as cheap labor for domestic or commercial purposes. Because of the emphasis on exploitation, and in particular sexual exploitation, human trafficking is often conflated with sex work, both in law and public opinion. Sex work is seen as contributing to trafficking, trafficking is seen as contributing to sex work, and both are understood to involve the same degree of coercion and exploitation of women.

As a result, many policymakers have argued for anti-trafficking laws to include all commercial sex work. These advocates take the position that sex work is inherently exploitative because even when it would appear to be consensual, the choices of the woman involved are usually the product of poverty or past abuse. Therefore, they argue that the question of "consent" should be irrelevant and all forms of sex work should be illegal. Trafficking and sexual exploitation are intrinsically connected and should not be separated in law and policy.

The equation of sex work with exploitation and coercion is challenged by many who argue that it doesn't always fit with the experience of women in sex work, many of whom say that they choose their work as an option amongst other livelihood options in a set of constrained choices. Some activists in this camp believe that that women should be free to make choices about what they do with their bodies, and seek to draw a clear distinction between consensual and forced prostitution. Others argue that the dichotomy of choice/force does not capture the complex political, economic, social and psychological factors that influence a women's entry into sex work. Overall, this movement seeks to emphasize work conditions and the social and economic circumstances of sex work instead of outlawing it altogether. For example, they use the term "sex work" instead of prostitution to highlight its role as a form of employment that, like any other form of employment, can be exploitative and coercive, but is not inherently so.

These activists seek to address exploitation and coercion in sex work by legalizing it, which would enable sex workers to secure their rights through workplace regulation and the provision of services, like healthcare. They argue that outlawing sex work only drives the industry underground, making sex workers more vulnerable to abuse and unable to access healthcare, legal services or economic and political security. For example, lack of access to health services puts them at greater risk of illness due to sexually transmitted diseases, such as HIV/AIDS, and lack of any negotiating power means they are often unable to take measures to protect themselves from health threats (i.e. demanding their partners use condoms). Sex workers are particularly vulnerable to violence, victimization by police and stigmatization

by society, and are unable to access legal protection when they are in danger. The terms of their employment are unregulated, leaving them vulnerable to employer abuse, including withheld wages and denial of time off.

Many sex workers around the world are organizing themselves to assert their rights to equal protection under the law, improved working conditions and access to social services and benefits. They are raising their voices to advocate for themselves and gain security for their community. They believe that regulating the sex industry and strengthening sex workers' rights will enable them to gain greater agency to protect themselves from coercion and exploitation.

PEPFAR and the “Anti-Prostitution Pledge”

In May 2003, the U.S. Congress passed the Global AIDS Act, which launched the President's Emergency Plan for AIDS Relief (PEPFAR). The U.S. Global AIDS Act includes a stipulation known as the “anti-prostitution pledge,” which bars the use of federal funds to “promote, support, or advocate the legalization or practice of prostitution.” Organizations receiving U.S. global HIV/AIDS funding must adopt specific organization-wide positions opposing prostitution. This legislation is still in effect under the Obama administration.

Many organizations and public health experts argue that the “anti-prostitution pledge” goes against best practices in public health and undermines efforts to stem the spread of HIV/AIDS. Organizations with the most effective anti-AIDS and anti-trafficking strategies do so by working with sex workers in a way that builds trust and credibility, not by marginalizing or criminalizing them. By requiring organizations to explicitly oppose prostitution, the pledge fails to address the stigma and discrimination that further marginalize sex workers and increase their vulnerability to HIV/AIDS. Furthermore, it does not create space for sex workers to organize or play a role in securing their own rights.

Conclusion

In the Purim Megillah, Esther summons the courage to plead with King Ahashverosh to save the Jewish people. Her ability to speak out enabled her to secure the safety of the Jewish people. Today, sex workers across the world are organizing themselves to secure their rights and safety. The “anti-prostitution pledge” has the effect of cutting funding for their efforts, further disempowering them to speak out as Esther did.

Additional Resources

Taking the Pledge, a short film featuring sex workers who describe the problems created by the anti-prostitution pledge. Available at <http://www.sexworkersproject.org/media-toolkit/TakingThePledgeVideo.html>

Power, Samantha. “The Enforcer,” *New Yorker*, January 19, 2009, available at http://www.newyorker.com/reporting/2009/01/19/090119fa_fact_power

The Sexual Health and Rights Project of the Open Society Institute Public Health Program, <http://www.soros.org/initiatives/health/focus/sharp>

The Sex Workers Project, <http://www.sexworkersproject.org/>

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