The Ten Curses of Eve

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Abstract

Many Orthodox apologists such as Rabbi Moshe Meiselman argue that the traditional role of women in Jewish life is different from, but no less valuable than, men’s roles. Bringing in evidence the midrashic tradition of “The Ten Curses of Eve” (Avot De Rabbi Nathan B 42, Pirkei De Rabbi Eliezer 14, B. Eruvin 100b), classical commentaries on the Mishnah Horayot 3:7, and explanations of the blessing in which Jewish men thank God for not having made them women, I argue that this doctrine is a new idea which is profoundly unrepresentative of rabbinic tradition. In fact, the Rabbis explicitly believed that the Halakhah and other conventions of traditional Jewish life discriminated against women and offered men preferential spiritual opportunities.

Broadly speaking, contemporary Orthodox Judaism has adopted a mixed strategy in response to the feminist claim that Judaism traditionally discriminates against women in communal and ritual affairs. On the one hand, some Orthodox women, with the support of the liberal wing of the Orthodox rabbinate, strive to broaden women’s participation in ritual life. Women’s prayer groups, women’s Torah and Meggilah readings, etc., all serve to “push the envelope” of the degree of equal ritual participation possible within Jewish law. New Orthodox institutions have been founded, allowing women to study Torah at a level previously possible only for men attending yeshivot. Women have even begun to find their way into the corridors of Jewish legal power, serving as professional halakhic advocates who represent clients before Orthodox religious courts, and offering halakhic advice on issues of ritual purity. Most radically, Yeshivat Maharat in New York ordains Modern Orthodox women rabbis.

On the other hand, more traditional Orthodoxy has adopted an ideology of “different but equal” roles for men and women in the religious community. While men lead public lives and strive to become Torah scholars, women are seen as taking charge of the domestic realm. By emphasizing the central role of the home for Jewish spirituality and survival, Orthodox apologists can argue that women’s’ traditional role as mother and homemaker is no less spiritually fulfilling then that of their husband-scholars. Rabbi Moshe Meiselman’s (March 14, 1942–) pioneering work, Jewish Woman in Jewish Law, is perhaps the most scholarly and articulate defense of traditional Jewish femininity. There he writes:

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The Jewish woman is the creator, molder, and guardian of the Jewish home. The family has always been the unit of Jewish existence, and while the man has always been the family’s public representative, the woman has been its soul.3

Home and family are central to Jewish existence, although I think that this fact has implications for the lives of men as well as for the lives of women. I do not intend to quarrel here with those who deem the domestic sphere to be essentially feminine and domestic life obligatory for women. Rather, I ask whether the notion of a different but equal role for women is authentically rooted in the consensus of traditional Jewish thought. After all, “right wing” Orthodoxy is committed to more than the domesticity of women. It also claims to be heir to an unchanging world-view, which is canonically set forth in the classic rabbinic texts of the Talmud and midrashim. Did the Rabbis really perceive women as fulfilling a different but equal role in Jewish religion and society? Would they agree with the claim of modern apologists that there is nothing discriminatory or oppressive about the treatment of women in traditional Jewish societies? I shall try to answer this question by considering three sets of classical sources: The midrashic tradition of “The Ten Curses of Eve,” commentaries on the Mishnah Horayot 3:7, and explanations of the blessing in which Jewish men thank God for not having made them women.

**Eve’s Curses**

Although the story of Adam and Eve may remain repugnant to some feminists, egalitarian interpretations of the opening section of Genesis have been available for some time. Outstanding among these is the third chapter of Phyllis Trible’s *God and the Rhetoric of Sexuality.*4 My own modest contribution to this line of exegesis, the short essay “And He Shall Rule Over Thee,”5 appeared in fall of 1988. My conclusions agreed broadly with those of Trible, whose work was not known to me at that time. In particular, I offered three reasons why the curse meted out to the woman Eve, “And he [man] shall rule over you” (Genesis 3:16),6 cannot be understood as endorsing or prescribing male domination over women:

Firstly, the verse…describes a punishment, a state of affairs which is, by definition, undesirable. Secondly, the ideal man/woman relationship, as fully explicated earlier in the text, is a condition of shared privileges and responsibilities between equals. Thirdly, there is no indication given that any human being is called upon to enforce God’s punishments.7
I further pointed out that all of the other curses handed out to Adam and Eve, such as painful and dangerous childbirth and the difficulties of agricultural work, have always been understood by Judaism as offering challenges to human ingenuity. Certainly, no Jew has ever understood Adam’s curse, "Thorns and thistles shall it [the earth] sprout for you" (Gen. 3:18), as prohibiting the weeding of gardens, or the verse, “In pain shall you bear children” (Gen. 3: 16), as prohibiting the practice of obstetric medicine! Midwives were expected to do their best to make childbirth safe and painless, and artisans were praised for inventing tools that eased the work of farmers. By the same token, we must conclude from the Book of Genesis that the struggle against gender inequality is a similarly admirable pursuit. The implications of this reading for the classical midrashic expansions of the biblical story are quite far-reaching.

I have argued that a curse, by definition, must be understood as calling forth an unfortunate situation. The authors of the Talmud and Midrashim exploited the textual opportunity presented by the biblical curses addressed to Eve in order to describe the misfortunes, which they saw as peculiar to the lives of women. A tradition developed within rabbinic literature of expanding on the biblical account of women’s torments to produce lists of precisely “Ten Curses of Eve.”

An early list of the “Ten Curses of Eve” appears in the “B version” of the midrashic collection, Avot De Rabbi Nathan, (hereafter, ARNB). ARNB is a kind of expansion of the well-known Mishnaic tractate, Pirkei Avot. It is thought to have been composed as early as the second century C.E. In the 42nd chapter of ARNB, we read:

Ten decrees were passed with regard to Eve.
The first is menstruation, when she is driven from her house and banned from her husband.
The second is that she gives birth after nine months.
The third is that she nurses for two years.
The fourth is that her husband rules over her.
The fifth is that he is jealous of her if she speaks with any other man.
The sixth is that she ages quickly.
The seventh is that she ceases to give birth while men never cease being able to beget children.
The eighth is that she stays in the home and does not show herself in public like a man.
The ninth is that when she goes out into the marketplace her head has to be covered like a mourner. That is why women precede the bier, saying: "We have brought death upon all the inhabitants of the world."
The tenth is that if she was upright, her husband buries her. For we find that this was the case with our ancestors: our father Abraham buried Sarah our mother. Isaac buried Rebecca our mother. Jacob buried Rachel and Leah.
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ARNB presents us with a fascinating list of curses, freely mixing items belonging to the biological (“she gives birth after nine months”), psychological (“her husband is jealous of her if she speaks with any other man”), social (“she stays at home…”) and ritual (she is “banned from her husband” during menstruation due to the laws of ritual purity) spheres. For our present purposes, what is most surprising about this list is that it includes not only accepted norms of feminine domesticity, but even a fundamental principle of the Halakhah, i.e. the prohibition on sexual relations with a menstruating woman, as a curse from which women suffer. The last item on ARNB’s list poignantly bewails the fate of widows in patriarchal societies. Lacking any independent power or status, widows are better off dead. Society is so cruel to widows that God spares righteous women that fate by making sure that they die before their husbands.

Our next example comes from a later source, Pirkei De Rabbi Eliezer, thought to have been composed in the first half of the eighth century. There we read:

1. the afflictions arising from menstruation
2. and the tokens of virginity;
3. the affliction of conception in the womb;
4. and the affliction of child-birth;
5. and the affliction of bringing up children;
6. and her head is covered like a mourner; and it is not shaved except on account of immorality,
7. and her ear is pierced like [the ears of] perpetual slaves;
8. and like a hand-maid she waits on her husband;
9. and she is not believed in matters of testimony;
10. and after all these (curses comes) death.

Pirkei De Rabbi Eliezer adds yet more surprises to the list of Eve’s curses. Child-rearing, the most sacred of women’s traditional responsibilities becomes a curse and an “affliction.” Care for one’s husband becomes a condition of servitude; a wife is “like a hand-maid.” While traditionalist apologists insist that Jewish law rules women’s testimony inadmissible in order to spare them the embarrassment of appearing in court, Pirkei De Rabbi Eliezer counts this legal disability as a curse.

Our final list of curses appears in the Babylonian Talmud. In the tractate Eruvin 100b, we read:

R. Isaac ben Abdini stated: Eve was cursed with ten curses, since it is written:
“Unto the women He said, ‘and I will greatly multiply,’” which refers to the two drops of blood,
[1] one being that of menstruation
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[2] and the other that of virginity,
[3] ‘thy pain’ refers to the pain of bringing up children,
[4] ‘thy travall’ refers to the pain of conception,
[5] ‘in pain thou shalt bring forth children’ is to be understood in its literal meaning,
[6] ‘thy desire shall be to your husband’ teaches that a women yearns for her husband when he is about to set out on a journey,
[7] ‘and he shall rule over thee’ teaches that while a wife solicits her husband to make love to her with her heart [i.e., not explicitly], the husband does so with his mouth [i.e., he makes his desires known verbally]…
…these are only seven. When R. Dimi came he explained:
[8] She [her hair] is wrapped up like a mourner,
[9] [is] banished from the company of all men [i.e. may only be married to one man at a time],
[10] and confined within a prison.14

*Eruvin*’s list adds the asymmetrical nature of traditional sexuality to the curses heaped upon Eve. While Judaism has, in the past, allowed polygamy, women were never allowed to marry more than one man. Even within the confines of marriage, women are not allowed to freely express their needs and desires as their husbands do. However, the final curse is the most striking. Female domesticity is decreed as confinement “within a prison.” For today’s Orthodox reader, Rashi’s comment on this last phrase is remarkably ironic. He simply quotes the verse from Psalms 45: 14, *kol kevuda bat melekh penima*, “all the princesses’ treasure is stored within,” whose midrashic interpretation is used by the Rabbis to describe female domesticity.15 Today this phrase has become the veritable slogan of the campaign for the preservation of traditional gender roles in Judaism. In Rashi’s commentary, the rallying-cry of modesty and domesticity becomes metaphorically equivalent to the imprisonment of women!

What are we to make of these rabbinic lists of women’s curses? Are the Rabbis calling for social change? Clearly, Judaism has always favored the alleviation of some of the difficulties listed as curses. It has never suppressed efforts to ease the pains and dangers of pregnancy and childbirth. I imagine that if someone devised a method for making childbirth a completely safe and painless process, no halakhic authority would complain that God’s decree had been foiled. On the other hand, it is simply unimaginable that Rabbis sought to undermine the validity of the halakhic laws of ritual purity, sexual morality, modesty in dress, etc., which discriminate against women.16 At best, men are enjoined to help ameliorate the suffering caused to

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women by such laws but never to actually challenge the Halakhah itself. Regarding
the sixth curse, Daniel Boyarin points out that

The fact that she desired him especially when he was about to go on a journey, which is
one of the curses with which she was cursed, does not mean that therefore she must
suffer frustration but that he must sleep with her before he leaves…Not only is the
curse not a justification for causing her to suffer, it is that very curse that creates the
responsibility of the husband to “take care of her.” Once again it is clearly the case,
however, that the gender relations are asymmetrical, that the position of women in
sexuality is subordinate, and the position of men is dominant.¹⁷

Even if the rabbis never thought of their lists of women’s curses as challenges to the
Halakhah, there is no reason to think that they did not view these lists as cataloguing
genuine sources of suffering.¹⁸ I would imagine that the rabbis simply saw
discrimination against women as being necessary for the functioning of society.
Women are worse off then men, but there is simply no practical way to root-out the
causes of women’s oppression without overthrowing the very foundations of human
society. In more recent times, the central rabbinic figure of Religious Zionism, Rabbi
Abraham Isaac Kook (1865-1935), offered a neat formulation of the traditionalist’s
dilemma. Rabbi Kook was certainly no gender egalitarian,¹⁹ but at least he remained
acquainted of the ethical costs and dangers entailed by traditional inter-gender
relations:

The virtue of modesty effects many benefits in the world, and therefore it is deemed
important enough to negate other virtues, desirable in themselves, but which, because
of man’s passions and weakness of character, might result in a breach of modesty on
which the spiritual and material worlds depend. The virtues of love and friendship, in
all their expressions, should have been the same for both sexes, but because of the high
value of modesty is the virtue of good manners superseded so that the sages once
advised a man not to extend a greeting to a married woman (Kiddushin 70b).
The modest person recognizes that this is not because of hostility to the feminine sex
that he keeps his distance and establishes restraints, but because of a general rule that is
sound.²⁰

It is often said that being strict in one aspect of the Halakhah often requires
being lax in another. Strictness regarding trumpot u’ma’asrot (laws of priestly gifts and
tithes) often comes at the expense of laxity regarding ba’al tashhit (the prohibition of
wasting useful things, especially food). Similarly, strict measures taken to avoid any
potential danger of giluy arayot (forbidden sexual relations) may impinge upon a
man’s duty to love his fellow (female) Jew. Rabbi Kook appears to believe that in a
prefect world, we could avoid this dilemma, but as things stand equality and fraternity
among the sexes would lead to licentiousness and the downfall of human society.

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Someone must pay the price for the avoidance of disaster, and women must pay the lion’s share.

**Saving Women’s Lives**

At this point a traditionalist might concede the point of Eve’s curses and simply point out that, at the end of the day, what is important is not how pleasant one’s life has been, but rather how valuable. The lives of Jewish women may be objectively more difficult than those of Jewish men, but that certainly does not make them less holy or somehow less important. After all, as Ben Hei Hei states in *Pirkei Avot* 5:23, *lefum tzara agra*, “one’s reward is commensurate with one’s suffering and efforts.” Perhaps women should relish the opportunity to bear the burden of their unique contribution to Jewish life. It might be claimed that the price paid by women pursuing their traditional domestic role only serves to emphasize the magnitude of their spiritual achievement.

Anyone claiming that traditional Jewish women’s roles, while perhaps more arduous than those of men are of no less intrinsic value, must confront the fact that men are obligated to observe several Mitzvot, (i.e. time-limited positive mitzvot such as tefillin, sukkah, etc.) whose performance is not required of women. Since Judaism places such great emphasis on *kiyum mitzvot*, the fulfillment of mitzvot, this difference might seem likely to diminish the woman's status. Once again, Rabbi Meiselman reassures us:

> As the Talmud points out, the exemption [of woman from many time-bound positive mitzvot] implies nothing as to the relative worth of male and female - both are equally sacred.”

Rabbi Meislman's citation, T.B. Bava Kama 15a, does not actually make any reference to the concept of *kedusha* (sacredness). His use of the term "sacred" is doubly unfortunate since it *does* appear in rabbinic literature in a context most contrary to his statement. Mishnah Horayot 3:7 states: "The man's life is saved before the woman's." Maimonides explains in his *Commentary on the Mishnah*:

> You already know that males are obligated to keep all of the commandments while the females are obligated to keep only part of them, as is explained in Kiddushin (Mishnah 1:7) and he is [thus] more sanctified and therefore the man's life is saved first.

The Jewish concept of *kedusha*, be it translated as holiness, sanctity, or sacredness, invariably finds practical halakhic expression in the application of special
laws to the holy object. Thus, the sanctity of the Land of Israel is expressed in the special laws (i.e. first fruits, etc.) applicable only within its boundaries. A Jewish man, subject to special laws not applicable to a woman, is therefore technically more sanctified than she.

Maimonides' comment is based on a rule appearing in the previous Mishnah. It is there stated (Horayot 3:6) in regard to the order of the sacrificial service that "anyone more sanctified than his fellow has priority over [i.e. offers his sacrifice before] his fellow." The same Hebrew term *kodeim*, "has priority," is used to describe both the succession of sacrifices and the precedence of a man's life over a woman's. The linguistic similarity of the two Mishnayot allows Maimonides to apply the rule about Temple etiquette to understanding why a man's life should be saved before a woman's. (It should be noted that this entire chapter of the Mishnah moves freely between different examples of status hierarchies, without always clearly differentiating between their functions).

There is also a more pragmatic logic behind Maimonides' explanation. Since it is in the general interest of Judaism that as many Mitzvot as possible be performed, it becomes imperative in drastic situations, when only some lives may be saved, that the lives of those capable of fulfilling more Mitzvot (i.e. men) take precedence over the lives of those obligated to keep less Mitzvot (i.e. women). Rabbi Ya'akov Emden (1697-1776) makes use of similar reasoning to decide in the heartbreaking case of a boy and girl who had been kidnapped by non-Jews with the intention of raising them as Christians. There was some chance of ransoming one, but not both children. Which child should be saved? Here we must recall that having a Jewish mother is a necessary and sufficient condition for one’s being born a Jew. If the boy is left behind, he will not be raised as a Jew, he will marry a non-Jewish woman, and that will be the end of the matter. If the girl is left behind, she will become the progenitor of countless generations of Jews who will be raised as Christians. It might therefore seem that the girl must be ransomed, but Rabbi Emden answers:

I know of no room for doubt since the Mishnah in the end of Horayot states that the man's life is preserved before the woman's because of his greater sanctification. All the more so in regard to apostasy his preservation takes precedence, because making someone sin is worse than killing him, and since he has more mitzvot than the woman, and will have to transgress many more [mitzvot] than the woman is commanded, therefore certainly the male takes precedence in being ransomed to save his soul.
In a religion based on the performance of God's commandments, it is impossible to wish away the implications of some people having more Mitzvot than others. The Mitzvot, which a particular Jew is expected to observe, must have some bearing on his or her social standing. And if I be suspected of making too much of Maimonides' interpretation, let me add that the classical Mishnah commentaries of R. Ovadia Bertinoro (c.1450) and R. Israel Lipshutz's (1782-1860) Tifferet Yisrael as well as R. David Ben Shmuel Halevi's (1586-1667) Turei Zahav all concur with Maimonides' reading. His is the standard interpretation of the Mishnah in question.

Traditional apologists may claim that when other laws are taken into account, the bias against women is redressed. It is in fact true that Jewish law often gives priority to women over men. A poor woman should be fed and clothed before a poor man; a captive woman is usually ransomed before a captive man, etc. Yet, in all of these cases, these privileges have been traditionally understood as granted in deference to the woman's greater sensitivity and embarrassment, rather than due to the importance of her role in society. One need merely consider the traditional Western maxim "women and children first" to understand how women can benefit from specific privileges in a society which does not value their contribution equally with men's.

It is interesting to note that the importance of woman's role as mother and homemaker is never taken into account in these discussions. If these functions were as respected as recent Orthodox apologists would have us believe, surely, they would outweigh woman's technically legal deficiencies. At the very least, the classical sources might have tried to explain away apparent biases in the law. We have already seen how advantages granted women by Judaism were seen not as signaling the inferiority of men, but rather the peculiar weaknesses of women. The traditional commentaries make no attempt to square the discriminatory ruling on life saving with some notion of the nobility of woman. The issue of woman's equal dignity simply did not trouble them.

Of course, the number of Mitzvot that one is obligated to perform is not the sole criterion of precedence in Judaism. Other contributions to Jewish life through public service and Torah scholarship can be overriding factors. The mashuah milhama...
"anointed of war") was the priest chosen to address the troops before going to battle. According to the fifth century sage Mar Zutra, the life of the mashuah milhama must take precedence over that of the segan, or second to the High Priest, since many people depend on his participation in the war effort.27 As might be expected, scholarship ranks first among the sources of status in classical Jewish sources. The Mishnah (Horayot 3:8) makes clear the relative unimportance of technical sanctity as compared to personal scholarship;

Priest before Levite, Levite [before] Israelite, Israelite before bastard. When does this hold? When they are all equal [in scholarship]. But if the bastard were a scholar and the High Priest an ignoramus, a scholarly bastard precedes an ignorant High Priest.

Tosefta Horayot (2:8) declares the scholar's superiority over even the most illustrious of public officials: "A wise man [is saved] before a king; if a wise man dies he is irreplaceable, if a king of Israel dies, any Israelite is worthy of kingship."

Thus, the factors of public service and Torah scholarship may also determine the importance of one's role for Judaism.28 Yet, these two activities are precisely those traditionally denied to women, leaving them no means to improve their social standing.29

Blessed is He...Who Did Not Make Me a Woman

The idea of women having an equal role with men was impossible for classical Judaism since it was contradicted by the fact that men were obligated with more Mitzvot. Men openly acknowledged the superior position granted them by Halakhah, and felt it only proper to thank God for not creating them as halakhically-deprived women with the much debated daily blessing "Blessed are You, Lord our God, King of the universe Who did not create me a woman." Tosefta Berakhot 6:18,30 the earliest source for this blessing, explicitly explains its intention:

Rabbi Yehuda says: “A man is required to say three blessings every day: “Blessed [is God] who did not make me a gentile, blessed [is God] who did not make me a woman, blessed [is God] who did not make me an ignoramus ... [one must say],” Blessed [is God] who did not make me a woman,” since women are not obligated with [time-dependent] mitzvot.”

A variant of the Tosefta appears in Menahot 43b.31 Immediately afterwards, the Talmud relates an incident in which R. Aha bar Yaakov objects to his son’s recitation of the blessing “who did not make me an ignoramus,” and suggests that this should be replaced with the blessing thanking God for “not making me a slave.” However, the
Talmud rejects that suggestion, since the status of women and slaves are similar, and
men are already required to bless God for not making them women. Rashi offers two
different interpretations of this remark. The first states that women are like slaves to
their husbands, indicating that once a man has thanked God for sparing him from
feminine servility, it is unnecessarily repetitious to also thank God for not having been
made a slave. While this would seem to indicate that the blessing is concerned with
differences in social status rather than differences in halakhic obligation, Rashi’s
second reading hearkens back to the Tosefta. He states that women and slaves share a
common misfortune – neither is required to perform time-dependent positive
commandments. As soon as a Jewish man thanks God for preserving him from
woman’s halakhic disability, there is no need to mention the slave, who shares
woman's truncated list of obligatory Mitzvot. R. David Abudarham (14th cent.) seems
to combine both of Rashi’s ideas, and writes that the blessing is recited because a
woman is not obligated with positive time-bound commandments and that, in
addition, “she is fearful of her husband and cannot even fulfill those [commandments]
which do apply to her,”32 apparently because her husband has other plans for her. Tur
Orah Hayyim 46:18 (R. Jacob ben Asher, circa 1270-1340) concurs that a man must
say the blessing “...who did not make me a woman', since she is not obligated with
the positive time-bound commandments.” I think it would be fair to say that this view
represents something of a consensus.33 At the end of the day, rabbinic tradition is
perfectly aware that women are worse off because they lack the halakhic obligations
and opportunities afforded to men.

Conclusion

The present essay does not address the broad and difficult question of the future role
of women in Orthodox Judaism. It is simply a plea for intellectual honesty.34
Throughout the generations, Jews have tried to explain the purpose of the Mitzvot in
the light of the attitudes and beliefs peculiar to their particular historical and cultural
situations. For instance, medieval scholars explained the laws of kashrut in terms of
biological and medical theories, which have long since been discarded. I would be the
last person to suggest that our generation should avoid the challenge of ta’amei
ha’mitzvot, finding reasons for the commandments. Innovations and hiddushim are
essential for Judaism’s vitality. On the other hand, we live in an era of unavoidable
historical self-consciousness. People are awake to the possibility of cultural change, and they take notice of such changes. New ideas must be acknowledged to be new ideas.

We certainly hope that Jewish boys and girls will grow in their knowledge of the Torah.35 If they are alert and thoughtful students of traditional texts, they are bound to discover that the notion that the roles of women in Jewish life are equal in dignity and importance to those of men is an essentially modern notion formulated in response to modern concerns and conditions. In the long run, only the formulation of an intellectually honest approach to this challenge can serve to preserve the students' commitment to the tradition.

Endnotes

1. Practically all sections of the Orthodox camp combine both strategies described below to create various distinctive responses to the feminist challenge. Ultra-Orthodox girls currently enjoy a level of formal Jewish education that would have certainly scandalized the forerunners of Orthodoxy living two centuries ago. Such innovations are usually explained away as constituting unfortunate but necessary concessions to the spiritual depravity of our times.

2. This self-understanding is severely tested for members of Israel's Ultra-Orthodox communities in which it has become the norm for women to go forth into the broader world of work in order to support their cloistered scholar-husbands, who, of course, have all signed traditional ketubot in which they promised to "work honor, feed and support" their wives "in the custom of Jewish men, who work, honor, feed, and support their wives faithfully"! For ketuba text and translation, see: https://www.chabad.org/library/article_cdo/aid/532557/jewish/Ketubah.htm.


5. Berel Dov Lerner, "And He Shall Rule Over Thee…," Judaism, 37, no. 4 (Fall 1998): 446-449 https://www.academia.edu/3454792/_And_he_shall_rule_over_thee_.


7. Lerner “And He Shall Rule Over Thee,” 448-449. Trible worries about the implications of calling female subordination a “punishment”, and writes, “God describes this consequence, but does not prescribe it as punishment” (pg. 128). I argue elsewhere that human beings are required to struggle against suffering caused by divine punishments, and may indeed succeed in such struggles, unless God specifically instructs them otherwise. See my “Interfering with Divinely Imposed Suffering,” Religious Studies 36, no. 1 (2000):95-102. Important elements of this feminist reading of the Eden narrative can already be found as early as the fifth chapter of John Locke's classic First Treatise of Government. See also Jerome (Yehudah) Gellman's critique of this reading of the Eden narrative, "Gender and Sexuality in the Garden of Eden" Theology and Sexuality, Vol. 12, No. 3 (2006): 319-335.

8. Rashi's comment on Gen 5:29 explicitly describes Noah as having helped humanity overcome Adam's curse by inventing the plough.

9. Encyclopedia Judaica, s.v. Avot De Rabbi Nathan


11. Encyclopedia Judaica, s.v. Pirkei De Rabbi Eliezer. Unless otherwise noted, translations from Hebrew are my own.

13. Rabbi Meiselman writes:

> Ability to testify and obligation to testify are interdependent in Jewish law…To require women to testify at all times might very possibly contradict their private role in Jewish life…The technical disqualification of women in Jewish law may also be due to a feeling that it would be improper to subject women to the indignity of intense cross-examination in court. (p. 78-79)

Rabbi Meiselman goes to great lengths to establish that the disqualification of female witnesses is not predicated on the assumption that women are more prone to lying than men, of which he states, “Nothing could be more absurd” (p. 73). But we find exactly this absurdity in R. Hezekiah ben Manoah’s (13th century) classic Torah commentary, *Hizkuni*. The comment on Genesis 18: 15 reads: “From here we learn that women are disqualified from testifying since they deny [the truth] out of fear.”


16. Actually, Rabbeinu Gershom’s (960-1028) famous edict prohibiting polygamy and requiring the wife’s consent for a divorce to take place may be fairly understood as a deliberate move to create equality between men and women under Jewish law. The Rosh (R. Asher ben Yehiel, 1250-1327) wrote in a responsa that R. Gershom acted in order to “make the power of the woman equal to that of the man” (*Shut HaRosh*, 42: 1). I am indebted to Rachel Levmore for bringing this source to my attention.


18. It is entirely possible that many of the Rabbis’ female contemporaries would take exception to the inclusion of some of the items in the lists of curses. After all, these lists offer *men’s* descriptions of how hard it is to be a woman. For instance, might not all this hand wringing over the curse of female sexual frustration involve the projection of male sexual frustration? Did women really not enjoy raising their children, or was it just difficult for the Rabbis to understand that someone might actually take pleasure in caring for children?


23. Some would argue that the word *kedusha* (except as applied to God) merely indicates a special technical ritual status which in no way indicates any superior ontological or metaphysical status. See R. Meir Siminka of Dvinsk’s (1843-1926) Torah commentary *Meshekh Hokhmah*, on Exodus 32:19.

24. She’elat Yavez 1:68


26. *Tur Yoreh Deah* 251 states: "The woman is dealt with before the man, whether to feed or clothe her because she is embarrassed to ask." A woman is captive before a man in order to avoid her being raped, yet when there exists a possibility of homosexual rape, the man is raped first (see traditional commentaries on Mishnah Horayot 3:7).

27. T.B.Nazir 47B.

28. These three sources of status, i.e. sanctity, scholarship and public service parallel the "three crowns" of personal distinction mentioned in Avot 4:17 and Shemot Raba 34:2, namely the "crown of priesthood", "crown of Torah" and "crown of kingship".
29. I should mention that the practical halakhic force of the dictum giving priority to the preservation of men's lives is not completely established. Maimonides does not include it in his Mishneh Torah, neither does R. Jacob ben Asher (1270-1340) in his Arava'ah Turim nor does R. Yosef Karo (1488-1575) in his Shulhan Arukh. One cannot stress enough that the overriding concern in all such cases is to first save whoever, male or female, is in the greater immediate danger. See Rabbi Haim Hirschenson's (1857-1935) comments on our Mishnah as appear in the anthology HaTorah VeHaHaim, pp. 120-121 published in Tel Aviv by Kibbutz HaDati, 1988. Hirschenson claims that the Mishnah’s preference for male lives reflects an outdated image of woman’s role in society and is no longer legally binding. Several recent halakhic authorities such as Rabbi Moshe Feinstein (1895-1986) and R. Eliezer Yehuda Waldenberg (1915-2006) have been careful to deny or defang the notion that some kind of superior male holiness requires that men's lives be saved before women's. For these apologetic readings and a survey of the relevant halakhic literature, see Yossi Green's "'Ha'ish Kodem La'Isha LeHahayot – Ha'adafa Migdarit B'Halakha HaYehudit VeYisuma shel HaHalakha HaKeduma BeMitziyut HaMishtha' Mozei Mishpat" (2015), 135-179, Available online at https://www.netanya.ac.il/Schools/LawSchool/Journal/Documents/grin-y.pdf. For my purposes it is sufficient that the male's greater sanctity is taken by Maimonides and other classic authors as an accepted fact which can be used to explain the mishnah.


31. Versions of the discussion from Menahot also appear in the Rif (R. Isaac ben Jacob Alfasi, 1013-1103) on Berakhot 44b, and the Rosh on the end of chapter nine of Berakhot.

32. Abudarham HaShalem, Jerusalem 1959 pp.41-42.

33. I should take this opportunity to emphasize a point which both the critics and defenders of the blessing “…who did not make me a woman” seem to have missed. While it is fairly clear that the blessing’s author thought of womanhood as a fate less fortunate than manhood, the recital of the blessing itself may be taken as an expression of belief in the essential, one might say the ontological, equality of men and women. By thanking God for not having made him a woman, each individual Jewish man admits the logical possibility that he might have entered this world in a female body, thus implying that gender is not essential to personal identity. See my "Could I Have Been a Woman? Meditations on a Controversial Benediction." Philosophy and Literature, 34 no. 2 (2010): 425-434.

34. For a similar discussion of how contemporary apologies for the laws of family purity misrepresent traditional views, see Jonah Steinberg’s “From a Pot of Filth to a Hedge of Roses and Back,” in Journal of Feminist Studies in Religion 13 no. 2 (1997): 5-26.

35. Perhaps genuinely, equal opportunities for women to grow in Torah learning will make the other inequalities of ritual life appear trivial. When a woman may gain communal recognition as a talmidah hakhamah [woman Torah scholar], it might be beneath her dignity to worry about pedestrian trappings of honor such as receiving an aliya la Torah. But has this been true of men to whom the gates of learning have always been open?

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