

Trafficking and Prostitution: The Israeli Experience
By Gadi Taub*

Neo Magazine, 2013 (<http://magasinetneo.se/>) [published in Swedish]

Israel is an example of success in combating the trafficking in women for prostitution. Ironically, this is probably because Israel is less, not more, moralistic than Sweden.

While Israel used to be a hub for foreign, mostly east European, prostitutes in the 1990s and early 2000s, by the end of the last decade police officials were able to say that the phenomenon of trafficking was “eradicated.” There is no other crime, the police said, for which the term “eradicated” can be used. The numbers have gone down from thousands, the authorities noted, to somewhere in the tens. How, then, was this achieved?

Police in Israel, like much of the press, uses the term “trafficking” in an inclusive way which encompasses three different categories. The first, for which the term was originally coined, refers to the hard criminal edge where kidnapped women or children are carried across borders and held in bondage, forced to supply sexual services. The second category is a harsh form of work migration, where women who may enter a contract voluntarily, are later bound to an employer, who can hold their passport, and dictate their work conditions arbitrarily. This is not limited to prostitution. There are construction, agriculture, and care workers who similarly had their rights violated. The last category is that of independent prostitutes who travel under tourist visas by themselves, and then join brothels, call services, or advertise and work on their own. Following American pressure, Israel has targeted all three categories under the umbrella term “trafficking.”

The key to the Israeli policy lay with the immigration authorities, and it had two aspects. The first was a harsh immigration policy. Israel made it hard for single women from East Europe, especially young women, to enter Israel even as tourists. The second aspect was that police turn a blind eye to violations of the laws forbidding the existence of brothels. The law in Israel, like in many other countries, including pre 1999 Sweden, does not forbid prostitution in and of itself, but it forbids a third person (generally called “pimp” or “madam,” though the terms includes landlords, security guards, receptionists, and sometimes spouses) from profiting from a prostitutes earnings. It is also forbidden to own or rent a place, whether for oneself, or for others, for the purpose of selling sexual services.

Though the police often close brothels, they promptly reopen on new premises. Authorities have no difficulty finding them again, the same way their customers do. But they usually tolerate these establishments for a while before closing them again. This allows the immigration authorities to monitor brothels: they raid them on a regular basis, but not for the purpose of closing them down, or arresting anyone. Rather, they check identification documents of both customers and prostitutes, and mostly leave it at that.

But if they discover anyone working there who is not an Israeli citizen, or else not of legal age, they take further action. Foreign prostitutes are deported, while the presence of anyone underage leads to persecution.

All this was supplemented with regular police work against organized crime, and the combined result was that it became increasingly difficult to employ trafficked women, or for foreigners to find employment in prostitution in Israel. Not least was the economic aspect: forced labor and kidnapping require a complicated illegal organization – security, housing, enforced discipline, secret premises and probably bribery – and therefore finds it hard to compete economically with regular brothels. This is not to say that the regular brothels are entirely free of criminal elements, which often extort protection money. But they are not underground, and the regular police raids and relative visibility, have made them generally safe for the prostitutes themselves: they are free to enter or leave the profession, they can choose their shifts and clients, and many of these places have private security personnel. Not least, owners and prostitutes can call the police in case of emergency.

All that Israeli policy achieved in its crackdown on trafficking rested on a sharp distinction between forced and voluntary prostitution. Decriminalizing prostitution entirely would, of course, have achieved the same, with the additional benefit of extending workers' rights to the sex industry. But this is not on the agenda. Instead, there is an energetic and vocal lobby in Israel for criminalizing the purchase of sexual services, based on the Swedish Model.

Needless to say that this lobby frowns on the current policy. For them the very attempt to tell prostitution from trafficking, and voluntary from forced prostitution, is anathema. Prostitution, on this view, amounts to “selling women” or to “women selling themselves” (as opposed to selling services, as activist groups for sex workers rights prefer to call it). The underlying assumption is that prostitution itself is a form of violence perpetrated by men against women, and that therefore cannot be a truly free choice. When those among the prostitutes who believe they have freely chosen sex work speak up against this view – and they have in Israel's parliamentary committee on trafficking in women, as well as in the press – they are generally shunned, and considered to be suffering from false consciousness.

The proponents of the Swedish Model in Israel, as in other places, are usually understood as holding a progressive view, based on contemporary insights drawn from new theories about gender. But in fact they are part of a much older tradition in the women's movement itself, and belong to its conservative, rather than progressive, branch. Their 19th century predecessors were organizations like The Women's Christian Temperance Union (WCTU), once the largest woman's organization in the United States. The organization supported women suffrage for explicitly conservative reasons: this was, they thought, a new way to preserve the old moral order. The logic was that men, especially immigrant men and minorities, are a disruptive force. If women have the vote they would use it to legally eradicate sin, primarily the sins of alcohol, tobacco, prostitution, and gambling. Driven by strong religious puritan sentiments, they held that women were

essentially good (and mostly sexless), while men were inherently sinful. The organization's general social outlook (for example on matters of racial equality, women's social and economic roles, immigration, and much else) was often openly reactionary.

It is ironic the WCTU's main agenda, alcohol prohibition, was eventually inscribed into the American Constitution, but not because of the women's vote: the 18th Amendment was ratified in 1919, the year before the 19th Amendment secured women suffrage. The WCTU's allies in their moral crusade were not progressives, but male Christian moral crusaders, such as Anthony Comstock, who fought to free young Christian men from the temptations of pornography and carnal desire. Comstock was actually more successful than the WCTU in promoting legal measures against "sin" (collectively known as Comstock Laws).

The example of Prohibition is, I think, useful here. Since criminalizing alcohol did not eradicate drinking, but rather opened vast opportunities for organized crime to take over a formerly legal sector of the economy and establish itself to an unprecedented degree in American society. The same may be true of prostitution. Criminalization – and here it does not matter whether the customer or the provider are designated as the criminal – will likely drive the whole sector underground, and probably large parts of it into the auspices of organized crime. There is also reason to believe, based on Israel's experience, that such laws may expand trafficking in its cruelest forms.

The Swedish government has repeatedly claimed that the Swedish Model has been a success in limiting the scope of prostitution. But a scholarly review of the provided evidence does not seem to support such claims. (See for example Susanne Dodillet and Petra Östergren, *The Swedish Sex Purchase Act: Claimed Success and Documented Effects*, and Vincent Clausen, *An Assessment of Gunilla Ekberg's Account of Swedish Prostitution Policy*.) The truth seems to be – even official Swedish documents which hail the law's success often admit this – that there is no reliable data on the extent of prostitution in Sweden. This may be in part, as some scholars have noted, an effect of the law itself, since criminalization has driven prostitution out of sight. Out of sight may not mean out of mind, but it does seem to mean out of reach. Activist sex workers have repeatedly pointed out that criminalization means more risk and less access to help. This seems to be substantiated by the Israeli experience where police surveillance, in itself often a form of harassment which degenerates into abuse, has nonetheless kept brothels mostly safe from violence.

This also applies to trafficking in the original sense of the word. If such surveillance was key in eradicating trafficking, adopting the Swedish Model and driving prostitution underground may reverse this trend. Underground brothels will require a stronger umbrella of organized crime to keep them working, and under that umbrella trafficking may again creep in. It would again be both technically easier and economically viable.

The Swedish experience may have been useful to assess the effect of criminalization on trafficking but, alas, the official claims about the reduction of trafficking are even less reliable than those about the scope of prostitution itself. It may well be that

criminalization has increased rather than decreased such violence. Cheering the Swedish Model rather than studying it is not likely help combat violent crime. We would be better off remembering that moralism and justice are not the same thing, and that the former may hinder, rather than promote, the latter. Refusing to acknowledge the fact that some adults choose sex work of their own free will, may result in more entering it against their will.

* Gadi Taub, Ph.D. is author of the bestselling novel *Ellenby Street* (Hebrew), which takes place in Tel Aviv's strip clubs and late-night bars, and is a senior lecturer at the Hebrew University's Federman School of Public Policy and Government.