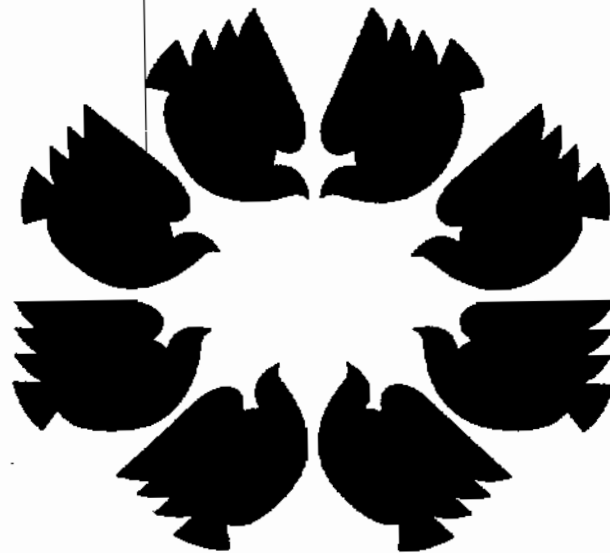


*The World Conference on Religion and Peace*

*Multireligious Response  
against the  
Commercial Sexual Exploitation of Children*



On the occasion of  
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## The Commercial Sexual Exploitation of Children: A Jewish Perspective

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Never did I imagine what a wrenching experience preparing for this conference would be. In truth, it is the first time I have engaged the issue of sexual exploitation directly, not allowing myself to blink or look away. Side by side with combing the sources in Judaism for information on the subject, I found myself reading case studies of children who are sexually exploited. In reflecting on the terrible lives of these children, then juxtaposing these images against the innocence of children my tradition presumes, all the more do I feel the vulnerability and trauma of the child victims of today; all the more do I appreciate this project of bringing together multiple religious voices to bear on the issue. For I believe that voices that speak out of religious frameworks can have an impact on society in ways that secular institutions cannot.

Before discussing what Judaism has to say about the commercial sexual exploitation of children, we must say a word about traditional Jewish texts: They are voluminous, as one might expect from a religion that is 4,000 years old and is heavily oriented to the Word. Religious literature begins with the sacred Torah<sup>1</sup>, continues with the Prophetic literature and the Writings, and is followed by the vast compilation known as the Talmud.

The Talmud, from which many of the citations below are taken, contains 63 tractates and represents the primary record of seven centuries of rabbinic thought, beginning with the first century B.C.E. In the Talmud, one finds halakha [Jewish law] theology, liturgy, philosophy, ritual, history, social and business ethics, and more. Every issue was addressed; no question was left unasked. For example: What sexual relationships are not permitted? When may one have sex with one's wife? What are the obligations of parents to children?

Following the Talmudic period, and in every generation and every country in which the Jews found themselves, the earlier texts were explicated and hundreds of new works were added. Consequently, nearly every issue can be found in the sources.

Thus, it is not surprising that the issue of commercial sex, a scourge of ancient societies as of modern ones, was raised. What is surprising, however, is that it is dealt with in the very foundation document of Judaism, the Torah, as part of the Leviticus Holiness Code:

“Do not profane your daughter and make her a harlot, lest the land fall into harlotry, and the land be filled with depravity.” (Leviticus 19:29)

Selling a daughter into harlotry was considered a grave sin. In Jewish law, it falls into the category of evil actions for which one must choose martyrdom rather than commit. There are only

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1 The Pentateuch, or Five Books of Moses, the first layer of Hebrew Scriptures.

three such categories: idol worship, murder, and entering into forbidden sexual relationships. In other words, if B were to come along and coerce A, under threat of death, to commit murder, or to commit a sexual act forbidden by the Torah, then A must choose death.<sup>2</sup> So fundamental a violation was forbidden sexual relationships, so disruptive to the integrity of human society, that a person must take a stand with his very life.

This practice was so antithetical to the intrinsic holiness of the people Israel, that it would lead to pollution of the land and expulsion from it. Commentators on this passage suggest that the sale of daughters into harlotry existed in other cultures in the Ancient Near East. Categorically forbidding it as the Holiness Code does, was a way of distinguishing Judaism from pagan religions.

An interesting literary characteristic of the Holiness Code, and of the Torah in general, is that there is no literary separation marking off ethical law from religious law. Sacred and mundane, ritual acts and moral behavior -- it is all of one piece. Thus, for example, the commandment to keep the Sabbath is placed immediately adjacent to the commandment to honor one's parents (Exodus 20:8-12); the law requiring a homeowner to construct a parapet on his roof (to prevent an accident) is contiguous with the law that prohibits the mixing of species in certain types of planting and weaving. (Deuteronomy 22:8-9). And here in the Levitical Holiness Code, the law forbidding harlotry is sandwiched between the law against the idolatrous practice of cutting one's flesh (v.28) and the law of keeping the Sabbaths (v.30).

The powerful lesson to be drawn from this is that all of it is God's law. Betray your neighbor or your child, and you betray Me, says God. If one violates social ethics, it offends not only humanity and the social order, but God as well. No matter that these cases are adjudicated in the courts of human enterprise; defile your daughter and you desecrate the covenant you have made with God. Holiness, then, is all encompassing. Its standards must be applied to all of life. If one sells one's child into prostitution, one had discounted the covenant he or she has made with God.

A second lesson can be learned from the lack of neat literary categories: everything is interdependent -- society and interpersonal relationships and religious behavior all impact on one another. The language of the prohibition against harlotry reflects this theme as well. This individual act affects not only the parties to it, but the integrity of the larger society as well. What does it mean to say that "the land" shall be filled with depravity? Ultimately, the act pollutes all of the inhabitants of the land.

Third, the use of the words "Do not profane" [as opposed to Do not sell] presupposes a prior, inherent sacredness of the girl child, and by extension, all females. The act of selling a daughter into prostitution thus becomes synonymous with the desecration of the sacred spirit and personality of the human being. Certainly, testimony of the victims of today confirms that this is what happens to the spirit of the child prostitute.

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<sup>2</sup> Babylonian Talmud (hereafter B.T.), Kiddushin 74a

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But no law exists in a vacuum. The law against child prostitution is grounded in the larger context of the purity of sexual relations. In fact, had the law against harlotry not been explicitly given in the Torah, I believe we could easily have extrapolate its essence from other laws in Judaism regarding human sexuality. This is another way of saying that the entire structure of social and sexual laws were at once both interrelated to and supportive of the powerful taboo against child prostitution.

Similarly, we could arrive at the very same conclusion regarding prostitution of daughters were we to come at the subject from an entirely different perspective -- the general obligations of parents to children. The overarching principle is the obligation to protect children and provide for them. In no wise may child be used or abused for a parent's own needs.

Let us then take a look at these two relevant areas: purity of sex relations and the place of children in Jewish tradition.

#### A) Sexual Behavior

From whatever angle we examine the law, we come up with a distinctive, ideal model of sex relations: monogamous, non-coercive, confined to marriage, and appropriate only in the context of a total and loving relationship.

1.) Sexual exploitation. This was a problem that was clearly identified recognized and guarded against, sometimes explicitly, sometimes very subtly. One example of the latter is the Biblical list of forbidden sexual partners. "None of you shall come near another of one's kin to uncover their nakedness [i.e. engage in sex]. I am the Lord. You shall not uncover the nakedness of...your mother...your father's wife...your father's or mother's daughter, whether born unto the household or not... your mother's sister...your daughter-in-law...your daughter's daughter...etc." (Lev. 18:ff.)

No reasons are given for this particular selection, yet what is striking about this list, and perhaps its unifying theme, is that it pertains to persons who live under the same roof. Whether born into the household or coming into it as mature women, these are individuals who expect protection. Precisely because they anticipate security, they are unprepared to guard themselves against abuse. They are most vulnerable to sexual exploitation. Thus, the need for unconditional prohibitions and for an explicit listing of those who are closest. The parallel to our subject is, of course, that daughters who expect protection from their parents are totally helpless when such protection is not forthcoming.

The Leviticus list of forbidden sexual relations continues, now pertaining to persons outside of the family framework. "Do not have carnal relations with your neighbor's wife...(18:20). Do not allow any of your offspring to be offered up to Molech and do not profane the name of God (18:21). Do not lie with a man as one lies with a woman...And do lie with a beast..." (18:22-3)

In the midst of these injunctions against sexual transgression we find the law against child sacrifice to a foreign god.. "Do not allow any of your offspring to be offered up to Molech..." (v. 21). That law seems out of place here. It should have been included elsewhere, say in the prohibitions against idolatry. Indeed, it was [Leviticus, 20, 1-7]; all the more so is repetition here superfluous. Examining this matter in the context of our topic triggers a new thought about the Biblical text: perhaps the law was placed here to suggest that Molech is as much about the sexual exploitation of children -- child prostitution -- as it is about child sacrifice.<sup>3</sup> Or perhaps it was intended to convey the idea that sexual exploitation of children is equivalent to sacrificing a child on the altar of a foreign god.

2) Curbs on sex within marriage. The tradition recognized that even within a permitted marital relationship, there could be sexual exploitation. Thus, guidelines were needed. Marital rape was forbidden by Jewish law, probably one of the earliest legal systems to do so: "You shall not pursue her [your wife] against her will or force her, because in that kind of union there is no divine presence."<sup>4</sup> If a woman found her husband sexually repulsive, and she consistently denied him sex, she could be labeled a *moredet*, a rebellious one, but she could not be coerced into having relations with him.<sup>5</sup> The larger theme was that authentic sex is contextual and ideally should be experienced in the framework of a total relationship. Thus, the law also teaches, "A man should not have his mind on another [woman] when making love to this one."<sup>6</sup>

Even where love and mutual consent exist in the marriage, sex is still regulated. This is achieved through the laws of *niddah* (the distancing) which permitted no sex between husband and wife during the period of her menses and for seven days thereafter. Thus, a minimum of twelve days of abstinence per month is required. This *niddah* period is concluded with a purification rite of immersion in the *mikveh*, the ritual bath. These laws are observed today by traditional Jews all over the world.

The laws of *niddah* communicate several overarching messages about a woman's sexuality: that she is not available at all times; that her persona must be respected; that her sexuality does not become the property of her husband; that sex has a sacred nature to it which must be safeguarded; that curbs can be applied within marriage as well as outside of marriage. Two other broad principles can be extrapolated: 1) in sex, as in other areas of life, not everything that one wants may one have; 2) the powerful sex drive can be brought under control and be made subject to the dictates of society, tradition and culture. All of these themes have wide application to the problem under discussion.

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3 In a parallel text of the Ancient Near East, we learn that fathers would dedicate their daughters to the deity as sacred prostitutes. See Code of Hammurabi, 178-82.

4 The Holy Letter, Nachmanides, Chap. 6, (A Study in Medieval Jewish Sexual Morality, New York, 1976)

5 B.T. Ketubot 63b

6 Literally, "He should not drink from this cup while his eyes are on another one." Shulkhan Aruch, Orach Chayim, (Way of Life) 240:2

3. A woman's pleasure. The emphasis on niddah is not merely asceticism or denial. In fact, these laws are coupled with the law of *onah* [ Exodus 21:7-11 ]. A Biblical concept, *onah* legislates that a husband must provide his wife with clothing, shelter and sexual satisfaction. Judaism may be unique among ancient religions in recognizing that women, too, have sexual needs. The Talmud built upon this concept to rule that if a husband failed to satisfy his wife sexually, or was impotent, or was absent for too long a period of time, it could constitute grounds for the wife to sue for divorce. 7 The clear message here is that woman is not merely the instrument of man's passion and sex drive in a relationship; not object but subject, not the "it" but the "I" or the "Thou" in I-Thou relationships.

4. Modesty. Where sex was permitted -- in marriage -- modesty still remained a value. It was forbidden in the presence of others, discouraged during daylight, and, as appears in certain ascetically oriented works, recommended to be kept to a minimum. 8 At no time was sex to be considered a public matter.

5. Virginity. Great value was placed on a woman coming into marriage with her virginity intact. The *ketubah* (marital contract) stipulated twice as large an alimony payment for virgins as for non-virgins. Moreover, if a husband later could prove that his wife was not a virgin when she came to marriage, as she had previously represented, then he had the right to divorce her without paying her alimony. [Deuteronomy 22: 13-19]

6. Promiscuity. Sex outside of marriage was considered improper. Technically, if a woman had an exclusive relationship with a man whom she could lawfully marry (i.e., one not on the list of forbidden partners), the relationship was construed as a common law marriage. Break-up of that relationship, in fact, required a writ of divorce. However, *halacha*, Jewish law, did not accept such a relationship with equanimity. It labeled all non-marital sex as *be'ilat zenut*, promiscuity. The rabbis vary on the technical definition, but are of one mind as to its aberrant and undesirable behavior. *Zenut* was defined in the Talmud alternately as professional prostitution, engaging in sex for purposes other than to promote marriage, or an illicit sexual relationship such as adultery or incest.9

7. Prostitution. While there was no denial that prostitution did exist, great stigma was attached to it. The ancient prophets admonish the people not to succumb to the call of the prostitutes, nor to visit their doors (Proverbs, 7; Jeremiah 3: 2-10). Throughout, the prophet Ezekiel uses the analogy of the harlot to condemn Israel's betrayal of God. The Book of Lamentations speaks of the greatest tragedy that could befall the parents of Jerusalem and the entire community -- the forced prostitution of their daughters in the exile following the destruction of the Holy Temple, 70 C.E.

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7 B.T. Yevamot 65 a-b; B.T. Ketubot 61a-62b. In this latter reference, frequency was set according to a man's profession and the periods of absence it entailed.

8 Shulkhan Aruch, Orach Chaim, 240: 4

9 B.T. Yevamot 61b

Sacred prostitutes, a phenomenon of other ancient cultures were absolutely forbidden: "There shall be no sacred prostitutes among the daughters of Israel" (Deuteronomy 23:18).<sup>10</sup> Identifiable prostitutes and brothels were usually ascribed to other nations, e.g. Rehab, who helped in the conquest of Jericho (Joshua 2). However, even though it was considered a shameful profession, a prostitute still had rights: she could not be raped or abused (Genesis, 38).

Throughout Jewish history, the literature is consistently hostile to prostitution. Brothels are assailed as places of evil. In the 11th century, the element of human punishment is introduced: a father who sold his daughter into prostitution could be punished by flogging.<sup>11</sup>

8. Rape. Any discussion of sexual exploitation of children must include the word rape. In Hebrew Scriptures, rape is defined as a punishable crime. (Deuteronomy 22:23- 29). In addition to payment of a fine, the rapist had to face the consequences of his action. He was obligated to marry his victim if she would have him, and fulfill all responsibilities to her. He was never thereafter allowed to divorce her. Though that punishment seems outrageous from the perspective of the victim, in all likelihood, the victim would agree; once she had lost her virginity, her chances of finding a husband were greatly reduced. This particular punishment also supposes the phenomenon today called date rape.

As the tradition developed, laws against rape were intensified and the fine grew to include psychological pain as well. The Talmud teaches that a woman's subjective testimony was deemed sufficient to incriminate the offender: if she said she was raped, that was definition enough. <sup>12</sup> While the rape laws in Judaism were far from ideal, at least the cruel and twisted notion of victim complicity was struck long ago.

9. Protective custody of women. Men were perceived as the aggressors, the potential seducers; a woman needed safeguarding against men's drives. Thus, until she married, a woman was expected to remain in the protective custody of her father's home and from there she moved to a similar status in her husband's home. On the story of the rape of Dinah, the rabbis cite the phrase, "and Dinah went out" (Genesis 34:1) as partial explanation of what happened. Not that Dinah was anything but an innocent victim but rather that she became vulnerable to exploitation by leaving the protective confinement of her father's house. This protected status was cogently summed up in the Biblical phrase, "the honor of the king's daughter is within." (Psalms 45:14) Not surprisingly, this phrase accompanied many of the laws that exempted women from being summoned into the public sector, such as the courts, the synagogue and the house of study.

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<sup>10</sup> One view in the Talmud asserts that the word, *kedesha*, refers to all prostitutes, not simply Temple prostitutes. B.T. Sanhedrin, 82b

<sup>11</sup> Maimonides, *Yad*, The Laws of Sex Relations, 1:4

<sup>12</sup> Jerusalem Talmud (hereafter J.T.), *Sotah* 4:4

The idea of a woman's sexual safety as a function of remaining within her household was expressed in many different ways. For example, the ancient (and hierarchical) laws of inheritance allowed that sons could inherit directly from the father but that daughters were to be maintained from the sons' inheritance. However, if the estate was too small to support both sons and daughters, then the entire estate must be given to the daughters and the "sons must go begging at the doors for sustenance."<sup>13</sup> This was to prevent exposure of women to risks that come with soliciting door to door.

10. The Fences. Given the recognition of the power of the sex drive, given the fact that sex was legitimate only in marriage, given the negative value attached to promiscuity, how did the tradition insure that there would be no lapses? The answer lies in the legal "fences" that were constructed around situations of temptation.

(a) The most significant of these fences was the law of *yichud* [seclusion], which stated that a man may not be sequestered alone, behind closed doors, with a woman with whom an improper sex act might be committed.<sup>14</sup> This law was extended to include children.<sup>15</sup> Thus, a man was not permitted to be in seclusion with a female over three, a woman with a male over nine. The law of *yichud* did not mean that such persons could never be together. It simply meant that the doors had to be kept open; that which might otherwise take place behind closed doors simply was not given a chance to happen.

One example: in a medieval code of law and ethics, the question is raised as to whether a young woman may study Torah. The question was a reasonable one, for the Talmud had taught earlier that only men were required to study Torah. Consequently, institutions of learning were created for boys but not for girls. Where daughters were taught, it was either by a father or a tutor. The author of this medieval code is a progressive man who advocates Torah study for females, but he establishes a condition: only her father may teach her. Why not a tutor? "It is impossible for a bachelor to teach girls... because the bachelor's desires or the young woman's might surge and overcome them..."<sup>16</sup>

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13 See discussion on inheritance of daughters in B.T. Ketubot, 49a-50a.

14 B.T. Sanhedrin 21a-b; Kiddushin 81a

15 Although it had always seemed to me to be far fetched to extend this law to such young children, when I read the newspapers today of the depraved abuse of young children by an uncles or the mother's boyfriend, the law seems altogether plausible.

16 Sometimes this law is taken to an excess -- such as raising the question of whether an adult woman teacher may be alone in a classroom with young boys (happily, the answer turns out to be yes.) But on the whole the law is quite sound, in fact, useful in raising children in the sexually permissive society of today. When my popular teen age son would invite his lovely girlfriends to our house, I would remind him that Jewish law requires that he leave open the door to his room. The matter of fact this-is-the-law pronouncement was easier for him to accept than a mother-son debate on the issue.

(b) The second "fence" to protect against sex outside of marriage was the contraction of early marriages. "Age eighteen to the wedding canopy," suggested the Rabbis of the Talmud<sup>17</sup>. This was not a mandate by any means; rather, it was intended to create a climate of seriousness about the tasks of finding a suitable mate early in adulthood.

One reason was to protect against promiscuity, real and fantasied. "A man who has reached the age of 20 years and has not yet married a wife spends all his days in sin. In sin? Do not actually think so, but rather in thoughts of sin [i.e. sexual fantasies with women who are forbidden to him.]<sup>18</sup>

"He who marries off sons and daughters close to puberty, of him it is said: "You shall know that your tent is at peace."<sup>19</sup> The meaning of the latter phrase -- tent at peace -- is that a parent need not worry about the dangers of promiscuity, defined as sex outside of marriage. In truth, marriages close to the age of puberty were a great rarity; where they existed, they were a function of external economic and political situations that affected Jews differentially during the long exile from their homeland. In times of danger, or repression, parents tried to secure their children's future; <sup>20</sup> though at times prosperity was a factor, too; or before a business journey, that involved a long absence. The attitude was one of, "Let me see to it now, while I am able to provide a dowry or before I set forth for a year or two, for who knows what the morrow will bring."

Yet even where arrangements were finalized early on, the actual marriage did not take place until later. Marriage before a child reached full sexual maturity was forbidden. Value statements such as "one who engages in sex with a child (i.e., child marriage) delays the coming of the Messiah," had an impact on community behavior.<sup>21</sup> In any event, full consent of the daughter was required for marriage. The Talmud says, "it is forbidden to betroth her [a daughter] without her consent. We must wait until she grows up and says, "I desire to marry so and so."<sup>22</sup> While there were surely some lapses in the history of arranged marriages, the basic premise was that a daughter could not be "given" in marriage as if she were a commodity.

11) The female slave. As American history has evidenced, slavery often included commodification of a woman's sexuality. But in Judaism, the reverse was true. An explicit law protected a female slave's sexuality and corroborated the prohibition against child prostitution:

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17 Mishneh Avot 5:24

18 B.T. Kiddushin 29b

19 B.T. Yevamot, 62b

20 For example, the dread *familiaten* decrees of the Russian Czars that severely limited the number of Jewish marriages that could take place in any given year.

21 B.T. Niddah, 13b

22 B.T. Kiddushin 41a

“If a man sells his daughter to be a maid-servant, ..and she pleases not her master who has espoused her to himself, then shall he let her be redeemed [by her family]. He shall have no power to sell her to a foreign people, seeing that he has dealt deceitfully with her [ i.e., not living up to the conditions with which he took her in the first place -- to be as a wife to him]. And if he had espoused her to his son, then he shall deal with her after the manner of daughters [like a free-born daughter]. And if he takes another wife, he shall not diminish his obligation to her [the maid- servant] of food, clothing, and conjugal rights. And if he doesn't provide these three things, then she is entitled to go out free, without money [owed to him for the debt she is paying off]. (Exodus 21:7ff)

As demeaning as this law is from the standpoint of 20th century sensibilities, the point is that even in ancient times when gender hierarchy and slavery existed, a bondswoman could not be used for the sexual gratification of men. Though a father might face penury, he could not sell his daughter into prostitution. If he was forced to sell her into bondage to pay off his debts, it was with the condition that she be treated only as a wife or free-woman with regard to her sexuality. If the master/husband tired of her, it was not his right to dispose of her or pass her along to other men. The poverty defense of today, offered alike by parents who sell their daughters and by child victims who wish to vindicate their parents (“they did this in order to feed the rest of the family”) was ruled out thousands of years ago in the Torah as a valid rationale .

## B.) Children in the Eyes of the Tradition

Perhaps even more relevant to our discussion than sex norms is the basic value assigned to children in Judaism. The very first commandment in the Torah is to bear children. “Be fruitful and multiply.” [Genesis 1:28; 9:1] But it was not mere commandment, for these words were interpreted to mean “blessing”. Throughout the millennia, the words “children” and “blessing” have been synonymous, a perspective that generates an attitude of responsibility for and protection of children.

The story of the binding of Isaac [Genesis 22 ] is a highly complex one. While at one level it is an example of the ultimate sacrifice a human being can make toward serving God, at another level, it becomes the paradigm for parental responsibility: never to allow a child to be sacrificed. It confirms that the ultimate calling by God is for a parent to protect his or her child. This theme, as we shall see below, is expanded in Rabbinic literature.

Throughout the sacred texts, the analog for God's love for the Jewish people is that of a parent's love for a child. Isaiah's consolation is that God will comfort Israel as a mother comforts her child. Similarly, the Yom Kippur [Day of Atonement] liturgy is rich with the theme of entreating God to show us loving mercy, as a father shows to his children.

The central liturgical passage in Judaism, recited daily, is the “*Shema Yisrael*” (“Hear O Israel”)<sup>23</sup> Included in this brief prayer is the following verse : “...And these words [the Torah] that

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23 This prayer is taken directly from the Torah, Deuteronomy 6:4-9.

I [God] have commanded you upon your heart this day, you shall teach to your children ." Thus is laid down the primary concept of a child's relationship to community and the primary pattern of parent - child relationship: the child is a carrier of the covenant and the parents' responsibility is to educate and enable the child to carry on the faith commitment. The tone established here transcends all other statements about parents and children.

It is not surprising therefore that, in time, the ancient phenomenon of bondswoman -- whereby a father could give over an unmarried child in lieu of debt repayment -- was outlawed. Not only did the original Biblical law not allow a child's sexuality to be traded, but even the bartering of a child's labor was forbidden by the Talmud. Why? Because the primary task of the parent was to provide for the child and not the other way around. To be sure, obligations existed by children to parents, but these were more in the nature of respect than of service. Even in situations where an adult child was required to provide for a parent, it was only on the condition that the adult child brought no harm to his family in the process.

The Talmud straightforwardly asks, what are the obligations of a father to a son? To teach him Torah; to have him wed; to circumcise him [i.e. to enter him into the covenant]; to teach him a trade [so as to be self sufficient]; and some say to teach him to swim [i.e. life protection].<sup>24</sup> Additional obligations were spelled out in every century. In a medieval tract we also find this list: to bless the children; to take them to Synagogue; to provide moral instruction; to introduce them to ritual law and practices such as the feasts and fasts, the palm branch, the sanctification over wine; and to clothe them properly. <sup>25</sup> The idea was to enable the child to share in the central stories of the community, to identify with and to grow in self-esteem.

It is interesting to observe how the law of parental support evolved over time. The early tradition taught that a father is legally obligated to provide sustenance for his sons and daughters until the age of six. But at Usha, a Babylonian city where great Jewish scholars studied and taught, this mandate was extended. "At Usha [ in the 3rd century, C.E.] it was ordained that a man must maintain his sons and daughters until they reach puberty.<sup>26</sup> In the 12th century, Maimonides, the great Jewish philosopher ruled, "The father must honor his wife and children with clothes and food, more than what he has for himself [i.e., before he takes care of his own necessities] , for they are dependent on him and he is dependent on the Almighty... Just as a man is required to provide sustenance for his wife [a biblical requirement, Exodus 21:7-11], so he is required to do so for his sons and daughters..., and if he is unwilling to do so, we admonish him and shame him and repeatedly press him; and if he still does not do his duty, we publicly denounce him saying, 'So and so is a cruel person who does not want to give sustenance to his children; and he is even worse than a wild bird who at least feeds his young'; but we cannot coerce him to feed his children after the age

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24 B.T.Kiddushin 29a

25 Maimonides, Codes, Hilchot Mamrim

The idea behind including children in religious rituals that involve children -- Seder, chanukah, accessed to the larger myths of the Jewish peoples' stories.

26 B.T. Ketubot 49b

of six.”<sup>27</sup> By the 16th century, however, the definitive code of Jewish law, the Shulkhan Aruch, included the following laws: Fathers are required to provide their children maintenance “until they grow up”. “And if grown children are incapable of sustaining themselves, the father must continue to maintain them.”<sup>28</sup>

To be sure, not every parent in former times was capable of supporting his or her children, any more so than in our day. But a significant factor in preventing the sale of daughters into prostitution for reasons of poverty was the concept of *tzedaka*, charity. The underpinning of *tzedaka* was justice, a righting of the scales. Both an individual and a communal responsibility, *tzedaka* was not something left to random mercy or a benevolent whim. Rather, its particulars and parameters were carefully spelled out. *Tzedaka* took a hundred different forms, from general tithing to very specific situations. An example of the latter, one that particularly affected young women, was the obligation of *hachnasat kallah* [lit., bringing the bride to the wedding canopy], providing a bride who lacked means with wedding attire, the accouterments to set up a household and the wherewithal to enter marriage with dignity. One did not have to know the bride or her family personally to be called upon to help. It was the entire community’s responsibility.

Finally, the laws of debtors and of distribution of property worked in such a way as to protect children from the permanent cycle of poverty. The Sabbatical year, when debts were forgiven and the Jubilee, when lands taken in debt were returned to their original owner, all served to prevent creation of a permanent underclass. The idea was that no individual should become so destitute as to be forced to take drastic measures in order to survive.

C. With the sources weighted so heavily in favor of protection of children and against all forms of sexual abuse, it is not surprising that Judaism comes up with a clean record on the subject of sexual exploitation of children. And yet, it would be less than honest to say that Judaism is totally free of taint, for in the sources we also find negative statements about women. While young boys are also victims of forced prostitution, the fact is that girls are victimized in such greater numbers, and that has something to do with the way the female sex is viewed in general.

True, mere value statements are a far cry from the abominable act of selling girls into prostitution, and gender hierarchical laws that have nothing to do with sexuality should not be blamed for sex crimes. Yet, there is a connection. Seemingly harmless hierarchical laws can easily spill over into discrimination. Despite the fact that the tradition contains far more positive statements than negative ones, negative value statements still may contribute to a climate in which evil is tolerated. Worse, they rob the object person or victim of self esteem and the sense of entitlement to self protection.

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27 Mishneh Torah, Hilchot De’ot, 5:10

28 Even Ha’ezer 71:1;Yoreh De’ah 251:4.

Moreover, the domino effect of negative valences show up even in the most benign of circumstances. In retrospect, the attempts at ameliorating women's condition were often on the wrong track: one cannot help but wonder how much different life would have been for women all these past generations had the law focused on reining in men's aggressive tendencies rather than on creating situations of protective custody for vulnerable women.

It is simply a universal truth in history and politics that individuals or groups ascribed with lesser status are more vulnerable to exploitation. Whenever power is distributed unevenly, it opens the door to abuse.

What are some of the examples or symbols of gender hierarchy in Judaism?

\*"A woman's body/ voice / ankle / toe... is a source of temptation"<sup>29</sup> Value statements that judged women in terms of their sexuality not only reinforced the idea of woman as sex object, but often had behavioral correlates. Out of the statement regarding a woman's voice grew the ban on women singing in the presence of men, a highly repressive measure for women whose natural desire is to sing.

\*The rape laws, while progressive for their time, differentiate between an unmarried and married victim, the fine and punishment being far less for an unmarried virgin than for a married or betrothed woman. The implications of such a differentiation are highly problematic, as if to suggest that a) a woman's sexuality is the property of her husband, and, b) the pain and humiliation of an unmarried woman is somehow less.

\*The Hebrew word *ba'al* is used interchangeably to denote either husband or master.

\*The public celebration of rites of passage for males as compared with the relatively silent access of women to these same stages of growth communicated a message about the relative value of male and female in the community. <sup>30</sup>

\*Though the divine laws of *niddah* were intended to emphasize the purity and holiness of a marital relationship, themes of impurity and uncleanness of a woman's body crept into the sources. <sup>31</sup>

\*Among the early morning blessings that a man recites each day is: "Blessed are You, God, Ruler of the Universe, who has not made me a man." Though many attempts have been

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29 B.T. Berakhot, 61a

30 These include the circumcision ceremony at birth formally entering a male into the covenant, and a bar mitzvah rite at puberty, affirming membership and responsibility as an adult under the covenant. Girls entered the covenantal community, but without benefit of ritual. That situation has been remedied during the past few decades.

31 See Greenberg, Blu, On Women and Judaism, Jewish Publication Society, 1981, pp.112ff.

made to soften or reinterpret this phrase, surely the mere recital of these words affects the psyche as to which sex is superior.<sup>32</sup>

\*“He who teaches his daughter Torah, it is as if he has taught her licentiousness.”<sup>33</sup> Though the connection between women’s Torah study and sexuality is complex and well beyond the purview of this paper, at the very least we must acknowledge that the laws limiting women’s education created a mind set regarding women that they were of lesser value.

\*Women were largely removed from the centers of power , such as the courts, and the house of study, where decisions governing community were made.<sup>34</sup> Whether this grew out of the notion of protective custody (keep a woman safe in her home) or an attitude that women are intellectually less capable or a fear that the presence of women would lead men astray <sup>35</sup> is hardly relevant. What is relevant is that woman lacked power equal to that of men.

I have long taken the position that one should not waste a whole lot of time railing against sexist passages that were entered into our sacred literature centuries ago. Nor should one expend much energy attacking hierarchical laws in our canonical texts --such as the rape and inheritance laws-- which have long been superseded by family and civil law. We cannot rewrite the Bible. This is the word of God, spoken to the people as they moved through history. This, too, is the record of ethical maturation of human society. So let us instead focus on the present reality, on practical matters, on concrete gains. And indeed, In Judaism, there have been many gains for women throughout history and especially so in the last few decades under the impact of feminism.

And yet, in reflecting on the relationship between negative values statements in the tradition and the horrendous crime of sexual exploitation of children, I realize that equanimity may be the wrong response. Rather, it is necessary to disown the negative content because when the authority of these texts goes unchecked, cognitive connections to justify lesser values of women can still be made. This does not mean that we should cut and edit our sacred texts; nor does it mean that the job of repudiation should fall only to feminists. Religious leaders of every community, those who hold the interpretive keys to their respective traditions -- the rabbis in Judaism -- should articulate the critique. Every value statement that has contributed to a view of woman as sex object should, at the very least, be attended by a disclaimer, and all laws that render woman powerless or vulnerable should be reinterpreted. To do anything less is to fail the spirit of religious teachings. Religious

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32 See The Daily Prayer Book, Phillip Birnbaum, ed.

33 B.T. Sotah 3:4

34 See Saul Berman, “The Status of Women in Halakhic Judaism”, in Tradition 14, (Winter, 1973): 5-28.

35 For example, a ruling was made that women not be permitted to be called up to recite the blessing over the communal reading of the Torah -- because of the “honor of the community,” which some interpret to mean as a source of sexual distraction. BT Megillah, 23a.

leaders should see this as an important item on the agenda as they begin to deal with contemporary crimes of a sexual nature.

D. Finally, we must ask: what constructs in Judaism can contribute to prevention or resolution of the problem of traffic in children? I believe that there are five basic Jewish concepts that can be widely useful:

1.) The concept of covenant. Perhaps more than anything else, the covenant idea affects the way children are perceived. The underlying principle is that a partnership was entered into long ago at Sinai between God and the Jewish people and each partner signed on to responsibilities and obligations to the other. But the human partner will not live forever, so future generations were simultaneously called into the covenant. Children are the main hope for covenant continuity.

The most explicit symbol of this theology in Judaism is the *brit* (covenant) ceremony that takes place on the eighth day in the life of a baby boy and is marked by the rite of circumcision. The *brit* celebrates not only new life but also the entry of the child into the covenantal community. In other words, the new infant becomes the child of the entire community and not only of his biological parents.<sup>36</sup>

The significance of covenant theology for our topic is two fold: One is that a sense of communal responsibility is generated for all of the children. Each child is the next link in the chain and all children must be protected and raised to carry on the mission of the community. The entire community is responsible. If anyone breaks the covenant, then the efforts of all previous generations are betrayed. Thus, if a parent fails to protect a child, the community is bound and authorized to intervene. There can be no bystanders when a child of the community is hurting. Well we know that there are many bystanders who enable traffic in children to go on. Somehow, they must be brought into an arc of responsibility.

Secondly, the notion of a covenantal community has implications for breaking the intergenerational chain of sex abuse, a sequence factor highly correlated to this and every other kind of familial abuse: if one saw or experienced violence or abuse while growing up, one is likely to repeat or anticipate it as an adult. But a covenantal community provides many more adult models, for the child is not only the child of the biological parents (who themselves may have been past victims) but is also the child of other noble and ethical members of the community. A child need not disown his or her own parents to appropriate and emulate other adult human models.

One can observe the way this phenomenon operates most strikingly in the synagogue. Children come with their parents but are treated with warmth and affection by many other adults

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<sup>36</sup> While the covenant ritual applied only to males, the fact is that females entered the covenantal community with equal status, albeit without benefit of community rite. Compensating for that ritual imbalance of many centuries, there is today a proliferation of covenant ceremonies for infant girls.

there. The behavior subtly communicates the message, "We, too, love you, child; you are very precious to us."

2) The concept that all human beings are created in the image of God.(Genesis 1:27). There are many interpretations of this lofty idea, but among them is the idea that a human being is endowed with three intrinsic dignities: each person is created equal to all other human beings; each life has infinite value; and each individual created by God is unique.<sup>37</sup>

This right to dignity is reflected in many of the laws of the Torah: do not wait until your brother falls before helping to pick him up; do not put a stumbling block before a blind person (i.e., be concerned for those who are vulnerable); take care of the disenfranchised, the stranger, the widow and orphan, the poor....

The self perception -- of being created in the image of God-- should be internalized early in life and accompany an one all throughout life . The Torah uses the nouns male and female created in the image of God idea instead of the more common usage, man and woman, to include children.

The implications of a society or culture driven by image-of-God-dignities are far-reaching. Educational systems must be designed to instill these expectations. An individual who denies these dignities to another is to be held liable. Remedy must come by law, if necessary.

The commercialization of sex reduces children to things, i.e, to sex objects and commercial merchandise. It totally violates their inherent dignity and destroys the image of God sense of self to which all children are entitled as-of-right. Thus, such selling or buying should be treated as a criminal act equivalent to the murder of a human spirit.

3) The notion that sexual behavior is related to holiness, not only of holiness of the individual partners but of all of life and society as well. The idea that an act of an individual can pollute an entire society is hardly likely to be compelling to the polluter; but it can have a moral impact on political and social leadership. Everyone in the society, while not guilty, is soiled by the depraved behavior of another.

All of life is interconnected; the rights of children are also about how the world will turn out in the future. The notion of sparks of holiness in the ordinary morning air or the idea of purity of the social realm are not common themes in modern societies, but perhaps they ought be given new consideration. Surely, the phenomenon of traffic in children would not fare well under such a world view.

4) The philosophical orientation to this world as a significant mode of existence. Judaism has often been accused of being a carnal religion with too much emphasis on this worldliness. But

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<sup>37</sup> I am indebted to my husband for his teachings on this subject and his explication of the Talmudic text (B.T., Sanhedrin 37a) in Irving Greenberg, The Jewish Way, Simon & Schuster, 1988.

that stereotype misses the point. The Jewish idea is that this life counts in this life and it counts in the after life as well. It is precisely the balance of the two worlds that has contributed to the sophisticated ethical structure of Jewish law. Jews believe in an after-life, in resurrection, in the coming of the Messiah. Yet what is done here and now is of great import. This world is the primary experience of human beings, and feelings as well as actions count.

At first blush, a theology of the cosmos seems to have little implication for sex abuse of children. Yet it does. In response to interviewers' questions about how the children manage to tolerate such pain and misery, the young victims speak of life in the future world. What happens in this life matters little. The suffering here insures a life of peace and serenity in the worlds to come. But the very discounting of this world contributes to a lessening of urgency to stop this criminal infliction of suffering on the child prostitutes.

No one theological view should be imposed on any other, and it would be presumptuous of one who holds an alternate view to suggest as much. In fact, one could easily argue that an Eastern religious view helps one to deal better with adversity, to find an inner peace in the midst of great suffering. One should not be totally invested in this world, for there is so much imperfection here. Eastern religions have much to teach Western religions about human coping mechanisms.

And yet, issues of self defense, advocacy, protest and activism must also be understood in the context of a world view. Who knows but that a collective sense of urgency and intolerance regarding the present suffering of child prostitutes might ultimately serve them better-- empowering the victim to find help and not to lose hope, enabling the sympathizers to act with greater vigor. Eastern religions and other-worldly western religions should dialogue with more worldly faiths and strive to capture a prophetic zeal to curb oppression and suffering.

5) The concept of *teshuva*. Though this word is often translated as repentance, its real meaning goes far beyond. It includes the idea of a turning of the self, or more aptly, a renewal of the self. One can fall into bad ways, be contrite, remorseful, and turn over a new leaf. But *teshuva* can also apply to victims, to those whose lives have gone astray through no fault of their own. It offers a theological construct that says to a victim, you can remake yourself. Despite the level of degradation, life can become whole again. *Teshuva* essentially says you can be born again, in this life.

Such a philosophy speaks not only to the victim, but enables others, such as family and prior friends, to embrace the shamed and guilt laden child victim with an unequivocal love.

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In summary, a paper on this painful subject dare not end with reflection; it must conclude with a focus on action. The pain and the blood of these suffering children cries out to us from the earth: are we our brother's and sister's keepers? In the Biblical tradition, it is no coincidence that the divine patience with Sodom and Gomorrah runs out with a case of attempted sexual abuse. The wicked cities' fate of destruction is set when the moral standard sinks to the level that a father offers his daughters for sexual use by strangers in order to meet his personal obligations (e.g. of hospitality).

No one group can stop this abomination but stopping these practices must become a priority of religious groups. The very credibility of God and religion is undermined in a world where children -- the image of god -- are sold into sexual exploitation and slavery for a few dollars. How dare one speak of a loving God or a cosmic order when such cruelty contradicts the essence of these claims? We must never forget that the infinite, cosmic God is particularly present and in agony where such suffering is found: "Thus saith the High and Uplifted, Dweller in Eternity, the Holy One is God's name; I dwell in transcendence and holiness but in particular, with the oppressed and the ground down in spirit..." (Isaiah, 57:15)

This is not to say that we should despair. In the Jewish view, we have a divine promise that -- with our help in partnership -- the world will be healed. Jeremiah speaks of a new creation in which "a woman shall go around the man," meaning that there will be an end to the passivity and inferiority of women and they will assert themselves in establishing a great world. The prophet Hosea promises that the day will come when women are no longer owned by men, and "on that day, you will call me my husband and not ever again my Lord." (Hosea 2:18) This prediction of the new relationship of Israel and God will be the universal model of dignity, so that no one will own or use another sexually by force of money, ownership or power. But to achieve this goal, the human partners in tikkun olam (perfecting the world) must take unified and extraordinary action to suppress this blot on civilization even as slavery was outlawed a century ago.

By the likenesses of the faces we have feasted our eyes on this day in the places that we inhabited, and by the children in our own lives, we are reminded that each child is a miracle, the embodiment of exquisite beauty and preciousness, a symbol of the partnership between God and the human beings, blessing, a gift. Give us the strength to lift up the victims, to end the scourge of evil, to pledge our continuing efforts and dedication towards these tasks.