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Master Thesis

# Power & Participation

## Sex Workers Voices in the Israeli Legislation Process of the Prohibition on Consumption of Prostitution Law

Nitzan Meilin



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University of Applied Sciences

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# Power & Participation

**Sex Workers Voices in the Israeli Legislation Process of the Prohibition  
on Consumption of Prostitution Law**

A Thesis

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# Power & Participation

## **Sex workers voices in the Israeli Legislation Process of the Prohibition on Consumption of Prostitution Law**

An Abstract of the Thesis by  
Nitzan Meilin

This research examined the legislative process that led to the passing of the new Prohibition on Consumption of Prostitution law (temporary order) in Israel, focusing on the participation of sex workers in this process. It aimed to get a deeper understanding of the different voices that took part in the discussion, and specifically the role that sex workers voices played in the debate. Data was gathered both from interviews and documents and was analyzed thematically and through content analysis accordingly. The theoretical framework of the discussion was based on Foucault's perception of power and Gallagher's work on participation. The findings indicated that the main narrative represented in the legislation process was a radical feminist narrative, led by politicians, activists, and aid service workers. Prostitution survivors who used aid services were invited to participate; however, the participation of sex workers who opposed the law was limited, and they received disrespectful and hostile treatment. Even though sex workers did not manage to stop the law from passing, they are not powerless, and continue the effort to resist it both in and out of the Knesset.

Keywords: participation, sex work, prostitution, governance feminism, legislation, Swedish model, client incrimination, power, Foucault



## 1. Introduction

Legislation regarding the sex industry is a matter of controversy across society and among feminist activists. Two main feminist regulatory approaches to sex work have become widely accepted worldwide: the first is neo-abolitionism<sup>1</sup>, aiming to eradicate sex work, and the second is regulation and decriminalization<sup>2</sup> (Shamir, 2018a, p. 101). On 31 December 2018, the Israeli parliament unanimously passed the "Prohibition on the consumption of Prostitution Law (Temporary Order) 2018," and Israel became the eighth country in the world to adopt the neo-abolitionist Swedish model regulation of client incrimination (The Israeli Government, 2019). The new law came into force in July 2020.

Before the law's passing, sex work in Israel was legal. However, organized sex work in brothels, solicitation, pandering, and advertising sex work were and still are illegal (Bar and Etzion-Ochman, 2009, p. 48; *The Penal Code*, 1977). The new law defines the 'consumption of prostitution' as an administrative offense, referring to the clients as offenders, but not the men and women engaged in sex work (The Israeli Government, 2019). It recognizes the people, and specifically, the women who are involved in sex work as a vulnerable group that chose their occupation from a limited variety of choices and as a result of financial, emotional, and social distress. This law supports the view that people engaged in 'prostitution' are victims that need help in the form of expending the services of rehabilitation and treatment. (The Israeli Government, 2018).

The new law aims to reduce the scale of the sex industry in Israel due to its harmful characteristics, representing the point of view that all sex workers are victims in need of help (The Israeli Government, 2018, pp. 3–4). The supporters of the new law see it as fundamental for gender equality (Ekberg, 2004, p. 1189), while its opposers claim that it violates sex workers' rights (Lepp and Gerasimov, 2019, p. 4).

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<sup>1</sup> The term "abolitionism" is a reference to the abolition of slavery. I chose to use this term while referring to this feminist regulatory approach in respect to the titles that the activists supporting it give to themselves. However, sex worker activists, and especially sex workers of color, find the term "abolitionism" to be offensive and instead refer to it as fundamentalism, prohibistionism or carceral feminism. For more on the issue see: "Do Black Sex Workers' Lives Matter? White Washed Anti-Slavery, Racial Justice and Abolition" (Maynard, 2018); "Trafficking with abolitionism. An examination of anti-slavery discourses" (Nagel, 2015).

<sup>2</sup> These approaches are further discussed on chapter 4. Sex Work and Legislation.

According to the International Federation of Social Workers, the social work profession is committed to principles of social justice and human rights and promotes the empowerment and liberation of people (International Federation of Social Workers, n.d.) As social workers, understanding the new legislation is crucial in order to fully see its implication not only on our clients, who seek our assistance and services, but also on sex workers who do not wish to leave the sex industry and feel that the new legislation violates their human rights (Working Women Organization (temporary name), 2018). This research examined the legislation process of the new law in Israel, sex workers' right to participate in it, and the different ways participation accrued in practice.

The Next chapters present the research question and terminology. Chapter 4 discusses Governance Feminism and different legislation approaches regarding sex work. Chapter 5 reviews previous research on sex workers' participation, and chapter 6 presents the theoretical formwork of the study, based on Foucault's perception of power. Chapters 7,8 and 9 discuss the methodology, limitations, and ethical aspects of the research. Results and discussion are intertwined in chapters 10, 11, and 12, starting with historical background, then an examination of the debate regarding the legislation and the different participants that took part in it, and concluding with the participation experiences of sex workers. Finally, chapter 13 reflects on the rule of social workers in shaping policies regarding sex work.

## 2. Research Question

The legislative process of Swedish model laws in different countries such as Sweden, France, and Ireland has been criticized for violating sex workers' right of participation (Calderaro and Giametta, 2019, pp. 168–169; Gould, 2001, p. 452; Östergren and Dodillet, 2011; Svanström, 2006, p. 80; Ward, 2017, p. 99). There is no research yet about sex workers' participation in the Israeli legislative process. From the governmental protocols, it seems that sex workers have been present in at least some parts of the discussion leading to the new legislation (Subcommittee on Combating Trafficking in Women and Prostitution, 2018), though, it had been claimed that they received a patronizing and disrespectful treatment (Levenkron, forthcoming 2020). This research aimed to examine the legislative process that led to the passing of the

new law in Israel, focusing on the participation of sex workers in this process. The research questions are:

- Which voices were represented in the legislation process of the new Israeli law, and how?
- Did the voices of sex workers been considered in the debate before passing the legislation? In what ways and to what ends?

### 3. Terminology

The debate regarding sex work is complex. There are disagreements regarding every aspect of the discussion, including the definitions, its significance and morality, and the means to deal with the phenomenon and reduce its scale (Dominitz et al., 2017, p. 23). The terminology used in writing about the sex industry uncovers the writer's approach and worldview. For example, the term 'sex worker' represents a liberal feminist approach, while the term 'prostitution survivor' represents a radical feminist point of view (Geetanjali and Nicole, 2006, p. 1).

The laws in Israel do not refer to 'sex work' but to 'prostitution.' In the legislation itself, the term 'prostitution' is not defined, though in a recent controversial governmental survey 'prostitution' was defines as "the commerce of sexual activity, between at least two people, for sexual arousal by touch, continuously and for a variety of clients" (Santo and Carmeli, 2016, p. 19).<sup>3</sup> This definition of 'prostitution' is broad and includes in the same basket lap dances in strip clubs, the sale of sexual acts between consenting adults, sexual exploitation, and human trafficking. Sex workers and their allies claim the broad definition of 'prostitution' is harmful to sex workers, enforces on them a narrative of victimhood, and ignores their agency and choices (Ward and Wylie, 2017, p. 6). In this paper, I choose to use the terms 'Sex work' to refer to the consensual exchange of sexual services between adults (individuals over 18 years of age) for some sort of remuneration (money or goods), in which the terms mutually agreed upon between the buyer and the seller (Amnesty International, 2016, p. 6). The term 'sex work' is preferred here over the commonly

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<sup>3</sup> By this survey, in Israel 2014 there were 11,190- 12,040 people engaged in prostitution, among which 95% were women and 5% were men, and about 11% were minors (Santo and Carmeli, 2016, p. x). This survey referred to the characteristics of men, women and minors involved in prostitution and the phenomenon of prostitution in Israel, but did not refer at all to the clients, and therefore there is no information about estimated number of clients in Israel and their characteristics.

used term ‘prostitution,’ as it emphasizes that sex work is a form of work, deserving of labor rights<sup>4</sup> (Bouclin, 2006, p. 102). The definition distinguishes between sex work that is both consensual and between adults, and the harmful practices of sexual exploitation and human trafficking that are human rights violations and is rightly prohibited by national and international laws.

## 4. Sex Work and Legislation

### 4.1 Regulatory Approaches Around the World

There are different laws regarding sex work around the world. This variety represents different moral approaches towards sex work and different approaches towards the extent of involvement the state should have in the sex industry. There are three main legislation approaches to this issue: full criminalization, abolitionism (partial criminalization), and legalization and decriminalization (Shamir, 2018, p. 103).

In countries that apply the complete criminalization approach, all sides involved in the sex industry are criminalized, including the sex worker, the clients, and all third-party actors (such as the pimp, the landlord, and the brothel-keeper) (Halley et al., 2006, p. 338). This position usually stems from the perception of sex work as a threat to morality and public order. It is based on normative and moral values rather than the protection of those engaged in sex work. Most feminists view the complete criminalization approach as an approach that harms sex workers (either because they see sex work as a form of labor or because they believe it criminalizes victims) (Shamir, 2018a, p. 103).

The other two approaches are both associated with feminist views (Shamir, 2018a, p. 103). Legalization and decriminalization approaches are affiliated with liberal feminist views believing that sex work, undertaken by choice, is a form of work like any other work (Shamir, 2018a, p. 105). Countries where sex work is completely decriminalized, like New Zealand, repeal any special criminal legislation regarding sex work. States that legalized prostitution, like the Netherlands, couple decriminalization of sex work with the regulation of one or more aspects of the sex

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<sup>4</sup> More on labor rights and human rights could be found in “Labor Rights as Human Rights”(Kolben, 2009) and in “A Labor Paradigm for Human Trafficking” (Shamir, 2012).

industry, for example, labor laws, licensing of sex workers, zoning of sex business, and medical check-ups (Halley et al., 2006, p. 339).

The abolitionist approach bans the consumption of prostitution services but not their sale. It decriminalizes the work of sex workers but criminalizes all other actors involved in the sex industry, including the clients (Halley et al., 2006, p. 338). The abolitionist approach is based on the perception that prostitution is a form of violence against women. Women caught in the cycle of prostitution are viewed as victims in need of help and not as criminals who should be punished (Shamir, 2018a, pp. 103–104). The first country to adopt this approach was Sweden. Therefore, it is also named "the Swedish model" or the "Nordic model." Following Sweden, other countries have adopted this policy, such as Norway, Iceland, Canada, Ireland, France, and recently Israel (Dominitz et al., 2017, p. 29).

#### 4.2 The Swedish Model and the New Israeli Law

On 1 January 1999, the Swedish law that prohibits the purchase of sex services ("the Swedish law") came into force, as part of an Act on violence against women (Ekberg, 2004, p. 1191). The law stated that: "[a] person who obtains a casual sexual relation in return for payment, shall be sentenced for purchase of sexual service to a fine or imprisonment for at most six months" (the Swedish criminal code chapter 6 section 11, in Waltman, 2011, p. 449). In 2011 the maximum punishment was raised to one year of imprisonment. However, since the law has been enacted, no one was sentenced to prison time, and very few cases were sentenced to punishment other than fines (such as conditional sentences) (Svanström, 2006, p. 71; Waltman, 2011, p. 449,465). The Swedish law places sex work on the spectrum of other violent acts against women. Its objective is to eradicate the sex industry and its harms and to pass the social disgrace from the woman that works in the sex industry to the client (Belgi and Charnovitzki, 2009, p. 39).

The new Israeli law is based directly on the Swedish law and refers to it as one of its sources of legitimation (The Israeli Government, 2019, p. 3). Other sources of legitimation mentioned were: international human rights laws, including the Protocol to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children and the Convention on the Elimination of All Forms of Discrimination

against Woman (CEDAW), as well as European Union (EU) decisions,<sup>5</sup> referring to means of reduction of human trafficking (The Israeli Government, 2018, pp. 58–59)

The debate about the criminalization of the client has been going on in Israel for over a decade (Larnau, 2008). On 31 December, 2018, the Israeli "Prohibition of consumption of Prostitution (Temporary Order) Law 2018" has unanimously passed the second and third readings in the Knesset.<sup>6</sup> The new law determined the consumption of sexual services as an administrative offense<sup>7</sup> (unlike the Swedish law that defined it as a criminal offense), which can result in a fine of 2000 shekels (approximately 550 US dollars) for a first offense, and 4000 shekels for a repetitive offense (The Israeli Government, 2019, pp. 234–235).

The new law came into effect 18 months after its passing on July 2020<sup>8</sup>. It will stay in effect for five years and will be accompanied by academic research that will evaluate its effectiveness. After this period, it will be brought back to the Knesset for review (The Israeli Government, 2019, pp. 234–235). The new law does not contradict the prior criminal laws regarding sex work in Israel, which prohibit organizing sex work in brothels, soliciting, pandering, and advertising sex work (Dominitz et al., 2017, p. 57; The Israeli Government, 2019, pp. 234–235; *The Penal Code*, 1977).

The purpose of the new law is to reduce the consumption of sexual services in Israel, as part of a combined effort that includes public education and public awareness alongside the expansion of treatment and rehabilitation methods for the persons involved in sex work (The Israeli Government, 2019, pp. 234–235).

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<sup>5</sup> EU decisions do not have jurisdiction in Israel, however they were directly referred to as evidence for the need to bring reduction in the consumption of prostitution.

<sup>6</sup> The history of the legislation process is further discussed in chapter 10.

<sup>7</sup> Administrative offense is a misdemeanor prohibited by law, which can result in a fine, but is not regarded as a felony and does not lead to incarceration or criminal record. A person can ask to be tried instead of paying the fine ("Administrative Offenses Act 1985," n.d.).

<sup>8</sup> Due to the governmental crisis in Israel, having three elections within a period of one year, and due to the budget deficit, many services and reforms are frozen or delayed. Some articles in the media published a police statement doubting its own ability to be prepared for enforcing the new law in time (Yanko et al., 2020). Currently, the law officially came into effect though the police is not yet authorized to enforce it (Levi and Horodichano, 2020).

### 4.3 Governance Feminism

Janet Halley defined Governance feminism (GF) as:

"the incremental but by now quite noticeable installation of feminists and feminist ideas in actual legal-institutional power" (Halley et al., 2006, p. 340).

GF comes in different forms, and some types of feminism participate more than others. Halley does not claim that feminists succeeded in every attempt to influence and shape policies; however, they are not powerless outsiders. Instead, GF refers to the new forms in which feminist legal activism engages with power (Halley et al., 2006). It engages not only legislation, litigation, and policymaking but also in other strategies such as consciousness-raising and personal pressure campaigns and is present on national and international scales (Halley et al., 2006, pp. 340–341).

The debate regarding sex work legislation is polarized and contains two contradicting feminist approaches: the neo-abolitionist approach and the legalization and decriminalization approach. These two competing approaches seek to protect sex workers and promote equality between men and women (Shamir, 2016, p. 103). Shamir, who researched feminist approaches to the regulation of sex work, referred to both approaches as GF since both are part of feminist campaigns and translate feminist ideas into legal reforms. These two approaches disagree on the key issue regarding sex work- choice. *Can women choose freely to engage in sex work?* (Shamir, 2016, p. 113)

The legalization and decriminalization approach is supported by liberal and postmodern feminists and by sex workers organizations. The approach distinguishes between sex work, that is consensual between adults, and trafficking and sexual exploitation. Its supporters believe that sex work by choice is a form of work like any other work. The dangers in the sex industry are caused by its illegality and by the social marginalization of sex workers. By decriminalizing it, sex workers would not be stigmatized and could enjoy workers' rights (Carson and Edwards, 2011, pp. 65–66; Shamir, 2016, p. 105).

The supporters of the Neo-abolitionist approach believe that no one could choose freely to engage in prostitution (Shamir, 2016, p. 104). This approach, supported by radical feminists, claims that most people who engage in sex work do so out of a

limited variety of choices and as a result of financial, emotional, and social distress, that make it difficult to get out of the "prostitution cycle" (The Israeli Government, 2018; Waltman, 2011, p. 456). The radical feminist approach views sex work as an ongoing trauma and refers to research showing that people working in the sex industry are exposed to hazards, dangers, and abuse (Almog, 2009, pp. 17–20; Carson and Edwards, 2011, p. 67; Waltman, 2011, pp. 454–456). Also, on top of the emotional damage that depends on the person's personality and specific circumstances, sex workers pay a high "tax" of social disgrace. This "tax" is paid by the sex workers and not by the clients and makes it even more challenging to break out of the "prostitution cycle." This social stigma also exists in states that have fully legalized sex work. Therefore, social constructs and stigma make "informed consent" impossible in this situation (Almog, 2009, pp. 20–22).

The neo-abolitionist approach compares sex work to torture, slavery, and selling organs, acts that have such high damages, which makes consent irrelevant (Almog, 2009, p. 23; Bindel, 2017, pp. 38–39). Its supporters see prostitution inherently as violence against women and therefore claim that the state should try to abolish it entirely. Accordingly, this approach criminalizes all who are involved in the sex industry, including pimps and clients, but not the sex worker, as she is a victim of violence in need of protection (Shamir, 2016, p. 104). Furthermore, the neo-abolitionists view sex work not only as a form of violence against the women that engage in it but as a social problem that affects all women in society. As long as sex work exists and the men in the society view women's bodies as something that could be bought, gender equality is not possible (Ekberg, 2004, p. 1189; Östergren and Dodillet, 2011, pp. 1–2).

Shamir applied cost-benefit analysis on the legal regimes of sex work from Sweden (neo-abolitionist), Holland (legalization), and Israel before the passing of the new law (partial criminalization). She showed that both feminist approaches protect the needs of some sex workers but neglect the need of others, especially those who are most



vulnerable, like migrant sex workers. She offers a Hybrid approach as a possible solution<sup>9</sup> (Halley et al., 2006; Shamir, 2016).

Through the mapping of these approaches, Shamir realized that:

"... the current form of GF tends to deny its own power, and consequently systematically overlooks the shifts in bargaining power, distributive consequences, and production of winners and losers yielded by feminist legislative reforms" (Halley et al., 2006, p. 361).

Shamir claims that both feminist approaches have the tendency to overlook the costs it may have to some and focuses only on the benefits it would bring to others (Shamir, 2016, p. 394). This insight could be beneficial for understanding why some voices of sex workers were more present than others in the legislative process.

## 5. Sex Workers' Participation in the Legislative Process

The supporters of the Swedish model see it as a curtail step for gender equality, while sex workers' rights organizations claim that it is harmful to sex workers and is in violation of their rights. One of the main criticisms of the Swedish model is the lack of participation of sex workers in the legislation process.<sup>10</sup>

The right of equal participation in political and public affairs is mentioned in the International Convent on Civil and Political Rights; Article 25 states that:

"Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;" ("OHCHR | International Covenant on Civil and Political Rights," 1966).

As explained in the general comments, the term "conduct of public affairs" is a broad term that relates to the exercise of political power and specifically legislative,

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<sup>9</sup> Shamir suggested that, in certain circumstances, a declared abolitionist goal with informal characteristics of decriminalization could benefit sex workers more than the two traditional legislative approaches. For more see "Feminist Approaches to the Regulation of Sex Work: Patterns in Transnational Governance Feminist Law Making" (Shamir, 2018a).

<sup>10</sup> For more on criticisms of the Swedish model, see for example "The Swedish Sex Purchase Act: Claimed Success and Documented Effect" (Östergren and Dodillet, 2011) and *Feminism, Prostitution and the State: The Politics of Neo-Abolitionism* (Ward and Wylie, 2017).

executive, and administrative power. It refers to the right of the individual person to participate, be represented, and heard in matters regarding public affairs (Human Rights Committee, 1996, p. 4).

Previous research on the legislation process in Sweden indicated a lack of sex workers' participation in it. Gould (2001) studied the debate regarding sex work before the passing of the law in Sweden. He showed that during the debate and legislation process of the client criminalization law, the position of sex work as a free choice of independent women was simply dismissed. Furthermore, the only voices of sex workers that were given a platform were those in accordance with the victim-oriented discourse. There was little coverage of liberal views in the press. Views of sex workers that wanted to keep working in the sex industry that felt empowered or those who questioned the law were silenced (Gould, 2001, p. 452). Svanström researched the debates and policies in Sweden regarding prostitution between 1980-2004; she also pointed out that sex workers have not been invited to participate in the formulation of the law that will directly affect their trade (Svanström, 2006, p. 80).

Furthermore, Petra Östergren published sex workers' critique of the Swedish prostitution policies. She highlighted that sex workers felt that they were overlooked in the decision-making process and were only listened to when they said the “correct thing”- that they are victims and are grateful for the current policies (Östergren, 2011). Finally, Levenkron (forthcoming 2020) examined the link between law and society and studied the power of legislation to promote social change through the examination of a case study of the Swedish model legislation. She described Sweden's attitude as paternalist, showing that sex workers that opposed the law were systematically excluded from the debate (Levenkron, forthcoming 2020, p. 32).

Indications for lack of participation in the legislation process of Swedish model laws were found in other countries as well. Research regarding the political debates in France that led to the passing of the sex purchase ban showed that even though sex workers were invited to state their opinions about the law in front of a special committee, they were given only a few hours to state their case. Afterward, in an interview, the MP rapporteuse of the law, Maud Olivier, clearly said that they "had to listen to them (the sex workers organizations) not to appear sectarian, partisan, or not

objective" and that "the MP's already knew they would not be convincing" (Calderaro and Giametta, 2019, pp. 168–169).

Ward (2017) examined the prostitution law reforms in Ireland. She argued that the neo-abolitionist discussion in Ireland marginalized all other discourses, including those of sex workers themselves. She showed that sex workers' participation in the legislative process was weak, both due to organizational and financial deficiencies of the Sex Workers Association of Ireland and the essential exclusion of the neo-abolitionist discourse. The contribution of sex workers was regarded as less valuable by policymakers than that of former sex workers who had no interest in the outcome of the process other than concerning exploitation in prostitution. Furthermore, Ward suggested that the law denied consent to all sex workers, therefore denying the validity of their perspective on their own subjectivity (Ward, 2017, p. 99).

The above studies mentioned sex workers' participation, but this was not their primary focus. In the context of Israel, there is research on related subjects such as Hila Shamir's work on GF (Halley et al., 2006; Shamir, 2018b, 2018a) and Yeela Lahav-Raz's article regarding the online feminist debate on the Israeli sex industry (Lahav-Raz, 2019).

Levenkron's soon to be published research examined not only the legislation in Sweden but also the legislative process and ongoing debate regarding client incrimination in Israel. She claimed that the number of women from civil organizations involved in the legislation increased in the 20<sup>th</sup> Knesset, therefore increasing the number of women that benefited politically and personally from it. Furthermore, she argued that the choice of academics that were invited to speak in the committee was tendentious, consistently preferring researchers that supported client incrimination. The passing of the law was described as a feminist act, the only feminist option, while silencing the voices of those who opposed it. The focus of the debate was on rehabilitation and not on the underlying causes that enable and create the existence of the sex industry (Levenkron, forthcoming 2020, pp. 61–62). The legislation process brought attempts for association and action by those who would be most affected by it. Argaman- the Working Women Organization<sup>11</sup>, was formed in the

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<sup>11</sup> For more on argaman see their Facebook page [https://www.facebook.com/argaman.alliance/events/?ref=page\\_internal](https://www.facebook.com/argaman.alliance/events/?ref=page_internal)

effort to influence and stop the legislation process. Levenkron refers shortly to sex workers' participation and argues that even when the representatives of Argaman were allowed in the committee meetings, they received a disrespectful and patronizing treatment (Levenkron, forthcoming 2020, p. 65).

Levenkron highlights that there is not enough research that includes interviews with central players that formed regulations regarding sex work (Levenkron, 2020, p. 6). *This study aims to fill the gap in research, examine the legislative process of the new Israeli law, and refer to sex workers' participation as its focal point. It will be based not only on documents and protocols but also on interviews with main actors that took part in the legislation process, including politicians, government officials, civil society organizations, academics, and, most importantly- sex workers.*

## 6. Power and Participation- Theoretical Framework

The premise of this study is that participation is interlaced with power; therefore, to understand participation, it is crucial to think about power and how it can be analyzed, especially in complex situations involving sensitive moral matters (Prout and Tisdall, 2006). There is no theory directly referring to the participation of sex workers in legislative processes. Thus, this research is based on relevant theories that refer to the participation of other groups.

Michael Gallagher referred to Foucault's work on power and how it could provide a set of tools for understanding children's participation in decision making (Gallagher, 2008). I believe that his argument could bring useful insight for understanding the participation of unconventional groups<sup>12</sup> in decision and policymaking in general and specifically the participation of sex workers in such processes. This is since the power relations between adults and children in decision making could be equivalent in some respects to the power relations between the state and sex workers in the legislation process. The state can legislate laws and pass regulations that will have far-reaching consequences on sex workers' lives and occupation as adults have the power to make decisions that profoundly affect children's lives. In both cases, there is tension

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<sup>12</sup> I chose not to use the term 'marginal group', following my interview with Romy Loewy, who pointed out that she finds this term offensive and disempowering, she suggested the term 'unconventional group' to replace it.

regarding the agency of those affected by the decision (Gallagher, 2019; McNay, 2015, p. 43).

Foucault's work does not offer a coherent theory on power; its contribution is not for creating a universal theory on participation, but a set of methodological principles that could be beneficial for understanding the different and diverse forms of participation (Gallagher, 2008, pp. 396–397).

In one of his later writings, Foucault defined power as:

“a mode of action which does not act directly and immediately on others. Instead, it acts upon their actions: an action upon an action, on existing actions or on those which may arise in the present or the future...it incites, it seduces, it makes easier or more difficult; in the extreme it constrains or forbids absolutely” (Foucault, 1983, p. 220).

By this view, power is understood as something that is exercised, not owned, or possessed. Foucault argued that power does not exist in the abstract; "power exists only when it is put into action" (Foucault, 1983, p. 219). For example, if sex workers were invited to participate in the work of a committee on the outlines of the new law, they would have power only while participating. If they chose not to participate, they would have only an unrealized capacity, not power. Without action, there is no power, only a potential (Gallagher, 2008, p. 397).

In his historical inquiry, Foucault left the question "what is power?" open, and instead focused on the questions of how power is exercised in a specific context and to what effect (Gallagher, 2008, p. 398). According to Foucault's view, Power is not hierarchical and concentrated in the hands of a specific group of people or a specific body like the state. Instead, it is distributed in a net-like form throughout society. "power is everywhere" (Foucault, 1978, p. 93). By this view, it is not only the politicians that had power in the legislative process but everyone that took part and tried to influence this process, such as NGO representatives and sex workers. A Foucauldian conception of power suggests that instead of analyzing 'who has the power' it could be more useful to look at "the ways in which power is exercised through networks of relations" (Gallagher, 2008, p. 399).

According to the Foucauldian theory of power, subjects who exercise power do not have complete control over the effects of their actions. Therefore in the analysis of power, the conscious intentions of those involved are irrelevant because the rationality of power is found in its effects and not in the thoughts of those who exercise it (Gallagher, 2008, p. 400). Gallagher suggested that researchers could gain valuable insights by looking at the effects of participatory initiatives, rather than at the declared intentions of those who designed and implemented the initiatives. For example, while studying the specific meeting of the subcommittee for combating trafficking in women and prostitution that offered an opportunity for sex workers to come forward and speak, it is essential to examine the effect that this meeting had and not only the intentions of those who organized it. It might be useful to make a distinction between discourse and practice, between what is said or written about participation and what is done. The inquiry would include the action of those involved in the project, the techniques they use to influence one another, or to resist and evade such influence and the effects all of these actions have (Gallagher, 2008, p. 400).

Gallagher did not elaborate on the concept of 'empowerment' in his article. However, I believe that in the examination of if and how voices of sex workers have been taken into account in the legislative process, discussing empowerment is essential for understanding the undercurrents that affected decision making. Empowerment is generally understood as "a process of helping people gain control over their own lives"(Pease, 2002, p. 136). The definition of empowerment depends on the way one understands power. When looking at power as hierarchical and concentrated in the hands of the few, empowerment could be referred to as a process of transferring power, like a commodity, from those who have it to those who are oppressed. It is often described as something that is being done to a person or a group of people (Pease, 2002, p. 137).

Understanding empowerment through the Foucauldian perception of power is more complicated. Pease argued that the understanding of power as diffused through a network of social relations does not contradict critical theorists' claims that dominant groups have power over subordinate groups. This because the acknowledgment that power is dispersed across society does not mean that people's powers are equal. Based on Foucault's argumentation that power and knowledge are inseparable, Pease described that one way of exercising power is through some discourse becoming

dominant over others and refers to political struggle as a battle between different knowledges. He suggests that a way to liberate and empower subordinate groups is to produce alternative power saturated knowledges that will challenge the dominant discourse (Pease, 2002, p. 141). For example, if the dominant discourse is a radical feminist discourse, claiming that all sex workers are victims, a way to empower sex workers who do not identify with this discourse is to produce alternative knowledge and present their point of view through different means such as media, social media or academic research.

Another way of understanding empowerment is as a process of enlightenment, a journey of self-discovery. A life event, politicization process, or awareness training leads to the realization that one can free oneself. Instead of reproducing the status quo, one can seize control over the process that governs daily life. As such, empowerment can't be delivered or done to someone, outsiders can facilitate the process, but the person must take empowerment or achieve it for themselves (Kesby, 2005, p. 2051). This can refer to the personal process sex workers went through developing political awareness and organizing to influence the legislative process.

Foucault's work on 'governmentality' indicates that participation does not necessarily empower those who take part in decision making. Foucault described that, in liberal democracies, political power is not practiced by crashing the autonomy of the subject into submission, but rather by process of self-regulation and self-discipline. Thus, subjects take part in policing their own lives. Participation in decision making could act as a liberating mechanism that empowers the subjects and enhances their freedom, but also as a mechanism of domination that imposes power relations instead of overcoming them (Gallagher, 2008, pp. 401–402; Kesby, 2005, p. 2037; Pease, 2002, p. 140).

When power is understood this way, the power of governed agents and the power of governmental institutions appear as co-dependent instead of mutually exclusive. Gallaghers described participation as "a frontier on which the wills of individuals and the wills of governmental institutions directly confront one another." The result is an ongoing battle between the wills of organizations and their subjects, for example, between the state and sex workers, in an attempt to influence one another through endless 'actions upon actions' (Gallagher, 2008, p. 402).

Relying on Foucault's work on power, Gallagher drew a number of practical implications for understanding children's participation. First, power is not a commodity; it is better understood as a general term for certain kinds of actions. When looked upon this way, it appears to disperse and diverse, distributed along the society. Instead of looking on participation as a process of where those who have power (for example, adults or the state) empower those who do not have it (children or sex workers) by giving them some of their power, it might be more interesting to look on how power is exercised, through different techniques and interactions between the individuals (Gallagher, 2008, pp. 402–403).

Second, power is relational. People cannot "have" power, but they can "exercise" it over other entities. As such, it always involves relationships between at least two entities, in the case of this study, the different players that were involved in the legislation process: the state, civil society organizations, and sex workers. Gallagher supports recent suggestions to take these relationships as a focal point in empirical work (Gallagher, 2008, p. 403).

Third, Gallagher pointed to the particular understanding of intentionality that the Foucauldian perspective on power provides. For Foucault, power manifests its purposes not in the conscious intentions of those who exercise it but in its effects. Gallagher warned researchers from tending to apply this idea in their analysis by using devise methods for the standardized, 'objective' measurement of participation outcomes. This would be a form of utilitarian instrumental rationality. According to Gallagher, Foucauldian analysis of the effects of participation would be less systematic and more interpretative. It would involve telling stories rather than clamming to objective "truth"(Gallagher, 2008, p. 403); as such, this study discusses not only the right of participation of sex workers but also the experiences of participation.

Finally, Gallagher suggested that Foucault's outline of power as governmentality could bring a needed alternative to the two opposite approaches for children participation: the approach that sees participation as a key principle for true democracy and as a way to correct unjust decision making structures, and the approach that considers participation in reality as ineffective, as adults consult children but do not act upon their suggestions for change. Gallagher claims that booth



these narratives miss some of the messy and ambiguous aspects of participation and that Foucault's perception of power could offer a viable alternative (Gallagher, 2008, p. 404).

I believe that the complexity of participation that could be revealed through Foucault's perception of power is also relevant to sex workers' participation in the legislative process. For this research, I find Foucault's perception of power as an "action upon action," nonhierarchical and spread in a net-like form throughout society, especially beneficial for exploring the complex process of participation. The research examined not only 'who participated?' but takes 'how was participation exercised?' as an essential focus key. The study examined what actions were taken by both the state to allow participation and the sex workers to exercise participation. Gallagher's work highlights the importance of reviewing in what ways sex workers participated in the legislative process- what actions have sex workers taken to influence and participate in decision making? What actions had the state taken to allow (or deny) such participation? How had sex workers participated in practice? Focusing on how participation was exercised, on effects instead of intentions, and looking at power as a relational net of actions are the key points applied in this research while analyzing sex workers' participation in the legislation process.

## 7. Research Methods

This study is qualitative. For many years the term 'qualitative research' was used as a way to describe an alternative to 'quantitative research,' it was formed on the background of critique of quantitative research and especially its development in the 1960s and 1970s (Uwe Flick, 2007, p. 1). Qualitative research has a long history, and with time the meaning of the term has become more evident. It is no longer defined as 'nonqualitative research' but has its own identity (Uwe Flick, 2007, pp. 1–2). Despite the variety of approaches to qualitative research, some common characteristics could be identified: qualitative research refers to the world 'out there' (and not to specialized research setting such as laboratories) and intends to understand, describe and, in some cases, explain a social phenomenon from the inside. There are different ways to achieve that, such as: analyzing experiences of individuals or groups, analyzing interactions and communications, and analyzing documents. (Uwe Flick, 2007, p. ix). Qualitative research is interested in the perspective of the participants and in everyday

practices and knowledge of the issue. It begins from the notion of the social construction of the realities under research and uses text as an empirical material (Uwe Flick, 2007, p. 2).

Validity in qualitative research refers to the “appropriateness” of the research tools, processes, and data. A qualitative study is considered valid if: the research question is appropriate for the desired outcome, the methodology used is suitable for answering the research question, the research design is appropriate for the methodology, the sampling and data analysis are appropriate, and the results and conclusions are appropriate for the sample and context (Leung, 2015). One strategy for testing the validity of qualitative research is triangulation, the use of multiple methods or data sources to develop a comprehensive understanding of phenomena (Triangulation, 2014, p. 545). This research aimed to get a deeper understanding of the legislative process of the new Israeli law, the different voices that took part in the discussion, and specifically the role that sex workers’ narrative played in the debate. In order to do so, data source and method triangulation were used; data was gathered both from interviews and documents and was analyzed thematically and through content analysis accordingly.

There is a wide variety of documents relevant to this issue. The study referred only to those most pertinent to the research question, those who reflect best the different actors that took part in the debate and the different voices that were represented in it:

- the law proposals (Gal-On, 2008; Gal-On and Muallem, 2017, p.; Lavie et al., 2017; The Israeli Government, 2019, 2018; Zuretz, 2010)
- protocols from the Subcommittee on Combating Trafficking in Women and Prostitution (STWP) and from the Constitution Law and Justice Committee (CLJC) (Constitution, Law and Justice Committee, 2018a, 2018b, 2018c; Subcommittee on Combating Trafficking in Women and Prostitution, 2018)
- the national survey (Santo and Carmeli, 2016)
- the Report of the Inter-Ministerial Team to Examine the Tools for Reducing Prostitution Consumption (Dominitz et al., 2017)
- a recent position paper, written by sex workers rights organizations and their allies (Ahoti – for Women in Israel et al., 2020)

Further information regarding the discussion in the committees was gathered through semi-structured interviews, as I believe interviews could give a more profound understanding not only on the content of those meetings but also on the motives and experiences of the participants.

Nine participants were interviewed for the study. Participants were chosen both on account of their role in the debate, those who had a vital part in the discussion, and on account of variety, representing the different opinions and professional background. As such, I interviewed MK's and government officials, women from Civil society organizations, academics, and sex workers. Among the participant were people with different views regarding the new law, those who promoted it as well as those who opposed it.

The interviews were in-depth semi-structured interviews, held either face to face or, due to the COVID 19 crises, via phone call or video call. The interviews lasted between 30 minutes to 4 hours, and one correspondence was done by email. Due to the COVID 19 crisis, some of the interviews were canceled; however, those that were held provided sufficient data to answer the research questions. All interviews were conducted in Hebrew, and direct quotations used in this study were translated by the researcher. The interviews were analyzed thematically through the identification of common themes, ideas, topics, and patterns in the texts. The documents were analyzed using content analysis, a research technique for the systematic production of valid, repeatable inferences from data to their context. By this technique, information is analyzed systematically based on criteria that are applied consistently (Haim Navon, 1993; Krippendorff, 2018).

The theoretical framework used in the analysis is drawn from the Foucauldian theory on power and discourse (Gallagher, 2008; McHoul et al., 2015). Foucault's work on power is especially useful in uncovering the complex ways power is exercised both productively and repressively in relational exchanges through the networks of people in society that government decisions are implemented upon (Gallagher, 2008, p. 400).

## 8. Limitations

First, this paper refers to sex work as a gender issue, as it is described and referred to in the Israeli legislation. Therefore, sex workers are referred to as women; a possible

criticism of this study is that it overlooks male sex workers.<sup>13</sup> Furthermore, trans women took a significant part in opposing the law to the law; unfortunately, the members of Israel Trans organization chose not to take part in this research; therefore, their point of view on participation in the legislation process is missing.

Second, it is difficult to gather accurate and reliable information regarding sex work, as it is accompanied by social disgrace and usually happens in the shadows, far away from the public and the public officials' eyes. Furthermore, there might be a gap between the number of people engaged in sex work by the definition of the authorities or academic research and the number of people that define themselves as engaged in the sex industry. These difficulties make it impossible to obtain an objective and neutral documentation of the phenomenon; the definitions and questions affect the findings of the research (Dominitz et al., 2017, p. 23; Levenkron, forthcoming 2020, pp. 4–5; Shamir, 2018a, p. 120). The characteristics of sex workers and the sex industry that were used in the legislation process of the new law are drawn from a national survey that examined the "prostitution phenomenon" in Israel and estimated its scale (Santo and Carmeli, 2016). I referred to this survey in this research as one of the sources of information that the new law is based on. However, considering the difficulty of obtaining an accurate and objective study of the characteristics of the sex industry, this study relied as little as possible on this information in the analysis. Therefore, even though feminist intersectionality theory could be very helpful for the discussion regarding sex workers participation, the lack of reliable demographic information did not allow its use as a theoretical framework.

Third, this research is based on interviews and, therefore, is affected by memory bias. In order to limit this effect, the information was also gathered from documents. The goal of the research is not to present one objective truth but to combine the various stories that emerged from the interviews into a complex picture of sex workers' participation.

Furthermore, this is a small-scale thesis project, and there is little prior research regarding sex workers' participation in the legislation process of the new Israeli law. As such, this research will be mainly descriptive, unfolding the legislative process, the

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<sup>13</sup> For more on this issue see "Male and Female Escorts: A Comparative Analysis" (Koken et al., 2010) and "Why We Need More Research on Sex Work" (Weitzer, 2000).

different voices that were represented, and the part that sex workers were able to take in it. Further research using different methods, such as critical discourse analysis, could be beneficial to uncover other layers regarding sex worker's participation.

Finally, this research was done during the COVID-19 outbreak. Due to the complicated situation that derived from the virus spread, most interviews did not take place face to face, but rather via phone or video calls, and some were unfortunately canceled. Video interviews are a good alternative, but not a perfect one. They required a quiet space and good internet connection for both interviewer and interviewee and were sometimes interrupted by a bad signal or background noise. Furthermore, talking through a screen and not face to face did create challenges in forming an open and intimate conversation and building trust with the participants. Every effort had been made to create a space that enables open dialogue under the circumstances.

## 9. Ethics

Sex work is a hidden phenomenon, accompanied by social disgrace, and the debate regarding it is characterized by polarization and disagreements; therefore, ethical issues regarding terminology, bias, consent, and anonymity should be addressed carefully.

The terminology used in writing about sex work and the sex industry uncovers the writer's approach and worldview. For example, the term "sex worker" represents a liberal approach, while the term "prostitution survivor" represents a radical point of view (Geetanjali and Nicole, 2006, p. 1). I chose to use the term "Sex worker" because this term highlights the legitimacy of this occupation as a form of work, therefore deserving of worker rights (Bouclin, 2006, p. 102). It is an inclusive term that gives social legitimacy and therefore resists against the process of "othering" (Hulusjö, 2013).

My choice of terminology represents a liberal feminist point of view, though my personal opinion on the new law is more complicated. I worked as a reach-out worker with youth at risk and as a night guide in a harm reduction shelter for youth subjected to commercial sexual exploitation. Therefore, I was exposed to the harmful aspects of the Israeli sex industry and learned that the line between choice and exploitation is not

always clear. Even though I believe that some people choose to enter the sex industry and that this choice is legitimate, I find it hard to accept the legitimacy of purchasing sexual services. This is a paradox I have not yet managed to resolve. Regardless of my personal view on the new law, I believe that discussions and policies regarding the sex industry should always include the voices of sex workers and prostitution survivors (and those engaged in sex work that does not identify with any of these titles). Participation is a human right. This view has guided me through the process of this research.

Due to my work experience, I had a preunderstanding of the subject. My experience helped me in some aspects of this research, especially the experience in active listening and creating an open and non-judgmental atmosphere in a conversation. I aimed to minimize my own bias in this research first by interviewing a wide variety of people that were involved in the legislation: sex workers & prostitution survivors, politicians, activists, and NGO workers that had different approaches and opinions on the law. The interviews contained open questions that did not lead the interviewees towards a specific position but instead encouraged them to talk freely about their own opinion and experiences. The information presented in this research is based both on interviews and documents, while carefully separating facts from opinions and using the research questions as a compass that guided me in the analysis process.

The information gathered in the interviews was very wide, and in some cases, contained descriptions of traumatic events. Hearing such stories was not new to me due to my work experience, though it is always an emotional encounter. Deciding what parts of the description of traumatic events should be included was not an easy task. On the one hand, one wants to stay as accurate and true to the words of the interviewee and not edit them to make them 'easier to swallow,' and on the other hand, reading about such events could be triggering for the readers. I did not edit the traumatic descriptions out of the text, as I believe the message of the interviewee would be lost by such editing and as I was specifically asked by them not to make the text "sterile." However, I included citations that referenced traumatic events only when it was relevant and necessary to answer the research questions.

All interviewees received an explanation about the study and its goals and signed an informed consent form. In cases of online or phone interviews, the consent was given

verbally. Many of the interviewees are public figures- politicians and activists; as such, anonymity is irrelevant in this particular case. Anonymity was discussed with all interviewees, and names are presented in the research according to interviewees' consent. Regarding sex workers, interviewees' anonymity is a crucial and important issue, as this occupation is accompanied by social stigma, and revealing their identity could have harmful results. All interviewees took part in activism and, as such, were “out of the closet” publicly before the research. The issue was discussed individually with each one, and the decision was made following their wishes. For example, Gal Emmet demanded that her name would be used:

“The only place in my life where I am G. is when I finish to write a text and sign it G point. Even when it's on my Facebook, and everyone knows it's mine. The cover of anonymity is mine and mine alone to choose.” (12 March 2020, Personal interview)

Another ethical issue that arose from the interviews with the sex workers referred to white women and feminist activists that build their careers at the expense of sex workers and prostitution survivors. This question of how to research sex workers' participation without patronizing and taking advantage of sex workers' life stories and experiences had troubled me since the beginning of the research process. There is no simple solution to this issue, though I took several actions to avoid such a situation. During the formulation of my research proposal, I entered in contact with Argaman-Working women Organization and shared the idea of the research with them. I decided to continue with this research topic after getting a green light. During the interviews with sex workers, we also talked about their views and wishes regarding the research and the way that their stories would be presented, and I tried to shape the thesis accordingly. I was mainly asked to stay true to the stories, not modify the words to make things sound “smarter” or more coherent, and to give room for pain and complexity, as I tried to do all through this paper. Furthermore, interviewees got the option to read their quotations and approve them. My hopes and wishes were to do this research, not at the expense of interviewees but rather hand in hand, together, and in full cooperation with them.

## 10. The History of the Legislation

In order to get a full understanding of a regulation process and the participation of different actors in it, there is a need to explore not only the laws and court rulings but also to examine the different players, factors, and processes that took place openly and also under the surface. Social, political, and legal historical contexts are crucial for the analysis of the legislative process (Levenkron, forthcoming 2020, p. 3). Therefore, this chapter discusses the background in which the Israeli prohibition on the consumption of prostitution came to be.

Israel adopted a partial incrimination approach to sex work (Shamir, 2016, p. 124). Sex work is referred to in the penal code under Part Two: Offenses, Chapter Eight: Offences Against the Political and Social Order, Article Ten: Prostitution and Obscenity, exposing the legislators' approach for sex work as a disturbance to the public peace. Under the Israeli law, sex work in itself was not prohibited, and neither the purchase of sexual services, yet related acts such as organizing sex work in brothels, soliciting, pandering, and advertising sex work were criminalized.<sup>14</sup> (*The Penal Code*, 1977). Even though the Israeli legislation criminalized pimps and owners of properties that were used for sex work, in practice, the authorities showed tolerance towards the sex industry that existed openly for the most part and enjoyed a form of institutional recognition (Shamir, 2016, p. 124).

At the beginning of the millennium, under US pressure, Israel passed new legislation prohibiting human trafficking. The debate on the issue started before by NGO's and the law was a result of cooperation between feminist organizations and politicians<sup>15</sup> (Levenkron, 2020, pp. 57–58). A new inquiry committee was formed, Led by Zehava Gal-On<sup>16</sup>, and later became a parliamentary subcommittee on Combating Trafficking

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<sup>14</sup> On the history of prostitution regulation in Israel see “Will the Lord's Vessels be Able to Destroy his House? Legislation as a Tool for Social Change: Incriminating Clients in Sweden and Israel as a Case Study” pages 53-60 (Levenkron, forthcoming 2020)

<sup>15</sup> For a detailed discussion on the part that neo-abolitionist feminists took in the anti-trafficking legislation in Israel see “Anti-Trafficking in Israel, Neo-Abolitionist Feminists, Markets, Borders, and the State” (Shamir, 2018b)

<sup>16</sup> Zehava Gal-On was a Knesset member from Meretz, a Zionist, social democratic left party. She was the head of the party from 2012 until 2018 when she retired from political life. Many of her political activities were related to promotion of gender equality.



in Women<sup>17</sup>. The legislation regarding human trafficking changed the face of the sex industry in Israel, and while human trafficking was down, the place of trafficked women was filled by Israeli women (Levenkron, 2020, pp. 58–59; Shamir, 2016, p. 154).

This was the background for the discussion on client incrimination legislation in Israel. The issue was first raised by organizations that worked with victims of human trafficking, and throughout the debate, the law proposals were promoted by politicians alongside civil society organizations<sup>18</sup>. The first private bill was handed to the Knesset by Zehava Gal-On in 2008 (Gal-On, 2008). In 2012 Orit Zuaretz's<sup>19</sup> bill past the preliminary reading in the plenum (Zuaretz, 2010).<sup>20</sup> However, the Knesset was dispersed, and as the law did not pass the first reading, it was not on the agenda of the next Knesset.

In 2016 a national survey was published by the Ministry of Labor, Social Affairs and Social Services, and the Ministry of Public Security regarding the prostitution phenomenon in Israel (Santo and Carmeli, 2016). The survey (that was criticized by feminist organizations) examined the demographic characteristics of the Israeli sex industry and sex workers but did not refer to the clients. It gave, for the first time, estimation on the size of the sex industry in Israel.<sup>21</sup>

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<sup>17</sup> For more information on the work of the committee see “Parliamentary Inquiry Committee on Trafficking in Women” (The State of Israel, 2008) available at [https://www.knesset.gov.il/committees/heb/docs/sachar\\_main.htm](https://www.knesset.gov.il/committees/heb/docs/sachar_main.htm)

<sup>18</sup> For example, the Task Force on Human Trafficking and Prostitution, that promoted the client incrimination bills from the beginning of the discussion. It is also part of the Coalition Against Prostitution, a coalition of 13 organizations- governmental, semi-governmental, and NGO's, that promoted the Swedish model legislation and the expansions of treatment and rehabilitation services for women in prostitution. For more on information see <http://tfht.org/about-us/coalition-organizations/>.

<sup>19</sup> Orit Zuaretz was a Knesset member from Kadima and Hatnua Parties between 2009-2013.

<sup>20</sup> The legislation process in Israel contains three readings in the plenum- if a bill passes the first reading it is discussed and prepared for the second and third reading by a Knesset committee. After passing the third reading a bill becomes a law in the book of laws of the state of Israel. Private bill proposals are required to pass a preliminary reading in the plenum before the first reading. For more on the Israeli legislative process see “Legislation” (The State of Israel, 2019a) available at <https://main.knesset.gov.il/EN/About/Lexicon/Pages/Legislation.aspx> and “Legislative Process in the Knesset” (The State of Israel, 2019b) available at <https://main.knesset.gov.il/EN/activity/Pages/Legislation.aspx>

<sup>21</sup> By this survey, in Israel 2014, there were 11,190- 12,040 people engaged in prostitution, among which 95% were women and 5% were men, and about 11% were minors (Santo and Carmeli, 2016, p. x).

In June 2016, Ayelet Shaked, the Minister of Justice, Ordered the establishment of an inter-ministerial committee to examine the tools to reduce the consumption of prostitution that was led by Emi Plamor<sup>22</sup> (Dominitz et al., 2017). The committee reviewed different models of legislation, as well as aspects of education and rehabilitation services. The committee highlighted the idea that the decision about the client incrimination should be made by the legislator; however, it did examine the legal principles that such law could be based on. Even though the committee avoided presenting a clear ruling regarding the Swedish model legislation, the report mentioned that as a principle, criminalization should be examined as a last resort, after reviewing all other possibilities to reach the goal of the legislation. They recommend using tools of education to influence public opinion and also to confirm that treatment and rehabilitation services are prepared to provide adequate assistance to women in prostitution to avoid harm resulting from the legislation (Dominitz et al., 2017, pp. 86, 92–94).

Discussions regarding sex work and the Swedish model in the Knesset took place in the subcommittee on Combating Trafficking in Women and prostitution That was led by Aliza Lavie<sup>23</sup> 2016-2019 (STWP). The STWP was presented with data and representatives from different countries, the result of the national survey as well as the conclusions of the inter-ministerial committee. Furthermore, the STWP members went on several field trips.<sup>24</sup> In the STWP meetings participated members of the Knesset, the government. Civil society organizations, academics, and also sex workers and prostitution survivors (Subcommittee on Combating Trafficking in Women and Prostitution, 2018).

Parallel to the promotion of the bill, sex workers who opposed client incrimination formed Argaman- Working Women Organization. Argaman supports the decriminalization of sex work. They worked on raising awareness of sex workers' rights and their opposition to the legislation in the media and tried to stop the bill from passing and to influence policymaking. Even though sex workers that opposed the law

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<sup>22</sup> Director General of the Ministry of Justice 2014–2019

<sup>23</sup> Aliza Lavie was a MK from Yesh Atid party, 2013-2019.

<sup>24</sup> The committee meetings and protocols can be found in <https://oknesset.org/committees/983.html>

have been allowed in some of the discussions, they suffered from a patronizing and disrespectful treatment.<sup>25</sup>

The discussion regarding the client incrimination law created collaboration not only between civil society organizations and politicians but across different political camps. In 2017 two private bills were handed to the Knesset- the first by Aliza Lavie, Meirav Ben Ari<sup>26</sup> and Aida Touma-Suleiman<sup>27</sup> and the second by Zehava Gal-on and Shuli Muallem<sup>28</sup> (Gal-On and Muallem, 2017; Lavie et al., 2017). Gal-On commented on this cooperation:

“Needless to say, that MK Muallem and I disagree, to say the least, about many things, but regarding the uncompromising treatment of prostitution clients and the rehabilitation of women in prostitution, we both had no doubt that it was a goal worth combining forces for.” (9 March 2020, email correspondence)

Nitzan Kahana<sup>29</sup> described this cooperation as the factor that enabled the passing of the law, as it turned it from a bill of the left, that was promoted mainly by Gal-On, to a “general feminist fight that unites political camps.” (25 March 2020, personal interview via Zoom).

The proposals were very similar and included 1-year incarceration for clients and seven years for those who bought sexual services from minors. They also included an option for the minister of public security to declare the consumption of prostitution as an administrative offense for a limited period of time and give an option to convert the fine with participation in the preventative training course (Gal-On and Muallem, 2017, p. 3; Lavie et al., 2017, p. 2). A central part of the proposals had to do with a net of social services, treatment, and rehabilitation for the “survivors,” that will have high budgetary implications (Gal-On and Muallem, 2017, pp. 3–6; Lavie et al., 2017, pp. 3–4). Both proposals passed the preliminary reading in the plenum and later were combined to one governmental proposal- The Prohibition on Consumption of

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<sup>25</sup> This will be further discussed in the next chapters

<sup>26</sup> Meirav Ben Ari was a Knesset member between 2013-2019 from Kulanu party, a centrist party focused on economic and cost of living issues.

<sup>27</sup> Aida Touma-Suleiman is the founder of the Arab feminist group women against violence and a Knesset Member from the joint list, an alliance between the main Arab political parties in Israel, from 2015

<sup>28</sup> Shuli Muallem was Knesset member for the Jewish Home party, an orthodox Jewish and religious Zionist political party between 2013-2018.

<sup>29</sup> The director of the Task Force on Human Trafficking and Prostitution (TFHT)

Prostitution Bill (temporary order), 2018 (The Israeli Government, 2018). The governmental bill passed the first reading on 22 October 2018 (The Knesset, 2018a, p. 192), and after preparation in the Constitution, Law and Justice Committee passed the second and third readings unanimously, on the last day of the 20<sup>th</sup> Knesset, 31.12.2018 (Constitution, Law and Justice Committee, 2018c, 2018b, 2018a; The Knesset, 2018b, p. 37).

Even though the law passed unanimously, Palmor argued that there was no consensus regarding the law, but rather an atmosphere by which opposing it was not an option. Supporting the law was presented as the only feminist way, and opposing it meant that one supports ‘prostitution’:

“If you ask me it was not a real consensus, first of all, it was the work of the MKs who promoted this move, and this consensus in my eyes was not a real consensus. It was talked about in the Knesset; it's not that people really thought that clients should be incriminated; it was more people who felt uncomfortable to refuse to sign. I mean, it's unpleasant for you to say you refuse this thing. OK, this is how we heard it backstage, and I think it was a brilliant political move by the MKs who wanted to promote this issue ... I tell you this for sure; there was no real persuasion.” (5 April 2020, personal interview via Zoom)

The governmental proposal was softer; criminal offense was exchanged to an administrative offense that may result in a fine, with an option for the Ministry of Justice to determine an alternative option for paying the fine, with the goal of raising awareness to the harms of prostitution and preventing the recurrence of the offense. Consumption of prostitution from a minor was criminalized and could result in 5 years of incarceration<sup>30</sup>. The rehabilitation and social services clauses were removed, leaving the decision on finance issues to the government. However, it was decided that the Ministry of Labor, Social Affairs, and Social Services and the Ministry of Public Security will report once a year to the constitution committee on issues of enforcement and rehabilitation services. The law passed as a temporary order for five years. It would be accompanied by research regarding its effects that will be presented to the constitution committee with recommendations regarding the prolonging of the law (The Israeli Government, 2019).

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<sup>30</sup> Buying sexual services from minors was already criminalized in Israel prior to the new legislation, with possible sentence of 3 years in prison, though the law was not enforced.

The law came into force in July 2020. The gap between the passing of the law and its enforcement was meant to give enough time for the system to adjust, both on aspects of law enforcement and social services and rehabilitation programs for the women who will lose their income. In practice, it seems that law enforcement is not prepared to enforce the new law, and the 30 million shekels that were given to the work and social services ministry for rehabilitation services did not reach its destination and are currently unavailable for the services. Former MK Aliza Lavie said that:

“Unfortunately, what is going on in this country is that there is no government and no Knesset and the law passed at the end of the 20th Knesset in the last few days and was supposed to come into effect a year and a half after with the hope and intent that all rehabilitation budget will reach its goal. Moreover, what has unfortunately happened is that the budgets that we tried to make sure will arrive at the welfare disappeared on the way ... Some of the budget in the office was probably earmarked for other purposes; some returned to the treasury because it was not used for its intended purpose. And in fact, the field is not ready today; the law is not enforced; the law did not start at all. Because it is impossible because it cannot be enforced. The field is not ready; we need to think about the women who are [in prostitution]. Oh, this is the situation today.” (9 March 2020, Personal interview via phone)

Lavie admitted that enforcing the law in the current state of affairs when rehabilitation and aid services are not prepared will harm sex workers. Currently, the minister of public security, Amir Ohana, refuses to sign the order that enables police to enforce the law. The ministry of public defense said the order would be signed when there will be adequate rehabilitation and therapeutic services to populations in prostitution and responses in the fields of health, welfare, and education, as indicated in the law to prevent harm to people in prostitution (Kemer and Gil-Ad, 2020). Even though the law is not yet being enforced, there are signs of its effect on the Israeli sex industry already. According to former MK Gal-On:

“The occupation with promoting the legislative initiative has led to a decrease in prostitution consumption in Israel. In fact, since this law was first read in 2017, many customers have been avoiding entering the prostitution arenas for fear of being criminalized, and aid organizations have reported a reduction in prostitution consumption since.” (11 March 2020, email correspondence)

according to Nitzan Kahana, director of the Task Force on Human Trafficking and Prostitution (TFHT), The number of clients has dropped, and aid organizations report

“a dramatic increase with rehabilitation requests” (25 March 2020, personal interview via Zoom).

Unfortunately, there was also evidence for an increase in police harassments of sex workers before the enactment of the law. Reut Guy<sup>31</sup> said that:

“There are many such arrests that we see, false arrests. Say, in Holon, I heard about all kinds of cops who start telling people that the law came into force, but it hasn’t; it will only come into force in July. Nevertheless, the arrests and harassment by police officers in the field have been happening for a year or two only on the rumor that it is coming. That is the situation when there is no law; what will happen when there is a law I do not know. I am very worried about it.” (26 April 2020, personal interview via Zoom)

The heated debate regarding the law did not stop after its passing, and those who oppose it are still trying to prevent its enforcement. On 24.2.2020, a position paper regarding the expected enforcement of that law was published. It was written by Argaman and organizations of the transgender community and demands to delay the implementation of the law by a minimum of 24 months (Ahoti – for Women in Israel et al., 2020). The paper presents data on the harmful effects of the law on sex workers in other countries that have adopted the Swedish model and also the harmful effects the law already has on sex workers in Israel, based on in-depth interviews with 29 sex workers. The paper contains a list of demands, including the participation of sex workers and transgender people in all policymaking processes that affect these populations (Ahoti – for Women in Israel et al., 2020, pp. 2–6).

## 11. Who Participated in the Political Game

At first glance on the participant lists from the discussions in the different committees regarding client incrimination laws, it seems that a variety of professionals from different backgrounds and occupations participated in the debate, including politicians, activists, aid organizations, and also prostitution survivors and sex workers. Former MK Aliza Lavie said on the work of the STWP:

“I brought in ambassadors of countries that decided on different kinds of legislations. The Dutch ambassador, where the mechanism allows [prostitution consumption], an ambassador to the Nordic countries to represent the Nordic

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<sup>31</sup> Reut Guy is the national director of the extreme risk programs in ELEM association for youth in distress.

model of banning consumption. I got opinions from here on out, from academia, from the field and social activities, and from women in a wide range of the prostitution continuum. Also, transgenders who opposed the legislation". (9 March 2020, personal interview via phone)

A closer look at the discussions regarding the client incrimination bills in the STWP and in the Constitution, Law and Justice Committee and the interviews with those that participated in them reveals that the debate was tendentious, representing those supporting the bills while excluding or silencing those who opposed it in different ways. Politicians that took part in the discussions used a radical feminist discourse presenting prostitution as a "disaster" that all those who engage in it are victims (see, for example, Shuli Mualem's comment on Constitution, Law, and Justice Committee, 2018a, p. 6). Unfounded data were presented as facts, for example, Shuli Mualem's claim "that 99% of the women don't choose prostitution" (Constitution, Law and Justice Committee, 2018a, p. 42) and Yehuda Glick's claim that "95% of the women are in a state of total devastation"(Constitution, Law and Justice Committee, 2018c, p. 14).

Opinions that did not fit the radical feminist discourse were silenced. For example, MK Merav Ben Ari said:

"We are aware of the occasional delusional reactions, that it is a kind of profession that needs to be regulated. I won't go into it at all because I won't give it stage." (Constitution, Law and Justice Committee, 2018c, p. 13)

Furthermore, those who voiced a different opinion received hostile reactions. For example, Goldie, a sex worker that chose to present herself with her stage name, and said she is happy in her profession, was interrupted continuously and was criticized for not using her real name:

"you are so happy, and yet you choose not to speak out with your own name, there is a contradiction here, no?" (Constitution, Law and Justice Committee, 2018c, pp. 43–44).

She voiced her experiences of feeling transparent and not listened to, and received hostile reactions such as "who is disturbing you to speak?"(Constitution, Law and Justice Committee, 2018c, pp. 43–44). Another example of the interruption and hostility could be found when Hagit Lernau voiced the objection of the public defender office to the legislation and mentioned that the voices of sex workers were

not heard in the discussions (Constitution, Law and Justice Committee, 2018b, pp. 7–9).

Even though sex workers were present in those discussions, they were given very limited time to voice their opinions. An example is S., an Arab sex worker that begged to be heard, and was told that:

"OK, you don't need to beg. When we will finish and have time, I will give you [permission to speak]... but only if there will be time left" (Constitution, Law and Justice Committee, 2018a, p. 42).

Another example is a recent discussion regarding the law and its implementation, where Argaman representatives were invited but not given permission to speak at all. (Argaman Working Women Organization, 2020).

Further evidence that the debate was tendentious is the different data and sources of information used in the STWP's discussions. First, the only research done on the scale of the sex industry in Israel, and its characteristics, was the national survey (Santo and Carmeli, 2016). The study was done after years of attempting to promote client incrimination bills, according to Reut Guy (ELEM):

"To tell the truth, the only national survey that was done in Israel is from 2014. OK? People have been trying to promote the law for ten years, long before they did a survey. I mean, we decided from the start what the solution is. And I always have a feeling that as long as you have a hammer in your hand, then the problem seems to be a nail. Do you understand what I'm saying? We already knew the answer was the law because it is immoral to have prostitution in the world, and then we went and did a survey... " (26 April 2020, personal interview via Zoom)

This survey was criticized for its methods by members of the coalition against prostitution (Gur et al., 2015)<sup>32</sup>. Some information that did not fit the neo-abolitionist perspective was disregarded or even excluded from the report. For example, the average age for entering prostitution, that according to the survey, was 26. Nitzan Kahana (TFHT) said:

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<sup>32</sup> The criticism includes the influence of pimps on the information, using male surveyors that impersonated as clients and the definition used for prostitution. In response to the criticism, a member of the research team said: "There's nothing really in this review to treat the study as un-credible". He argues that the number of interviews that were mediated by pimps is negligible (10 out of 609), and that surveyors impersonating as clients were the reason the survey was successful, as sex workers often live double lives and will not talk about their occupation outside of their workplace.



“Come on, it doesn't seem that even Argaman delegates today say that the age of entering prostitution is 26, they might say 18, but none of us, uh ... don't take this disproportionate figure; it is not the age of entry; it is many times the age of onset of decline”. (25 March 2020, Personal interview via Zoom)

Furthermore, answers to questions on sex workers' opinions regarding legislation were not included in the published report.<sup>33</sup>

Second, one of the factors that were described as curtail in the formation of the committee's members' opinion on the law and in influencing Ayelet Shaked, the minister of justice, to promote it were the field tours. The protocols of those tours are not published. From the interviews, it seems that they focused on visiting aid and rehabilitation center for women and youth in prostitution, hearing the stories and testimonies from prostitution survivors, and walking around zones of street prostitution. Lavie said:

“There were very, very, very, very hard testimonies. Really hard testimonies, and I think that's where she [Ayelet Shaked] really changed her mind”. (9 March 2020, personal interview via phone)

Those tours did not include encounters with sex workers that wanted to continue in their work.

In other countries, radical feminists found themselves cooperating with religious organizations, and specifically evangelistic organizations, to promote client incrimination legislations (Ward and Wylie, 2017, p. 6). In Israel, the legislation was promoted in cooperation between feminist activists, aid workers, and women politicians both from left-wing parties (such as Zehava Gal-On, Meretz) and from religious Zionist parties (Such as Shuli Mualem, Habait Hayehudi). MK Muallem has been a key player in promoting the law and founded a coalition of religious Zionist organizations that supported the fight against prostitution<sup>34</sup>. As mentioned above, in

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<sup>33</sup> The subject was referred to on question 44 in the questioner "do you concur with Israel current policy regarding prostitution or do you think it should be changed? Please explain in details"(Santo and Carmeli, 2016, p. 154). A preliminary analysis of the answered was shared by WSW <https://www.facebook.com/sexworkersspeak/photos/a.249540748895620/505574146625611/?type=3&theater>

<sup>34</sup> See <https://www.facebook.com/pages/category/Community-Organization/%D7%A7%D7%95%D7%90%D7%9C%D7%99%D7%A6%D7%99%D7%99%D7%AA-%D7%94%D7%90%D7%A8%D7%92%D7%95%D7%A0%D7%99%D7%9D-%D7%94%D7%93%D7%AA%D7%99%D7%99%D7%9D-%D7%9C%D7%9E%D7%90%D7%91%D7%A7-%D7%91%D7%96%D7%A0%D7%95%D7%AA-289606768181503/>

the discussions regarding the law, Mualem voiced radical feminist views, referring to all sex workers as victims. She referred to her religious beliefs and radical feminist views as complementary and not contradictory:

“For the past 15 years, this house has been trying to promote a statement of values with this law, that actually revolves around the values we all believe in—prostitution is against any Jewish, human, moral, social value that each and every one of us believes in.” (Constitution, Law and Justice Committee, 2018c, p. 6)

Some religious MK that voted for the law stated that they support the criminalization not only of clients but also of sex workers themselves. For example, MK Abd al-Hakim Hajj Yahya said:

“Do not approach prostitution, because it is a vile act and a bad way; Not a good way. This is a verse from the Qur'an. Therefore, my position is to completely ban the issue of prostitution because it is forbidden and does not respect either the man or the woman. The woman is not a slave to be used, and the man should go to his house, build the house properly, and not fulfill his needs outside the house, outside the family itself.”(The Knesset, 2018a, p. 167)

And MK Yehuda Glick stated that:

“There are women who insist that it [prostitution] is a profession, and these women – we need to cause some deterrent to them. So they will stop the solicitation, not only the pimps but also women who persuade men to [consume] prostitution - we need to find a way. We are today in a place where women - not the women who are harmed, not the women who are forced, who we saw in a situation that is simply unbearable, a human sub-level, women who have been raped and raped and have just gone through terrible things ... those women who choose it of their own free will have to pay for it full price.” (The Knesset, 2018a, pp. 168–169)

These quotes indicate that the support of the law of some MKs came not from a feminist point of view but based on a conservative religious motive. However, these voices have been marginal within the debate.

An important actor in the legislation process was the Coalition Against Prostitution. The coalition consists of aid, education, and policy organizations united under the cause of fighting prostitution consumption. Nitzan Kahana, the director of TFHT, which is also part of the Coalition, was often referred to as 'the face of the struggle' for promoting the law. She described that being on the front line of such a tense social

struggle is a heavy burden, that many times prostitution survivors, who deal with trauma, are not able to carry. Despite the difficulties, there were prostitution survivors involved in the Coalition's work:

"I'd rather not be at the forefront of this fight and not be its face. It would have been a lot easier if the one who had done it would have been a, eh, declared prostitution survivor. Listen, the so-called debates in front of me were not debates. She would have won it. I say with very, very great pain that prostitution is, it's not just destructive. That even, well you know, the poster girls of this fight... they come with **huge** scars, and with **great** difficulties. And I tell you, I am a woman who was not in prostitution, I have been leading this thing for a long time, it has prices even if you do not come from a damaged and injured home- the personal exposure for sure, and dealing **all day** only with this subject. However, I will say that within our Coalition, there are prostitution survivors, some of whom are very active and very significant, those who are more significant for longer periods are those who have long since left the prostitution and, life allowed them to take a breath and to rebuild life Again, you see? So, it's easier for them to handle it every day and come to a meeting once a month." (25 March 2020, personal interview via Zoom)

According to Kahana, prostitution survivors were an integral part of the Coalition's discussions and decisions making:

"I don't think that our Coalition is less a Coalition of prostitution survivors than Argaman, that represents sex workers."

In contrast, Reut Guy (ELEM), which took part in Coalition's meetings, said that promoting the law is an initiative of aid women<sup>35</sup>, and it does not represent the opinions of women in prostitution:

"I don't know any struggle in the world about rights for a population where that population is not part of the fight and supports it ... I haven't found any population in prostitution that looks at the legislation and says - yes! Now, that is what we need, what will help us and what is urgent for us, this is a par-excellence statement from aid women, some of whom are my colleagues and I am one of them." (26 April 2020, personal interview via Zoom)

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<sup>35</sup> The term 'aid women' refers to women working in different aid organizations that provide services for sex workers

She described prostitution survivors who participated in the committee's discussions as "our captive audience," those who use the aid services, which are a minority within the group of those involved in sex work.<sup>36</sup>

Another evidence for lack of participation of sex workers that opposed the law could be found in the opening of the Report of the Inter-Ministerial Team to Examine the Tools for Reducing Prostitution Consumption, where Palmor, who led the team, stated that:

"We tried to give an opportunity for the variety of voices on the matter to be heard by the committee; I am aware that the voices of those who oppose incrimination, whether those who uphold women's right to autonomy on their bodies, or those who uphold men's right to consume prostitution, have been heard less" (Dominitz et al., 2017, p. 3)

Even when allowed in the STWP's discussions, it seems that sex workers' claims fell on deaf ears. When asked about those who opposed the law and their participation in the legislation process, former MK Lavie said:

"Yes, there were a few times that they... ah... that there were women that came, that were sent. We had some people that were hurt financially, so we met them. They got a place to express themselves, the opposers. Their senders and also those who were sent." (9 March 2020, personal interview via phone)

In this sentence, Lavie reviled a point of view that disregards the agency of sex workers that came to committees and dismisses their claims. She referred to them as passive, as not representing their own opinions but are sent by others, hinting that the opposition to this law was led not by the women themselves but by a third party with a financial interest, the panders.

An essential part of evaluating participation is the impact it had (Gallagher, 2008, p. 400). The effect of sex workers' voices that opposed the legislation was minor.

According to former MK Gal-On:

"Sex workers' were invited to express their position against the law in the committee. They also met with Knesset members and published letters and emails that were brought to the attention of Knesset members. We concluded that there is no doubt that the law should include rehabilitation and social

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<sup>36</sup> According to the Report of the Inter-Ministerial Team to Examine the Tools for Reducing Prostitution Consumption only 500 women receive aid and rehabilitation treatment a year, less than 5% from the estimated number of sex workers according to the national survey (Dominitz et al., 2017, p. 49; Santo and Carmeli, 2016, p. x) .

security network for women so that they will not remain without a livelihood.“  
(11 March 2020, email correspondence)

So, as Gal-On stated, the conclusion from hearing sex workers opposition to the legislation was to continue with the law proposal in the same format, as rehabilitation and social security networks were included in the bills from the beginning (and as mentioned before, they were excluded from the final version of the legislation), and not because of sex workers opposition to the law. One achievement sex workers did accomplish was to add ongoing research to evaluate the effects of the passing law. Other changes in the bill, like defining the prostitution consumption as an administrative offense, were made by the decision of the Minister of Justice Ayelet Shaked. According to Palmor, former director of the ministry of justice, the changes were based on motives such as practicality and the far-reaching consequences that criminal records would have on clients' lives.

This chapter showed that the legislation process included politicians, aid services, activists, and the voices of prostitution survivors who supported the law. Another important factor was the Ministry of Justice, headed by Ayelet Shaked, which shaped the final version of the legislation. Sex workers who opposed the bill did not have a lot of influence. Their most significant achievement was not influencing one clause or other, but rather managing to organize and unionize themselves. The next chapter will present the point of view of sex workers on their participation in the legislation process.

## 12. Sex Workers Participation

Participation is a complex and many times messy process. In order to get a deeper understanding of the participation process of sex workers in the legislation process, this chapter presents the stories of three women. All three are activists in Argaman and support decriminalization; however, the way they choose to identify, their stories, and some of their opinions are different from one another. This emphasizes how diverse the population of people involved in sex work is. Their names are presented here, according to their wishes. This chapter tries to bring the point of view and experiences of the participants as accurately as possible; thus, quotations were edited minimally, and they sometimes consist of terms that might be perceived as offensive.

Moreover, descriptions of traumatic events that could be triggering for some readers are included.

### 12.1 Ayelet

Ayelet is an activist and a former sex worker that took part from the beginning in the attempts to resist the client's incrimination bills. She is also one of the founders of Argaman. Ayelet shares that she was involved in the sex industry for more than ten years, but her activism came mostly after she has stopped working, from a more “privileged” place. She described the activity as:

"a kind of obsession that you can't really let go of... an issue you must fight. You must fight it just because. Because something is just wrong with it [the client incrimination bill]." (21 May 2020, personal interview via Zoom)

The attempt to resist the last bills was somewhat different from the former activity:

“What happened this time is that somehow, I decided to step up in the activity and ended up talking to pretty senior people in the Israeli Justice system. I was told explicitly that this law would not necessarily stop if there will be an organization, but if we do not organize, it will necessarily pass. So, I pretty much took it as a high-order instruction. In the beginning, the organization was around the page of ‘when she works’ and around the attempts to reach the Knesset, to participate in discussions, to understand who against whom what against what, to try to get the media’s attention on this issue.” (21 May 2020, personal interview via Zoom)

‘When She Works’<sup>37</sup>(WSW) is a Facebook page that opened in July 2017 by Ayelet and three other admins who were involved in different aspects of the sex industry.<sup>38</sup> They created a stage for knowledge and experiences that did not have space within the dominant discourse in Israel regarding the sex industry. Each one promoted her agenda on the page, one wrote regarding general themes, others wrote regarding issues related to strippers and their work, and Ayelet promoted issues regarding sex work and resisting the client incrimination bills. Following the WSW, those issues got some attention from the media, and the admins started interviewing:

“Every interview was against the law. There was also some kind of alliance between us that if others were going to be interviewed, then they raised the

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<sup>37</sup> <https://www.facebook.com/sexworkersspeak>

<sup>38</sup> For more on the Israeli online arena attempts to challenge attitudes towards sex work and the sex industry see “Narrative struggles in online arenas: the Facebook feminist sex wars on the Israeli sex industry” (Lahav-Raz, 2019)

issue of the law of [client] incrimination, and if I was going to be interviewed, then I referred... I won't like go and say: 'worry about the whores, and the strippers throw to the street' I don't know... That's how these issues were brought to the attention of the public, also thanks to WSW."<sup>39</sup> (21 May 2020, personal interview via Zoom)

The first step in the fight against the law was to 'wake up' the media. Through calling attention to the fact that they were not invited to participate, public shaming of the decision-makers, and declaring that they are here and cannot be ignored, sex workers opposing the bill were finally allowed in the discussion about the law in the Knesset.

Ayelet described the Knesset as an extremely hostile environment, where she received degrading and disrespectful treatment:

"It's a kind of show, an act in which you must participate. You feel like a kind of stupid pawn who would be happily thrown away by someone; there was a feeling that you were coming in and interfering with some already pre-arranged agenda. Your opinion is not interesting; it's not even recorded sometimes ... you see important people and MK's rolling their eyes at you, laughing at you. This is something very low and unpleasant, this whole experience. Luckily later came along other people who agreed to bear this terrible burden of going to the Knesset." (21 May 2020, personal interview via Zoom)

She said that they came to the discussions as a diverse group, different skin colors, different experiences, so they will not be tagged as 'not representative.' In some debates, they were a small group, and in other, a larger group; in total, more than 100 sex workers that opposed the law attended the Knesset meetings. However, they were silenced in different ways:

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<sup>39</sup> During the time that the client incrimination bill was promoted, and with accordance to the public atmosphere, the instruction for the enforcement of related offences to prostitution were changed, and defined a lap dance as an act of prostitution (The State Attorney, 2019). This led to the closing of all strip clubs in Tel Aviv and sparked the fight of strippers for their workplace. Ayelet said on the cooperation between sex workers and strippers in their struggles against the legislation and enforcement: "It's an interesting relationship because it has two sides ... On the one hand, even though there was some opposition to link between prostitution and stripping, legislation or legislative attempts have turned the bowl and suddenly strippers have lost their jobs just because there is a link between prostitution and stripping... on the other hand, even at the peak, a second after the clubs closed now, and they wanted to unionize, all the media was on them and they were the hot potato of it, they still did not agree that we were [sex workers], in a sense, part of them. Not everyone, it was a subject of controversy. One of the issues was whether strippers are prostitutes or not and the stigma is so heavy that even strippers are in no way prepared to approach it, to be associated with it in some form. Some of them at least, I won't say about all of them." (21 May 2020, personal interview via Zoom)

“Now, that was something much more essential; they had no reason to shut us up. It was just kind of, coming to the most basic things - not allowing time to talk, cutting off in the middle [of speech], because there was no moral justification for why not to let us talk. They ran out of moral justifications for not letting us talk.” (21 May 2020, personal interview via Zoom)

Ayelet said that for as long as the rehabilitation clause<sup>40</sup> existed in the bill, there were some sex workers or former sex workers that supported the law. In her experience, their voices were better represented in the discussions:

“They were given more room in the discussions. But I didn't treat it as if I was fighting them; I treated them like they were ‘tinok shenisba,’<sup>41</sup> they didn't realize they were being used. So, there was no 'oh what are we doing with this now? We are not representatives.' But there was a feeling that this voice was being used, was brought, even glorified for that matter. I saw how much work was invested behind the scenes to allow women to talk without being exposed. This no one has bothered to do for us. As if it's clear who they preferred to voice in the story”. (21 May 2020, personal interview via Zoom)

The need to give up your anonymity to fight the legislation effectively is a significant issue considering the stigma sex workers face in society. Even though in the protocols of the committee's discussions, sex workers' names were not disclosed, having a fight with no face limited the ability to affect policies. Argaman was criticized for having women that do not have lived experience in sex work talking in the name of sex workers. Later, sex worker activists in Argaman decided to ‘go out of the closet’ and represent themselves in the open, and this criticism was silenced.

Establishing Argaman as an organization happened parallel to the attendance of the Knesset discussions, and immersed from the need for an official title:

“Exactly, I needed a title. So, I turned out to be the chairperson of Argaman. I said OK, let's go with it, so I went with the title for a while. Or someone else suddenly became the chairperson. And then we saw that there are a lot of actual things that are more convenient and easier to do [as an organization]. For example, the matter of donations... so we've been dragged into it, and then

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<sup>40</sup> As was discussed in chapter 10, the first law proposals referred directly to rehabilitation and aid services for sex workers, however this clause was removed from the final bill, leaving decisions on finance issues to the government.

<sup>41</sup> A Jewish expression literally meaning ‘a baby that was taken captive’, referred to a Jew that for reasons that are not in his control did not learn to act according to the Jewish Halakha and therefore his actions are not obligated by the halakhic rule. Borrowed here as a metaphor for sex workers that supported the law because they did not know any better and therefore should not be criticized for it.



the forces have dispersed a bit and reunited after some time in activity against the law.” (21 May 2020, personal interview via Zoom)

Because of the amount of work and energy that went into creating the organization, the activity opposing the law took a step back. It was maintained on a low gear and recently was retaken to the front line. This might be part of the reason that the resistance to the bills did not have a lot of effect in the Knesset. Nitzan Kahana (TFHT) said on this issue that:

“In this process, they [Argaman] were founded too late. They came on the last day, they were founded in the final days of the law's approval when we have been promoting the law 11 years already, and so, uh ... their ability to oppose it was, it... was like too little too late.” (25 March 2020, personal interview via Zoom)

Regarding the influence of Argaman on the legislation, Ayelet said:

“A foot in the door is some kind of achievement... After all, any lobbying or political work is a long-distance run; you have to be around with your agenda for as long as possible before you start to make any impact. So I suppose the changes are very small and certainly not comparable to what Nitzan Kahana managed to achieve with this law.” (21 May 2020, personal interview via Zoom)

In conclusion, Ayelet described participation as a painful and emotional process; when asked for one memorable moment from the participation process, she said:

“We were sitting there in the committee discussion; I was sitting next to Romy and behind me were others. It was very important for me to talk. There were all kinds of people who also wanted to talk, and we weren't sure if they would let them if there was time for everyone or not. In front of me sat a woman who calls herself a prostitution survivor; she is very much in favor of the law. I know her by her real name; she is also one of the women who brought me to activism from the beginning... We sat on both sides of the table and both sides of the political positions about the law, and we all sit and cry bitterly. Simple. Like, I cried, she cried, Romy cried, because it was such a difficult situation because this law was for many women some kind way for saying 'what I went through is shit, customers put me in a shitty place, I want them to pay,' and for many people, it was a way of saying 'what I'm going through is fine. Customers are people who allow me to make a living and what I think about them beyond that doesn't matter at the moment'... even though I haven't been working for a long time, like, what do I care? No, we were the three of us sitting and just sobbing like little girls in the middle of a discussion. It was a memorable picture.” (21 May 2020, personal interview via Zoom)

## 12.2 Romy Loewy

Romy Loewy is a prostitute, an activist, and the chairperson of Argaman. Presenting herself, she said: "I'm a prostitute and happy with my life" (18 May 2020, personal interview via Zoom). Loewy is in her 40s' and has been working in the sex industry for 20 years, with some breaks in between. She comes from an affluent family, and before entering the world of sex work, she worked in a bank. She started working as a prostitute because of curiosity and for the money. In our conversation, Loewy shared many positive experiences from her work and described herself as always being in control, choosing her clients, and dictating the terms.

"I'm not saying that it is the best job in the world, but it is the best university in the world. It puts things in perspective and gives skills and tools for life and for facing challenges, truly." (18 May 2020, personal interview via Zoom)

She also shared harsh experiences, some of them regarding clients, but most of them regarding police violence. According to Loewy, prostitution is not 'good' or 'bad'; it is a complex experience:

"This line of work is neither pink nor black, I always say, I'm in the gray area. It is challenging and triggering; it is everything together. I think this line of work activates all the possible senses that exist in our body." (18 May 2020, personal interview via Zoom)

Loewy worked in apartments, together with other girls, and was not familiar with the phenomenon of street prostitution:

"I didn't even know street prostitution existed. Yes, I didn't know that there is street prostitution in Israel. I found out a few years ago because I watched a documentary." (18 May 2020, personal interview via Zoom)

She highlighted the difference in experiences between working indoors and working on the street and claims that it should not be referred to as one phenomenon.

She first heard about the client incrimination bill through the media. And after reading an article that mentioned WSW, she joined the activity to resist the law and establish Argaman. The activity is a group effort, and Loewy is one of the engines that keeps pushing it forward towards action:

"Some people told me that it could take ten years before things will happen. No! not on my watch." (18 May 2020, personal interview via Zoom)

With the help of non-sex workers activists, Argaman managed to get a sit in the Knesset discussions:

"We demanded to participate... we forced them to let us sit in there [the Knesset discussions], to enter, it was not easy in the beginning. Still, we did it." (18 May 2020, personal interview via Zoom)

Even though they were allowed in the meetings, Loewy said that they were not welcome and were treated with disrespect, while those who presented a narrative of victimhood were listened to:

"We were not wanted by any committee. Aliza Lavie also told me that her discussions are closed to me, so I told her that today she is in the Knesset, and tomorrow she is not. Where is she today? She is not in the Knesset. Yes, I was really annoying. Shuli Mualem screamed at us. Actually, we were not wanted anywhere. In the discussions we were given mere minutes [to talk], they sat there and listened to Naama Rivlin<sup>42</sup>, and to testimonies and quotes from women who worked on the street, we did not understand what all this had to do with us." (18 May 2020, personal interview via Zoom)

Loewy's experienced the discussion as extremely hostile and difficult:

"Argaman was actually founded after the second reading discussion; in the first reading, they just silenced us. In the preliminary reading, we were not allowed to speak at all. I was still in the stages of figuring out who was against whom; I felt like I was going to a firing squad. I said OK, this is how the game works, fine. After each discussion we had in the Knesset, every time, I found myself coming home and crying my heart out. I was so exhausted and so sad that this is the treatment we get." (18 May 2020, personal interview via Zoom)

Even when she got time to speak, Loewy was not listened to, and her claims were dismissed:

"You know, I was sitting in discussion with Shuli Mualem, and I explain what home I came from and that I don't understand what's wrong with that [prostitution]. I explain, and Aliza plastic [Lavie] was on the phone playing because nothing interested her. I noticed that Shuli Mualem was sitting and listening to every word I said, shocked, either that or she was fantasizing that I was on fire. One of the two. I didn't know, but it was interesting... Every time after a discussion, I would go home, my son would wait for me with food. I would come home, hug, cry, it was very, very mentally exhausting, very, very exhausting... I would come home and watch the discussion again. And I remember seeing the discussion another four times because I wanted to make

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<sup>42</sup> The manager of Saliit, a supportive care service for women in the prostitution cycle

sure that I saw right, because you can hear me talking, but my image is a blur, you see my hair and hands. And I saw Shuli Mualem actually listening to what I say. I thought I imagined it. I remember her sitting and saying, 'I almost believed her.' it offended me." (18 May 2020, personal interview via Zoom)

Silencing was done in different ways, not allowing time to talk, not listening or dismissing their claims, and also by claiming that Argamans activists do not represent the majority of sex workers, diminishing the importance of their opposition to the law:

"I was told: 'yes, but you are not the majority.' I said OK, so let me tell you something. How many people work on the street? You already have this information. It is doable, and therefore you can count. Now let me tell you something else, how many are we? You have no chance to count us, and because we are not exposed, so you have a huge advantage on us, and I know that. But there is no way to count us, try, good luck. You cannot. There are tens of thousands in Israel [sex workers that work indoors]. To expose ourselves? Why? Why should we be exposed?" (18 May 2020, personal interview via Zoom)

Furthermore, Loewy felt attacked by radical feminist activists and was accused of being a pimp, of entering prostitution as a minor, and of being sexually abused as a child:

"Initially, they came and told me that Argaman is made up of pimps, from those who entered prostitution as minors. Great, I didn't know I started as a minor, Nitzan Kahana said that. Someone said my dad raped me when I was three. Even though my dad isn't alive anymore, I wanted to sue her, seriously. It shook my veins. Enough. Enough! What is this? Someone told me I was raped when I was little... So I told her, of course, this is a condition for entering prostitution; otherwise, how would I get any clients?! [cynical tone]. Come on; you want to shoot Me, you want to send arrows, what for? It really hurts me that women, **women** treat me this way." (18 May 2020, personal interview via Zoom)

Loewy described having a "click," a good personal relationship with the manager of the Constitution Law and Justice Committee, formed on cigarette breaks:

"Since then, every time there was a discussion, Romy got the date before anyone. He was charming, amazing, every time I got there, he checked if I need anything, a sitting arrangement, or to sit in a dead area [an area that is not filmed], and that I will be heard and everything. He always made sure everything will be organized... he also told me, on our cigarette break conversations, he told me 'listen, I also don't understand, there is nothing I can do, but I don't understand.'" (18 May 2020, personal interview via Zoom)

She claims that some men MKs that initially supported the law did not join the votings to approve it for fear of being exposed as clients:

"I also know where the politicians go. I know where the parliamentary assistances are. I know where the celebrities are. I know where everyone is and what girls they go to ... There is a list, and I fought so it wouldn't be published, but as soon as someone talks [supporting the law], I will know, and I will burn him ... In the preliminary reading, there were 71 MKs in favor of the law. Me and the Chairperson of Israel Trans organization, Linor and I, said OK. So, what how many politicians you want us to burn? Just tell us. From 71 MKs in favor, it decreased to 34, I wonder why."<sup>43</sup> (18 May 2020, personal interview via Zoom)

She also received offers from clients in the Knesset during discussion time:

"I went to the restroom, and outside was waiting for me no other than the men who film the discussion. He told me, 'Romy, could I have a moment of your time, I didn't want to intrude, and I want to ask for your discretion. Could you give me your number? I really want to come over.' I said: 'what? Are you a client?' nice to meet you. And no. It's beneath me to give my number to someone in the Knesset.'" (18 May 2020, personal interview via Zoom)

Loewy described Argamans representatives as active and strong. Even though her experience was of being excluded, patronized, and disrespected, Loewy and Argamans activists were not powerless. For every action taken to exclude them from their conversation, they reacted with another action, demanding to be heard, respected, and to participate in the decision making.

The law was approved; however, Argaman's resistance to it continues. After the unsuccessful attempts in the Knesset, the focus of the activity shifted to the expected enforcement of the law. They met both with police and government officials demanding to postpone the enforcement of the law due to the harmful effects it will have on sex workers. Furthermore, they demand to include sex workers in every decision-making regarding its implementation:

"I was born in this country; it is impossible that they will do what they want and talk about us without us. Those days are over, we are here, and we worked very hard to get here. Nothing about us without us!" (18 May 2020, personal interview via Zoom)

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<sup>43</sup> Loewy refers here to the gap between the number of MK's that signed the bill and the number of MK's that participated in the votings to approve it

### 12.3 Gal Emmet

Gal Emmet is a lecturer, activist, prostitution survivor, and content writer. She experienced prostitution as trauma and describes it as “the crack to which all oppression funnel to” (12 March 2020, personal interview). In principle, she identifies with the idea of client incrimination, and when she first heard about the law, she became, in her words, the “poster girl” of the bill. Recently she has a change of heart and joined Argaman and the efforts to resist the law and promote decriminalization.

Throughout the interview, Emmet highlighted the common ground that sex workers and prostitution survivors share, the similarities of their experiences, as women that by choice or not, live in the most subversive and anti-heteronormative places in society:

“Yesterday I was at a party sitting with women telling me exactly the narrative my other friends are fighting; being raped from age 0, post-trauma, prostitution kills, drugs, etc. And I came home, and I had to write about that. It's just crazy; the mental strength is the same; to my right, women fight for livelihood and rights; to my left, women fight for rehabilitation and rebuilding identities, all are fighting for their lives, each one for her own reasons, and there is no difference. I mean, of course, that each one is a world and completely different from the other, but as a community... it is the same. The stigma is on the inside and the outside, the difficulty is on the inside and the outside. The laugh and pain and glitter and depression that mixes together are before, after, and during, and I just understood that there is something bigger and more magical that connects us as women that... for me, this is really one of the most beautiful and ugly products of patriarchy.” (12 March 2020, personal interview)

The community, Emmet says, is something that needs to be protected and cherished because “the power we give one another is, in the end, what keeps us alive.” (12 March 2020, personal interview)

In the interview, Emmet shared painful stories of her and her friends, including sexual abuse, drug use, suicides, and murders. In the past four months, she lost seven friends. She describes feeling transparent:

“These are stories that no one wants to tell or to hear. People want to hear it when it comes in a certain context. When you can laugh about it when you say it empowers you and can cry about it when you say it killed you, but not really to listen. People don't listen to me. If people had listened to me, they would

not be surprised at the fact that I transitioned from supporting the law to opposing the law. Because ideologically, I very much agree with it, but in reality, in practice, as soon as it started to be implemented in the field and I saw what pain it was producing, and I understood whom it was promoting and what in the name of what values it was going pass<sup>44</sup>... people ridicule me because ‘Ah .. tomorrow she will come back to support the law and be with the politicians, she is just a pet whore looking for glory’, they don’t understand that I’m just a person that is not afraid to change in front of others.” (12 March 2020, personal interview)

Emmet described that discourse regarding the law is dichotomic and does not allow space for complexity. Either one plays the part she is assigned, or she does not get a place to speak:

“We were never invited to the table. Nobody ever joined - we had to fight to be part of the discourse table at the time. When we finally stole a quarter of a sit, we understood we had two options: either to present it as a living hell or as something mega empowering and stripping is art or whatever. There is no room for complexity, so we don’t share the truth either. Then comes a woman like Romy and comes a woman like Gal, and each of them has to catch a very, very specific megaphone. I have been experiencing this lately, ever since I threw the megaphone and started just to speak me and my truth - all of a sudden, they no longer want to hear what I have to say [chuckles], they don’t know what to do with it.” (12 March 2020, personal interview)

After withdrawing her support from the law and promoting a more complex conversation, Emmet was not invited to participate in the committees and some academic conferences.

Emmet shared that she was not asked about her experiences as a prostitution survivor, but was constantly told what prostitutes experience:

“I feel like they don’t want to hear the complexity when I keep being told, when I’m not asked, but rather given answers to questions that I never wanted to ask anyone else. When someone sits in front of me and says ‘yes, but when you are a stripper, then people push their hands to your underwear and do to you this and that.’ And, like, how do you know? I will never sit down with a chemist or a biologist, although I love these fields a lot, and I have studied it a bit. I will never sit down with a biologist and chatter about what I know. For me, this is an opportunity to learn more from someone who actually knows.” (12 March 2020, personal interview)

Emmet claims that the discourse regarding client incrimination, led by politicians, therapists, lawyers, and academics, is a mechanism of social gaslighting, planting doubts in prostitution survivors and sex workers’ minds regarding their own

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<sup>44</sup> Emmet refers in this sentence to the result the bill had in the field before its passing such as the closing of the strip clubs in Tel Aviv.

experiences, and allowing only a narrative of victimhood. Prostitution survivors and sex workers are told what they experience and also told what they need in order to be 'saved'; they are not asked about what they want, feel, or think:

"I feel like this identity of the black, the prostitute, the street cat, is something I don't want to give up because that's what keeps me alive. And I think I deserve the **right** to decide what I depend on. I can't choose whether or not to pay taxes; I can't choose whether or not to be raped. I can choose how to interpret this experience; this is the only thing left for me as a woman in this world. Telling my story, so as far as I am concerned, laws such as client incriminations are social gaslighting. That people come and tell you they know better than you what your experience is." (12 March 2020, personal interview)

She emphasizes that the experience of prostitution is not one-dimensional:

"So I explain to people that somewhere at the age of 18 if I hadn't sucked on 60-year-old men, I wouldn't be here right now. Try to deal with this complexity, that those people who created some of the worst traumas in my experience are the same people that from the reward they gave me for this hell – I had food. Food that no one was waiting to give me." (12 March 2020, personal interview)

Emmet makes an effort not to project her experiences on others:

"When an adult stands in front of me, it's my ... complexity, in this struggle. That's my challenge. Every time someone tells me that it empowers her, and I remember that time someone pushed a gun barrel into my rectum, not to project my experience on her, because it won't get us anywhere." (12 March 2020, personal interview)

She joined argaman in order to promote discourse that allows a place for complexity within the community. Together with Loewy, she tries to bridge the differences and cooperate in order to create a better social climate for their community:

"This collaboration is more important than any controversy that will ever arise. The fact that we can support each other is, for me, the essence of sisterhood - I support you not so that you support me, but for you to support the next one." (12 March 2020, personal interview)

According to Emmet, the promotion of the law is done by privileged women; it is a white feminist campaign, detached from the needs of those who are most affected by it. She claims that the struggle for rights has to be grassroots, to come from those affected by the injustice.

"So right now, to save prostitutes from prostitution, you don't need to take their voices away, you have to give them the voice they never had! Even if that voice is unpleasant to you." (12 March 2020, personal interview)



She claims that the activists that promote the law are the people Argaman needs most. They need them to stand by them and help them voice their claims, instead of passing a law that hurt both prostitution survivors and sex workers by deepening the dichotomy and turning sex workers and prostitution survivors against each other.

Emmet first got involved in activism regarding the law in 2016 after she published a 'letter to humanity,' a post on social media where she told her story as a prostitution survivor.<sup>45</sup> The post became viral, and Emmet was approached by many feminist organizations and activists. In her meetings with them, she was presented with the bill:

"The law was presented to me. The only encounter I had with the discourse around the law was with people who supported it. Support it and fight for it, then they also have all the regular manifestos and monologues of why this law is so important. And honestly, I believed we would do something great and exceptionally moral here. Ahh, So I agreed. I came to panels, started lecturing, wrote about it. I was really the horn of the coalition [against prostitution]; I joined the coalition group, the only prostitute in a group of 60 women with a high reputation. They made me feel that this fight was me. That the fight for the law is for women like me. that this is why I stand in the front. It is important that I stand in front of it because my statement is more important than their statement. Slowly, in the first year, really everything was fine, but in the second year, I already started to be exposed to more dissenting voices and also to listen more and explore more and understand who against whom. And slowly I started to dislike it. Long before the mess it created, well before the Lap Dance Act. Something seemed inaccurate to me." (12 March 2020, personal interview)

Changing her mind about the law was a process of personal growth for Emmet; she realized that the law is detached from her everyday life and that it is promoted for opportunistic motives:

"So in the very, very significant process that I went through on a personal level with rehabilitation and therapy, I realized it was very, that it was too easy. That it doesn't really interest me what's going on in Jerusalem, that it is irrelevant to my life, and it's irrelevant to my friend's life. And it can't be that this war will start there and not elsewhere. It could not be that in a country that does not allow a prostitute to walk on the street and protest - such a law will pass. It is impossible that I hear other voices, but I never see them in the Knesset committees. No one will ever share their post on Feminist Discourse<sup>46</sup>; they mock them. And I believed that the whole story behind the law is, in general, political and economic opportunism of the most ordinary and Jewish type out there. Nitzan [Kahana] is a lawyer; the TFHT is actually a law firm dealing

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<sup>45</sup> <https://www.facebook.com/notes/gal-emmet/%D7%A1%D7%99%D7%A4%D7%95%D7%A8%D7%94-%D7%A9%D7%9C-%D7%92-%D7%9E%D7%9B%D7%AA%D7%91-%D7%9C%D7%90%D7%A0%D7%95%D7%A9%D7%95%D7%AA-%D7%9B%D7%95%D7%9C%D7%94/10153985488481930/>

<sup>46</sup> The biggest Israeli feminist Facebook group <https://www.facebook.com/groups/371276586316942>

with human rights. And it was attractive to them to have this funding of a very, very social, sexy social fight.”<sup>47</sup> (12 March 2020, personal interview)

The only ones who benefit from the legislation, according to Emmet, are the politicians and activists who promote it. She described feeling used by the in a similar way she felt used by clients:

”They want you in a certain way. And it's not out of pure and personal motive; they want you in a certain place so it will serve them. And what is different about our experience with a client? From someone who comes to your space, expects something, and uses the money muscle to buy you. So the women who build political careers at our expense use a different currency. They are the women that, with one phone call, can give us a degree; these are the very women who can out of nowhere pay our bills and erase our debt. Remember I talked about Stockholm? So just as I believe there are workers found in some kind of Stockholm syndrome of protecting the profession and their employers, survivors have it too. Those who come to get help. The gratefulness [pause], diluted with embarrassment, makes us continue to be pet whores, no more than posters of this law and others.” (12 March 2020, personal interview)

Emmet described that the politicians in the committee discussions did not come to listen, but only to speak. When they finished talking, they would leave the discussion. She claims that those who participated in the committees' discussions are disconnected from the issue; they don't care about the law, and many have never even met a sex worker. The voices of sex workers and prostitution survivors were represented through mediators:

”I was only present in the committees I was invited to when I was part of the coalition as soon as - once I expressed my opposition to the law, no one asked me, and then I understood how it actually works. People don't invite me and Romy; people invite Naama Rivlin and Nili Gorin. They are those who are struggling to make our voices heard because Emi Palmor or Ayelet Shaked or Oren Hazan, who sits in this committee, have no link to a prostitute to bring to it. This is the absurdity. A big table full of people who have never met the person they are talking about, and next to them loads of people who make a living from a certain narrative about that person. It is obvious that the strip club manager will say his strippers are happy. Just like the aid woman who is struggling for budgets for the women she is caring for will claim that this is the absolute truth. Everyone comes with their own interests, and I have no problem that people have interests. I'm not retarded, and I'm not naive. But these committees have always been conducted in such a way. This cold, disconnected discourse, which occasionally cracks with some heartbreaking

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<sup>47</sup> Kahana said in response: "Not only are we not benefiting financially, our organization has been the only one at the forefront all these years, fighting, with genuine faith in the path, against the exploitation of prostitution. We have led Israel to reduce trafficking in women, restrict brothel and strip clubs, stop prostitution advertasment, punish pimps. And most importantly - with the same determination we fought for the law, we fought to increase budgets for rehabilitation from prostitution..."

monologue from someone who met a prostitute once in her life, has heard her story and can't sleep at night since. How detached she is from reality; they sit and chatter for hours about nothing at all. Emi Palmor changed her mind about the law 45,000 times. And I was in the committees with her, the reason Emi Palmor changed her mind so many times is that **she didn't care about this law at all**. She doesn't care about this reality at all." (12 March 2020, personal interview)

Emmet's description of the number of players and mediators that participated in the legislative process emphasizes Foucault's view of power as distributed across a network of social relations. Power was not concentrated at the hands of one body, but rather the legislation was influenced by different actors such as politicians, minister of justice officials, NGOs and aid services representatives, and in some cases, prostitution survivors and sex workers. However, according to her experience, power was not distributed equally across this network. Those who have experience working in the sex industry and would be most affected by the legislation were rarely given space to represent themselves. More often, their voices were presented by mediators with different agendas.

Emmet shared that she was offered academic studies and political career in exchange for her support of the law:

"Do you know that Aliza Lavie gathered a secret meeting with MK Pnina Tamano Shata? Aliza Lavie, Yesh Atid, Pnina, Naama Goldberg from Lo Omdot Meneged,<sup>48</sup> and the meeting was in the office of the head of the Israeli Bar Association at the time Efi Nave.<sup>49</sup> Aliza and Efi thought of an idea... They want to be the sponsors of my political career. I was sitting in front of a very, very, very strong man with a very, very high status who told me: 'I am ready to prove to you now how serious I am. Give me now the name of a faculty of law in the country and see how in seven minutes, with two phone calls, you are already part of the student body. We'll help you with everything. You will be the presenter of this law, of this campaign', indirectly what they actually told me was – you will buy Aliza Lavie her next term in a higher office and in return she will give you a political career." (12 March 2020, personal interview)

She refused the offer, and others that followed, because she was not able to play the "hypocrisy game" that is required to survive in the political world, and instead joined Argaman:

"I do not apologize for changing my mind about things; people are changing, people are maturing, the world becomes more complex; the more you look at it. And I think these women who promoted the client incrimination act are the

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<sup>48</sup> A help organization for women in the prostitution cycle

<https://www.facebook.com/Lo.Omdot.Menegged.official>

<sup>49</sup> Six months after this meeting Neve was arrested in a sex-for-judgeship scandal

<https://www.jpost.com/breaking-news/senior-lawyer-arrested-on-suspicion-of-illegal-appointment-of-judges-577580>

women who looked at this world called prostitution too little, from too far away, with a naked eye...When Ka Tzetnik said on Auschwitz that it was a different planet, I'm pretty sure he meant a brothel. Something about the air moves at a slightly different pace, and I think people who don't understand this climate can't decide for its community without even trying to understand because it's really very complex, and I don't expect everyone to succeed. But I do insist that they try. In my eyes, it is the essence of nothing about us without us - that it is okay; it is okay that a conversation is held. It's okay that you don't feel the way I feel; it's okay that you don't want what I want as long as there is dialogue." (12 March 2020, personal interview)

### 13. Sex Work and Policies- Social Work Perspective

Social work practice with sex workers dates back to the beginning of the social work profession. Wahab argued that social work responses to sex work were part of a constant effort to negotiate the influence of social reins on sex workers and women and that those forces have helped shape the social work profession. She identified three primary constructs that have influenced social work response to sex work: first, the conception that women needed to be protected for their own good; second, social control and the clash of values between different social classes; and third, the fear of female sexuality (Wahab, 2002, p. 40).

The idea that women need to be protected for their own good was present historically in different social interventions: Evangelicals reformers in the mid-1800's believed that women needed to be protected from aggressive male desire, Charity Organization Societies workers believed that women needed to be protected from lower-class values, and settlement workers like Jane Addams, thought that women needed to be protected from White Slavery. Similarly to Evangelical workers, contemporary social workers argue that female sex workers need to be protected from the patriarchal exploitation (Wahab, 2002, p. 53). Wahab argued that the notion that women need to be protected for their own good is grounded in a sexist perception that views women as 'less capable' than men. The more a woman deviated from the social norms of acceptable female conduct, the more she was perceived as lacking in moral character and as weak. Many early and more contemporary social workers considered sex workers to be among the most vulnerable groups in society. Rarely have sex workers been considered as the experts on their own lives. Instead, historically they have been perceived by social workers as incapable of taking care of themselves and, therefore, in need of protection (Wahab, 2002, p. 40).

The legislation process of the Israeli Prohibition on Consumption of Prostitution law is an example of the power and influence social workers have in shaping policies. The law was promoted by aid service workers- many of them social workers, and they had played a central part in the passing of the law. Furthermore, social workers served as mediators, representing prostitution survivors in the legislation process. The finding of this research supports the view that there is no one universal experience of sex work/prostitution. I believe social workers must recognize the power they have in the policy-making process, and their responsibilities not only towards the clients that come and seek assistance but also towards the groups that will be affected by such policies and are not in contact with social services. In my opinion, this requires a meaningful process of participation where sex workers will be recognized as experts on their own lives, and the creation of knowledge and policies will be done in cooperation with them. Acknowledgment of sex workers' agency and choices, even if from limited options, and listening to what sex workers have to say about their own lives is a key factor in adapting policies and services to meet their needs. Moreover, alongside the sex work-related issues that social workers can learn to be more responsive to, it is also essential to accept that some sex workers may never want to seek help from social work professionals (Wahab, 2004, p. 157).

## 14. Conclusion

This study discussed participation in the legislative process of the Israeli Prohibition on Consumption of Prostitution law (temporary order), not only based on documents and protocols but also on interviews with key actors that took part in it. The focal point of this research was the participation of sex workers because they are the group most affected by this legislation and following the indications for lack of sex workers participation in the legislative process in other countries. I presented here the stories of Ayelet, Loewy, and Emmet and tried to stay true to their words and intentions, though, inevitably, anything written here was presented through my own interpretation. The study did not seek to reach one truth but rather to present different truths that combine to a complex view on participation.

The findings of this research indicate that there was one main narrative represented in the legislation process of the Prohibition on Consumption of Prostitution law, a radical feminist view, according to which all sex workers are victims in need of saving and ‘prostitution’ is inherently an act of violence against women. This narrative was led by women- politicians from different political parties, activists, and aid service workers. A specific group from the population involved in sex work was invited to participate and share their stories- those who identify as prostitution survivors and use aid services. They participated in discussions of the Coalition Against Prostitution, in the Knesset, and also met with politicians that visited the aid services on tours. However, they are a minority group within the sex workers population in Israel.<sup>50</sup>

Similarly to other countries, such as Sweden, France, and Ireland, the participation of sex workers whose experiences and opinions did not support radical feminist views was limited (Calderaro and Giametta, 2019, pp. 168–169; Gould, 2001, p. 452; Östergren and Dodillet, 2011; Svanström, 2006, p. 80; Ward, 2017, p. 99). Opposition to the law was voiced mainly by the public defender's office, who highlighted the damages of client incrimination both on clients and on sex workers (Dominitz et al., 2017, pp. 93–95) and by sex workers that formed organizations like Argaman and

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<sup>50</sup> According to the Report of the Inter-Ministerial Team to Examine the Tools for Reducing Prostitution Consumption only 500 women receive aid and rehabilitation treatment a year, less than 5% from the estimated number of sex workers in Israel according to the national survey (Dominitz et al., 2017, p. 49; Santo and Carmeli, 2016, p. x) .

Israel Trans, who argued that the legislation violates sex workers rights and will harm their safety and livelihood (Ahoti – for Women in Israel et al., 2020). However, they had little effect in practice. The voices of clients were completely absent from the debate.

The debate regarding the law was dichotomic and did not allow a place for a real dialogue. Emmet described that it created a separation between those who identify as prostitution survivors and those who identify as sex workers, falsely painting their interests and needs as opposites, and not allowing space for complexity:

“...we had two options: either to present it [sex work] as a living hell or as something mega empowering and, stripping is art or whatever. There is no room for complexity, so we don't share the truth either.” (12 March 2020, personal interview)

This research indicates that the legislative discussions lacked a space for authentic representation of experiences. The debate allowed a simplistic view of sex work, presenting two distinctive narratives, a victim in need of saving or a strong woman that chose the occupation and love every aspect of it. However, as indicated in the interviews, the reality of sex work is complex and consists of different layers and experiences. Loewy said:

"This line of work is neither pink nor black, I always say, I'm in the gray area." (18 May 2020, personal interview via Zoom)

Moreover, Palmor described that MK's did not necessarily support the law, but simply did not have the option to oppose it. It was presented as the only moral solution, the only feminist act, and opposing it meant supporting prostitution and its harms:

“If you ask me it was not a real consensus, first of all, it was the work of the MKs who promoted this move, and this consensus in my eyes was not a real consensus. It was talked about in the Knesset; it's not that people really thought that clients should be incriminated; it was more people who felt uncomfortable to refuse to sign.” (5 April 2020, personal interview via Zoom)

Palmor's argument is further supported by Loewy's claim that many men MKs, parliamentary assistances, and other functionaries in the Knesset are clients. Even though they buy sexual services, no opposition was voiced from their side.

These findings support Levenkron's conclusions regarding the tendentious characteristics of the debate (Levenkron, forthcoming 2020). The tendentious nature of the discussion was also represented in the sources of information used in it. The only research done on the phenomenon of prostitution in Israel was the national survey (Santo and Carmeli, 2016). According to Guy, the conclusion was drawn before data was gathered:

“We already knew the answer was the law, because it is immoral to have prostitution in the world, and then we went and did a survey.” (26 April 2020, personal interview via Zoom)

Furthermore, some information was presented selectively to support the legislation. For example, the opinions of sex workers on legislation were not published in the survey. Moreover, the voices of sex workers that want to continue in their occupation were not represented in the field tours and in the Report of the Inter-Ministerial Team to Examine the Tools for Reducing Prostitution Consumption. Palmor, who led the team, wrote:

“We tried to give an opportunity for the variety of voices on the matter to be heard by the committee; I am aware that the voices of those who oppose incrimination, whether those who uphold women's right to autonomy on their bodies, or those who uphold men's right to consume prostitution, have been heard less” (Dominitz et al., 2017, p. 3)

Levenkron also pointed out that women promoting the law benefited politically and personally (Levenkron, forthcoming 2020, pp. 61–62); this connects with Emmet's words regarding women building political careers through the promotion of the law:

“Aliza and Efi thought of an idea... They want to be the sponsors of my political career...indirectly, what they actually told me was – you will buy Aliza Lavie her next term in a higher office, and in return, she will give you a political career.” (12 March 2020, personal interview)

A discussion on participation is a discussion about power. According to Foucault, power is an action, not a commodity. Power is not hierarchical but rather spread in a net-like form across society. Looking at the legislative process and the way the discussion was held, it appears that the state took actions to promote the narrative supporting the law and silence other voices. In contrast, sex workers who opposed the law took different steps to be heard and to influence the decision-making process regarding their lives and profession. Another side of the equation was the Coalition



Against Prostitution, that was a key player in promoting the law, and according to Kahana, represented the voices of prostitution survivors:

” I don’t think that our coalition is less a coalition of prostitution survivors than Argaman, that represents sex workers.” (25 March 2020, personal interview via Zoom)

The findings raise the question of how a population is represented in a legislative process that refers to its rights. Who is considered representative of a population? In the case of the Israeli Prohibition on Consumption of Prostitution law, it seems that representation was often done by mediators, like workers of aid services, and not by sex workers themselves. Prostitution survivors did take part both in discussions of the Coalition Against Prostitution and in the Knesset. However, sex workers who opposed the law managed to gain access to the committee's discussions only in the last phases of the process, after using media to put pressure on politicians and through the process of organization and unionizing.

Even when allowed in the discussions, Loewy and Ayelet described harsh experiences: entering a hostile environment, being attacked, directly told they are not welcome, and feeling like their opinion does not matter and dismissed. Loewy described feeling like she was “going to a firing squad” (18 May 2020, personal interview via Zoom), and Ayelet described the discussions in the Knesset as:

“a kind of show, an act in which you must participate. You feel like a kind of stupid pawn who would be happily thrown away by someone; there was a feeling that you were coming in and interfering with some already pre-arranged agenda. Your opinion is not interesting; it’s not even recorded sometimes ... you see important people and MK’s rolling their eyes at you, laughing at you. This is something very low and unpleasant, this whole experience...” (21 May 2020, personal interview via Zoom)

Different technics were used to silence sex workers who opposed the law: not allowing time to talk, rolling eyes, reacting with hostility, and dismissing their claims as 'not representatives' or 'un-credible.' Emmet described feeling embraced in the discussions as long as her opinions were in line with the promotion of the law, after changing her mind and voicing a more complex point of view, she was no longer invited to the committees. The findings of this research relate Shamir’s perception that the feminists' approach of sex work legislation has a blind spot for the costs the law may have on certain groups, as the radical feminist discourse that dominated the

discussion overlooked the costs the Prohibition on Consumption of Prostitution act will have on sex workers who do not identify with the narrative of victimhood (Halley et al., 2006, p. 361).

According to Foucauldian theory, the power exercised should not be judged by the intentions, but rather by its effect. In practice, even though sex workers were present in some parts of the discussion, and even though they were sometimes allowed to talk, their participation in the debate had little effect on the law. Thus, their power in the Knesset was limited; sex workers were not powerless. They actively organized, found allies to their cause, managed to get into the discussions, and insisted on being heard. Although they did not manage to stop the law from passing, they have succeeded in including in it accompanying research that will evaluate its results. This was possible because they managed to get a sit in the table and, to some extent, be part of the discussion, even if in a limited form.

Participation can act both of a mechanism of empowerment and as a mechanism of reinforcing the existing power structure. Some aspects of the legislative process could be referred to as empowering for sex workers, not because they were empowered by the politicians or by radical feminist activists who ‘gave’ them more power, but rather because they have empowered themselves and started a shift in the existing power structure. Pease described that one way of empowering is creating new forms of knowledge that challenge the dominant discourse (Pease, 2002, p. 141). Ayelet, together with three other partners, created WSW, a stage on social media to voice their opinions and experiences that did not have space in the discussions prior (“When She Works - Home,” n.d.). Furthermore, Argaman, together with Israel Trans and other allies, wrote a document that described the damages the law proposal already made, before being enforced. The paper was handed to the Knesset, voicing the opinions sex workers that opposed the law (Ahoti – for Women in Israel et al., 2020).

Another way of understanding empowerment is as a process of personal enlightenment, in which one understands that she doesn’t need to reproduce the status quo of existing power structures (Kesby, 2005, p. 2051). Ayelet, Loewy, and Emmet all described a type of ‘wake up,’ that brought them to be more involved politically and to form or join Argaman. By promoting their view in the media, finding allies, and unionizing, Sex workers have managed to enter the discussions in the Knesset. Even

though they did not manage to influence the legislation significantly, being recognized and involved in the official discussions is an achievement in itself, one step in a longer ongoing process of gaining more control over their lives.

The legislation process may be over, but the opposition to the bill continues outside of the Knesset. Power is not concentrated only in the hands of the legislators but is spread throughout society. Without enforcement, the law itself has limited effect. Argaman, Israel Trans, and their allies continue the efforts through meetings with government and police officials, looking for new ways to influence and be included in decision making and policy implementation. Currently, the minister of public security, Amir Ohana, refuses to sign the order that enables police to enforce the law. The ministry of public defense declared the order would be signed when there will be adequate rehabilitation and therapeutic services to populations in prostitution and responses in the fields of health, welfare, and education, as indicated in the law to prevent harm to people in 'prostitution' (Kemer and Gil-Ad, 2020).

The reality of sex work is complicated and multidimensional. Understanding which voices were heard and what aspects from the complex reality have been presented in the legislative discussions is important for decision making. This study raises questions regarding struggles for rights and the way participation in legislative processes are held. Who is invited to participate? Why some groups within a population get more stage than others? Is it possible to have a struggle for the rights of a community that is not led by people from within it? Could a struggle for rights be a top-down process and not a grassroots initiative? How to create a discussion regarding legislation and policies that enable a real dialog to be formed and allows room for complexity?

In this research, I tried to give space for the messy and ambiguous nature of participation. Participation is complex, and in my opinion, there is no perfect solution for having a successful participation process. I believe that by looking at the experiences that sex workers faced while trying to be heard and influence decision making in this legislation process, we can learn something about participation and its challenges. However, this was small-scale research; there is a need for further research regarding participation experiences of different groups of sex workers, for example, the participation of transgender sex workers, to gain a better understanding

of it. A deeper understanding of participation could be beneficial to create in the future a space for dialog and compromise, where participants' voices are not only heard but also influence the outcomes of the discussion.

Furthermore, this research highlighted the power social workers have in shaping policies. I believe social workers must recognize the power they have in the policy-making process, and their responsibilities not only towards the clients that come and seek assistance but also towards the groups that will be affected by such policies and are not in contact with social services. In my opinion, this requires a meaningful process of participation where sex workers will be recognized as experts on their own lives, and the creation of knowledge and policies will be done in cooperation with them. Acknowledgment of sex workers' agency and choices, even if from limited options, and listening to what sex workers have to say about their own lives is a key factor in adapting policies and services to meet their needs. Moreover, alongside the sex work-related issues that social workers can learn to be more responsive to, it is also essential to accept that some sex workers may never want to seek help from social work professionals (Wahab, 2004, p. 157).

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## 16. Appendices

### 16.1 Informed consent form<sup>51</sup>

I, the undersigned:

Last name \_\_\_\_\_ First Name \_\_\_\_\_

A. Hereby declare that I agree to participate in the study as set forth in this document.

B. State that it was explained to me by Nitzan Meilin as follows:

1. That the study is done as part of the Master's degree program at Alice Salomon University in Berlin
2. The theme of the study is the legislation process of the Prohibition of Consumption of Prostitution Law (Temporary Order)
3. I can stop my participation in the interview at any time.
4. For any research-related problem, I can contact Nitzan Meilin for further consultation.

C. I declare that I have been given detailed information about the study and, in particular, the following: The purpose of this study is to examine the processes that led to the legislation prohibiting the consumption of prostitution and, in particular, the participation of sex workers in this process. The study is a qualitative study based on interviews and documents. The duration of the interview is about 60 minutes, and it was explained to me that it is my right not to answer specific questions or to stop the interview at any time. I hereby declare that I have given my above voluntary consent and that I have understood all of the foregoing.

\_\_\_\_\_  
Name                      signature                      date

D. Statement by the researcher

The above consent was obtained by me after I explained to the research participant all the above and made sure that all the explanations were understood by her.

\_\_\_\_\_  
E. Name                      signature                      date

---

<sup>51</sup> This is a translation. The original form signed/ verbally approved by the participants was in Hebrew, as this was the mother tongue of most participants and the language in which the interviews took place.

## 16.2 Guiding Questions for the Semi-Structured Interviews

### Sex workers:

- Please introduce yourself and your connection to the subject
- What is your position on the law?
- Have you tried to influence the legislative process? In what way?
- In which of the stages of the legislative process have you been involved?
- Did you feel your words and actions had an impact?
- Anything you want to add?

### Politicians, government officials, aid organizations, activists, and academics:

- Please introduce yourself and your connection to the subject
- What is your position on the law?
- In which of the stages of the legislative process have you been involved?
- What were the significant points in your eyes that convinced the Knesset members to support the law?
- On what sources of information and data was the law based?
- Did you take part in the tours of the Subcommittee on Combating Trafficking in Women and Prostitution? Can you tell me about them?
- Has sex been involved in the legislative process? In what way?
- Anything you want to add?

SWHR MA Thesis - Declaration of Authorship

Name: Nitzan Meilin

Matr.nr: 86018212

Title of the MA Thesis: Power & Participation- Sex workers voices in the Israeli Legislation Process of the Prohibition on Consumption of Prostitution Law

Word count: 24,890

I confirm that:

- I am aware of the regulations concerning examinations and plagiarism at ASH Berlin.
- This MA thesis is entirely my own work except where indicated otherwise.
- All sources used in the thesis have been properly referenced.
- Where the thesis substantially makes use my own work, produced for previous assignments/exams during my studies, this has been clearly stated in the introductory chapter of the thesis and in the reference list
- The thesis has not been previously submitted for a degree at ASH Berlin or any other institution of higher education.
- The work presented in the thesis has not been published prior to the thesis submission.
- No support has been received from a professional agency for the completion of this thesis.
- The electronic copy and printed copy of the submitted thesis are completely identical.

*I certify that a copy of the thesis may be made available to the public at the university library.*

Nitzan Meilin

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