THE RIDDLE OF SOLOMON'S JUDGMENT AND THE RIDDLE OF HUMAN NATURE IN THE HEBREW BIBLE

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In this paper I will argue that the two harlots who give conflicting testimony to Solomon in 1 Kgs 3.17-22 are presenting him with what Jolles calls a 'law-court riddle' (1958: 131-32). Because v. 26 does not specify whether the 'true' mother is the complainant or the respondent, the story also becomes a riddle for the reader, who is challenged to identify the mothers solely on the basis of their quoted words. The ultimate subject of both these riddles is the riddle of human nature itself. Throughout the Bible, the inability of human beings to decipher the true characters of their fellows is opposed to God's immediate and infallible knowledge of the human heart. Such human cognitive failings make people vulnerable to others' duplicity and maliciousness, not only in the law-court, but in the marketplace and the privacy of their homes. There is ample biblical evidence that such vulnerability was the cause of considerable anxiety among the citizens of ancient Israel.

It is my contention that the story of Solomon's judgment, like the folk riddles studied by anthropologists and folklorists, may have served an important social function by responding to such anxiety. The story explores the crucial boundary separating human ignorance from divine wisdom. Solomon illustrates how a human being with 'godlike' wisdom about human nature might be able to overcome human cognitive limitations, using the true witness of strong emotions to get past false testimony and deceptive appearances. Insofar as all citizens of ancient Israel were vulnerable to deceit, the

judgment narrative would carry a comforting message to all strata of the social hierarchy, whether or not the king's technique was considered to be capable of imitation by ordinary people. From this perspective the story would not be merely an example of royal ideology aimed at maintaining the power of those who created it. It would be an example of 'strain' ideology, which is designed to manage basic social antinomies by 'mediating' them in the manner of folk riddles and myths.

1. *The Social Function of Riddles and the Judgment Story*

Riddles have been described as sayings which pose a question demanding an answer, sayings couched in terms which lead the aspiring riddle-solver toward the answer, and, at the same time, mislead (Jolles, 1958: 129, 145-46; Crenshaw, 1981: 37). Such ambiguity is often taken as a characteristic of the riddle form, inviting theorists to propose a parallel between riddle ambiguity and the ambiguity of human behavior and the world itself.[1] Some scholars[2] contend that folk and narrative riddles can challenge or even threaten the riddle player's confidence in the stability of social and world orders, as opposed to forms like proverbs or myths, which are said to support a culture's existing boundaries and categories.

However, a number of theorists have recently argued that riddles can actually strengthen a culture's categories and make them more flexible, by questioning them and inviting reflection on their ambiguity. This implies that riddles serve a pedagogical function. According to Hamnett (1967: 387; cf. Leiber, 1976: 263-64), such adaptive learning is necessary to prevent cultural orderings of experience from becoming reified, and thereby unable to cope with social change. Abrahams's account of riddle performances (1972) illustrates the learning process. The riddler elicits the group members' participation in seeking a solution, only to confuse and then astonish them when the unforeseen answer is announced. While the induced confusion might seem to pose a threat to order, in the end the group's underlying sense of order is rehearsed, revealed, and reinvigorated.

One need not be as successful a riddle-solver as Solomon for a riddle to serve an educational function. As Hamnett puts it, the '"point" of the riddle does not depend upon the respondent's ability to solve it', which is 'clearly almost impossible', but in the recognition of a subtle, even far-fetched, congruence between items

which ordinarily seem antithetical (p. 389). In fact, failure to reach a definitive solution can actually motivate further efforts at understanding, while making the riddle players continually more aware of the assumptions and expectations they bring to the problem, including expectations grounded in their society's basic concepts of order and reality. The need for continued effort does not necessarily threaten the individual's belief in the stability of those concepts of orderly reality. As Goffman points out (1974: 441), when something 'deeply ambiguous' occurs in one's life-world which is 'destined to remain so for all time', it is still felt that 'were the effort spent, the "facts" could be uncovered and matters set right. The unexplained is not the inexplicable'. It is precisely because our interpretive frameworks *are* usually more or less adequate (p. 440), that the expectation of solution will remain even when the ambiguity is both real and lasting.

I have already noted that many theorists draw a parallel between the ambiguity of riddles and the ambiguity of human nature and the world. Biblical wisdom also recognizes 'the ambiguities of existence' (Murphy, 1976: 198). According to von Rad, Israel's wisdom not only acknowledges 'the ambivalence of phenomena and events' but believes that the highest wisdom is 'to let things retain their constantly puzzling nature' (1972: 311, 318). However, because people must continually make determinate decisions—often of critical importance—on the basis of indeterminate data, they must not only continue to expect solutions to such life-puzzles, but act as though their decisions *were* solutions. This is especially true for a judge who is presented a law-court riddle requiring a determinate judgment of life-and-death importance. We will therefore have to ask whether the judgment narrative conveys a message which acknowledges both the puzzling nature of the human world, and the continual need to solve human puzzles in order to live successfully in that world.

2. The Harlots' Dispute as a Riddle for Solomon

In 1 Kgs 3.16-22, two harlots come before Solomon and describe their dispute. The complainant explains that both women had given birth to male babies, the speaker three days before the other. She accuses her adversary of having arisen around midnight and stolen her baby while she slept, after having killed her own child by lying on top of it. She testifies that she only discovered the substitution the

following morning, when she examined the child after having arisen to nurse it. The respondent then affirms the living child as her own, claiming that the dead baby is the complainant's. Although Prov. 18.17 warns that the person who pleads a case first will seem right until cross-examined by the other, the respondent does not challenge any of the particulars of her rival's report, not even her claim to know about the respondent's activities at a time when she herself admits she was asleep.

Solomon makes this difficult case into a riddle by choosing to resolve the mystery of their true characters without recourse to ordinary investigative procedures. For example, he makes no attempt to locate either unnoticed eye-witnesses[3] or character-witnesses. It is Solomon's failure to 'shin aroun' mongs' de neighbors' which convinces Mark Twain's Jim that Solomon is not so wise as he is supposed to be (Twain, 1958: 66). Like the respondent, Solomon does not cross-examine the complainant about the glaring inconsistencies in her testimony. Finally, the king chooses to ignore potential physical evidence. A modern physician writing on the judgment story goes so far as to charge that Solomon 'cannot be excused' for failing to consider the 'clinical clues' provided by the bodies of the two children and the mothers' breasts (Levin, 1983)![4] In any event, Solomon's failure to examine physical 'clues' shows that his judicial wisdom must be *anything but* what McKane (1965: 59) supposes it to be, namely, 'skill in sifting the evidence'.

When Jolles (1958: 131-32) looked for instances of the riddle form in human life, one of the prime examples he uncovered was the law-court riddle (*Gerichtsrätsel*). In the setting of the court, it is the accused who poses the riddle which the judge must answer; if he cannot, he ceases to be a judge, at least for the time being. Here it is the judge who *must know*, and the accused who *knows*. In the judgment story, it is clear that both women know who is who, and that it is the king who must share that knowledge in order to arrive at a fair judgment. Solomon is challenged to distinguish between the two, in spite of the fact that the women remain indistinguishable in terms of name, profession, dwelling, reason for pregnancy, and, except for the three-day discrepancy, conditions of giving birth. Some variants of the judgment story heighten the indistinguishability of the births even further by making them occur in the same room, at the same hour (Josephus, *Ant.* 8.2.2 §27; Gressmann, 1907: 219, version 1). While Solomon should not 'recognize faces' (Deut. 16.19;

Prov. 24.23), that is, distinguish between persons on the basis of irrelevant characteristics, he must recognize the differing characters of the two women if each is to receive her due.

Rather than using their testimony as a clue to their characters, Solomon devises a ruse to which both women respond in accordance with predictable laws of maternal behavior. His device not only stimulates the deepest feelings of a mother fighting for possession, and then the very life, of her own child, but the deepest feelings of a mother recently bereft of her own child, who is tormented by envy over the injustice of her friend having a child when she does not (on the relationship between envy and justice, see §4, below). Ironically, Solomon's order leads the women to make requests which are precisely the opposite of their demands at the start of the proceedings. While both began wanting the child, both now ask to be deprived of it, either by surrendering it to the rival (the true mother's request), or by demanding its death in preference to accepting it from the rival (the false mother's request).

Solomon strikes such a sensitive chord in both women that neither even considers the possibility that the order is a hoax, not even the false mother, who has so much to lose by exposing her true identity. Should it be surprising that the order was taken seriously? Curiously, two opposite factors have led some readers to take the king's order at face value, namely, the respect and authority of his office, and the lack of respect and authority which might accompany the fact of his youth. Rabbi Judah bar Rabbi Ilai is quoted in a midrash as saying, '"If I had been there, I would have put a rope around Solomon's neck, for one child dead was apparently not enough for him,—no, he had to command that the second be divided in two"' (*Midr. Teh.* 72.2). According to this same midrash on Psalm 72, when the king's counselors 'saw what he was about', they began to say, 'Woe to thee, O land, when thy king is a boy', quoting Qoh. 10.16. Similarly, all the people in Josephus' account respond to Solomon's order by secretly making fun of the king 'as of a boy' (*Ant.* 8.2.2 §32). Later legends about Solomon's wisdom often show it to be all the more astonishing because in these cases he is a mere child.[5]

Viewed as a dramaturgical performance, the king's order can profitably be compared with what the sociologist Goffman (1974: 97-103) refers to as a 'vital test' and 'strategic fabrication', sub-classes of the larger category of social fabrications. While Goffman's prime example of such a test is God's and the Satan's test of Job, he also

adduces a less controversial example of a police superintendent who seems to 'really' steal a car to test his officers, by prompting them to chase him down real streets. Here, as in 1 Kings 3, the tester seems to be engaging in an act which is either illegal or morally reprehensible. Solomon's ruse is also an example of strategic fabrication, because its emphasis is on misdirecting the dupe's perception and response through a secret design which ultimately does not cast any doubts on the moral character of the misdirector. Because Solomon is a truly detached and disinterested judge, once his true aim is obvious to all no doubts are cast on his integrity and motives. On the contrary, the whole point of the episode in the context of 1 Kings 3 is to illustrate his wisdom in service of impartial justice.

However, *before* Solomon's aim is clear to all, his impartiality appears to those who fall for the misdirection as a travesty of monarchical justice. Taken straight, the king's order to 'divide the living child in two, and give half to one, and half to the other one' (v. 25) would imply that Solomon is going directly contrary to the life-protecting function of the just king, who is meant to aid the helpless, not to divide a helpless baby in two in the way that David splits Mephibosheth's property in 2 Sam. 19.29. Such an act would be particularly outrageous in a society which bases its laws on the sanctity of human life and the incommensurability of life and property (see, e.g. Paul, 1970: 37-40). More than 'calloused' (Brueggemann, 1972: 68) or cruel, the order would be ludicrous, for it would destroy the baby in the process of distributing it.[6] It is an act fit for a king who judges in an inverted world, like the king of Israel in besieged Samaria who is confronted by an apparently self-righteous mother who is oddly oblivious to the heinousness of her cannibalism (2 Kgs 6.24-30).

3. *The Judgment Narrative as a Riddle for the Reader*

The reader's riddle begins the moment the women's responses solve the king's riddle. If, after his judgment, 'all Israel' could 'see' Solomon's wisdom and fear him, only those present could actually see firsthand the identity of the criminal, which is the answer to the puzzle of the crime. The fact that the reader's riddle begins precisely where Solomon's ends is due to the fact that the king says 'Give *her* the living child', and not 'Give the complainant'... or 'Give the respondent'.... Yet most commentators have missed this fundamental point. Readers of English versions like the RSV and NEB might be

excused because here the pronoun 'her' is replaced by 'the first woman'. While the pronoun refers directly to the first speaker *after* the mock death order, it is often taken as pointing to the first speaker in v. 17. Not even the inconsistencies in the complainant's long speech have done much to delay premature judgment in her favor. The LXX actually removes the complainant's troublesome admission that she was asleep at the time of the alleged kidnapping (v. 20), presumably to make the facts fit the theory that she is the true mother.

Of the very few scholars who recognize even the *possibility* that the true mother is the respondent,[7] all but Sternberg make conflicting comments which assume that the true mother is the complainant after all.[8] And while one midrash does consider the possibility that the first woman was speaking craftily, it does so only to explain the need for a *bat kol* to confirm the validity of Solomon's decision (*Midr. Teh.* 72.2; *b. Mak.* 23b). The midrash never considers that it might have been the respondent who is affirmed by both king and heavenly voice.

Earlier, reference was made to the ways in which the two women are presented as indistinguishable, and therefore 'equal', at the start. This vagueness is even greater for readers than for Solomon, because readers cannot differentiate between the two in terms of physical appearance or dress. Therefore, they cannot check for the mannerisms listed in Prov. 6.12-13 as characteristic of wicked people, their 'body language', as Crenshaw aptly puts it (1981: 90). Readers are left with demonstrative pronouns without being able to determine at whom these verbal pointers are aimed. Nor can readers test the women with ruses of their own, or seek more evidence or witnesses if they so choose. This additional vagueness and paucity of clues ensures that the riddle presented to readers will be more challenging and difficult than the king's. It is therefore incorrect to invoke the so-called 'fair-play rule' of detective stories, on the grounds that there is 'a parity in both the raw information and the modes of processing' available to Solomon and the reader, 'since the two detectives [Solomon and reader] must weigh the same evidence by the same lifelike standards' (Sternberg, 1985: 167, 169).

The vagueness of this riddle can be compared with the incompleteness of ambiguous figure drawings and related visual puzzles used in perceptual psychology. By supplying only equivocal or inadequate information, the viewer cannot form one determinate

Gestalt. This calls attention to the vulnerabilities of our perceptual apparatus, including the tendency to effect closure—jump to conclusions—prematurely, a common phenomenon with the judgment story. Sternberg might say that it is a way of making readers experience the truth of 1 Sam. 16.7, forcing them to admit that the external appearances and words available to human knowers cannot yield the truth about the human heart (see below). However, it might also be a way of forcing readers to complete the picture and make decisions about the women by *consciously* applying their understanding of human nature gained from their life-experience, as well as insights into human behavior gleaned from the Bible itself. Such a mechanism would be consistent with the tendency of the Hebrew Bible to make the reader's life-world coincide with the world of the text (see Lasine, 1986: 68-69). It remains to be seen whether this kind of didactic (and potentially ideological) device is in fact at work in the judgment story.

While the judgment story exhibits rather intricate verbal and structural patterns (such as echoing phrases and alternating speakers), these patterns do not constitute reliable literary clues as to the true mother's identity.[9] But do the litigants' speeches themselves provide clues to their true characters? When would the mother of a kidnapped infant speak aggressively and at length for her child in court, and when would she be so distraught by the abduction of her child that she would be virtually speechless before the king? When is courtly speech a sign of a trustworthy character, and when does it indicate a smooth tongue hiding a hate-filled heart?

Scholars like Patai (1959: 147) have used passages in Jeremiah and Proverbs to create a composite portrait of the biblical harlot which takes brazen shamelessness, secretive wiles, and smooth seductive words as her defining traits. The false mother's affirmation of Solomon's death-order can indeed be viewed as shameless, and even wily.[10] Long (1984: 68-69) seems to consider the very brevity of the respondent's speech as incriminating. He identifies the respondent of v. 22 with the second speaker in v. 26, characterizing her as 'chilling in her clipped speech (v. 22a and esp. 26b, which carries a singularly vindictive tone)'. However, the long opening accusatory speech of the supposedly 'verbose, even courtly' complainant (Long, 1984: 68) might also be an example of wily smooth words, a possibility addressed in the midrashim. Indeed, the quoted speech of various women (and men) in the Bible indicates that neither terseness nor

prolixity, neither bold, clipped speech nor obsequious courtly forms of address, provides a uniform and unequivocal index of the speaker's character.[11]

4. *The True Witness of Strong Emotions*

Does the fact that Solomon's ruse uncovers the truth by eliciting strong emotions, bypassing potentially deceptive outward appearances, imply that such emotions regularly provide a reliable index of a person's true nature in the Bible? Nathan's use of his ewe-lamb story with Solomon's father David suggests an answer in the affirmative. The prophet exposes the truth of David's crime and character by triggering a vehement and unguarded response from the king by means of his fabricated story (see Lasine, 1984). To determine whether strong emotions act as a 'truth serum' in other situations, we need only consider the emotions of compassion and jealousy.

In the Hebrew Bible, the only two humans whose compassions (*raḥ⁰mîm*) are said to be warmed (using the verb *kāmar*) are the true mother in 1 Kgs 3.26 and Joseph in Gen. 43.30. Unlike the mother, Joseph temporarily restrains his compassion. He does so because he, like Solomon, is conducting a ruse which calls for him to play an apparently callous role. His restraint is more remarkable than that of Solomon, however, because he has powerful emotional ties to those he has been testing.

The third time *kāmar* is used to describe aroused feelings of compassion (*niḥûm*, not *raḥ⁰mîm*) the subject is God himself. This occurs when God changes his mind, deciding to bring partial punishment, not total annihilation, on Ephraim (Hos. 11.8-9). While the precise sense of these verses is a matter of continual debate, it is clear that Yahweh's deliberations, like the true mother's feelings, involve a surge of compassion overriding a contrary demand for strict justice. However, Yahweh makes clear that the turning-over of his heart happened precisely because he is God and not a human being. Heschel takes this as a sign that God, unlike humans, 'is the master of His anger' (1971: 74). While Joseph may have been able to control his surge of emotion, the mothers of 1 Kings 3 confirm Yahweh's point. They can no more hold back their passions than the speaker in Psalm 39 can 'keep a muzzle (*maḥsôm*) on' his mouth and restrain his feverish anguish, once his heart grows hot in his innermost parts (Ps. 39.2-4).[12]

The emotions evoked by Solomon's mock death order include not

only the compassion of the true mother, but the envy of her rival. As Bird points out (1974: 61), compassion and envy are *both* 'primary characteristics' of the mother in the historical writings. The equation of the false mother's acts with the traits of a harlot is based on the fallacious assumption that in such a situation a true harlot would necessarily be a false mother. Even Bird assumes that the ancient audience would be astonished at the positive faith, courage, and love displayed by 'harlot heroines' like the true mother in the judgment story, not merely because she is 'that member of society from whom one would least expect religious and moral sensitivity', but because such behavior 'would scarcely be expected of the average upright citizen' (p. 67). Not only does this assume much more about the expectations of the ancient audience than it is possible for us to know, it ignores the fact that the true and false mothers' behavior would be precisely what one *would* expect from mothers, according to Bird's own description of maternal compassion and jealousy for her children. Should it be astonishing, for example, that an enslaved 'upright citizen', Moses' mother, surrendered her child to another woman in order to save its life? The true mother in 1 Kings 3 displays the same kind of compassion, transcending jealous possession in order to save her child's life.

Far from inviting us to explain the women's behavior in terms of their profession and low station, the fact that the women are harlots is designed to focus our attention precisely on the fact that their distinguishing characteristic is motherhood. In none of the legends related to the judgment story reported by Gressmann is this the case; they are all co-wives. In many of these cases the false wife is she who wants the child in order to gain the right to inherit her husband's wealth. While Gressmann and others assume that the judgment story is dependent on these versions because their identity as harlots makes the story less well motivated, the truth is precisely the opposite. Only in the biblical case is the motivating force behind the behavior of *both* women related to powerful and characteristic maternal emotions.

Commentators who have attempted to fathom the false mother's reasons for encouraging the division of the child in 1 Kgs 3.26 have not only suggested envy as a motive, but spite, jealousy, fear of reproach and an attempt to flatter the king by agreeing with him (e.g. Hammond, n.d.: 64–66). Envy and jealousy are the emotions most closely linked with the basic human sense of justice, as acknowledged

in Pss. 37.1 and 73.3. Freud, when describing the transformation of jealousy into group feeling among children, says that 'social justice means that we deny ourselves many things so that others may have to do without them as well, or, what is the same thing, may not be able to ask for them' (1959: 52-53). It is in this context that he cites the 'apt story' of Solomon's judgment: 'If one woman's child is dead, the other shall not have a live one either. The bereaved woman is recognized by this wish' (1959: 53).

The fact that envy allows readers to 'recognize' the bereaved mother, just as compassion identifies her opponent as the mother of the living baby, conveys the message that general maternal nature is stable, and that anyone can predict how specific 'true' and 'false' mothers will act. This message is underlined by the narrator, who leads readers to conclude that it is only natural for a true mother to be compassionate enough to save her child by surrendering it. He does so by twice reporting that the living baby is 'her child' *before* she makes her compassioate plea (v. 26). This also predisposes readers to take the other woman's echoing of Solomon's death-order as what a false mother would naturally say when she is tricked into betraying herself. Thus, when Mendenhall argues that this call for the child's death could 'just as easily' characterize a true mother who 'would rather see her child killed than give him up to an unscrupulous bitch' (1974: 324), he is resisting the narrator's rhetoric and authority.

At the same time, the notion that envy might lead either mother to plead for the death of an infant is less than comforting, precisely because it hints at the violent potential of this emotion and the kind of justice it seeks. The anthropologist Foster goes so far as to assert that envy is 'a particularly dangerous and destructive emotion', implying hostility and violence 'capable of destroying societies' (1972: 165).[13]

The destructive power of envy is best explained by René Girard. Girard believes that it is the tendency of human beings to imitate each others' desires which makes envy 'so extraordinarily powerful in human society' (1987a: 51). Imitating a model engenders conflict, because the more the envied person is emulated, the more he or she becomes a rival and obstacle. On the social level, unchecked mimetic desire leads to rampant violence, which can be controlled by sacrificial religions, in which individuals identify with one another in unanimously finding a scapegoat, or through the establishment of a judicial system (1972: 21 and *passim*).

When Girard applies his theory to the story of Solomon's judgment, he begins by noting the lack of differentiation between the two women (1987b: 238). This signals a mimetic crisis brought about by the rivalry of doubles. The crisis is resolved by the king's ploy. By accepting the king's proposal, 'the second woman' reveals that 'the only thing that counts for her *is possessing what the other one possesses*' (1987b: 238-39).

Like Freud and Mendenhall, Girard goes on to note that, in the last resort, the second woman is ready to be deprived of the child as long as her opponent is deprived of it in the same way. This reveals that her violent attitude is totally determined by mimetic rivalry: 'the living child no longer counts; all that counts is her fascination with the hated model and rival—her feeling of resentment that impels her to involve this model in her own downfall, if it proves impossible to achieve any other triumph over it' (p. 239).[14]

5. *The Social Function of the Judgment Story*

The inability of human investigators to detect false testimony is a crucial judicial problem, which is addressed not only by the ninth commandment and various legal and prophetic texts, but by a number of verses in Proverbs.[15] Klopfenstein quotes the description of false witness as a hammer, sword, and sharp arrow in Prov. 25.18 as an indication of 'how strongly the life- and society-destroying effect of false witness was felt in Israel' (1964: 23). While a few passages in the book of Proverbs express confidence that false witnesses and other deceivers will be unmasked and punished, apart from praising cross-examination the book does not offer much concrete advice on how an orderly society might investigate and expose the malicious behavior aimed at destroying it.[16] The deuteronomic requirement of two or more witnesses for conviction in capital cases (Deut. 19.15) is certainly not an adequate protection against false testimony, as is dramatically illustrated by the story of Naboth's vineyard (1 Kgs 21) and the apocryphal 'Susanna'. In fact, one can never totally rely on eye-witnesses, for their sole qualification consists in the 'arbitrary fact of their having been at a certain place at a certain time' (Jackson, 1975: 166-67). While Jackson notes that character-witnesses could provide important testimony, he finds no evidence of such a tradition in biblical law. At the same time, evidence plays a relatively small role in Israelite trial procedure, even though the consequent dependence upon testimony made the trials

'vulnerable to dissembling witnesses' (Patrick, 1985: 125). The fact that physical evidence is itself vulnerable to misuse is amply illustrated by narratives like the Joseph story (see Daube, 1947: 8-9, 252).

Given the unreliability of both verbal testimony and physical evidence, one could almost say that every case would have to be brought before *hā'lōhîm* (Exod. 22.7, 8), if the condition for sacral adjudication is the human authorities' inability to reach a final verdict because of contradictory testimony or inadequate evidence (Paul, 1970: 90). Nevertheless, Deuteronomy dispenses with sacral procedures. Cases too difficult for local authorities, including those involving 'witnesses of violence' and conflicting testimony,[17] are taken not to *hā'lōhîm*, but to the central authority, comprised of Levite priests and judges (Deut. 17.8-12; 19.16-18). This authority is presumed to be capable of solving the judicial riddle through what Weinfeld calls 'the mediation of purely human factors' (1972: 235). In Deut. 17.9 and 19.18 (cf. 13.17 and 17.4) the verb used to describe 'rational legal investigation' (Fishbane, 1985: 245) is *dāraš*, a term which elsewhere refers to oracular inquiry.

In spite of such apparent optimism concerning human investigative abilities, Deuteronomy is actually more elusive than Proverbs on what specific kinds of purely human methods are to be used to resolve extraordinary cases and to detect false witnesses. Given the emphasis in both books on reinforcing the individual's conscience to prevent malefactions that society cannot control (see Weinfeld, 1972: 265-67, 276, 288), and Deuteronomy's acknowledgment of social injustices stemming from duplicitous words and actions, one must ask how purely human factors could be deemed adequate to resolve such disputes. The inadequacy of human strategies would seem to be implied by the very use of the phrase '*kî yippālē' mimm'kā*' to describe the difficult cases of Deut. 17.8, for the root *pl'* denotes something beyond human powers of cognition and resolution, including insoluble riddles (see Weinfeld, 1972: 258-59).

The sapiential, legal and narrative texts which imply that humans are not always capable of detecting false testimony and other forms of deception are in total harmony with more wide-sweeping biblical pronouncements on human cognitive limitations. Statements throughout the Hebrew Bible juxtapose God's immediate and infallible knowledge of human character and the human tendency to be misled by deceptive words and appearances. Often this opposition

is explicitly expressed in terms of the investigator's ability to search out or test an individual's true character.[18] Sternberg (1985: 46, 89) goes so far as to assert that in the Hebrew Bible man is opposed to God not so much in terms of mortality as of knowledge. An 'impassable line between God and man' separates divine omniscience and human ignorance. Jackson (1979: 42-43; cf. 38) also stresses the 'binary opposition' of human and divine cognition, suggesting that the norms expressed by the laws in Exodus 22 governing cases beyond the capacity of human judges were included in part to stress the difference between human and divine cognition.

Those citizens of ancient Israel who were convinced of their inability to detect deceit in the hearts of their fellows would have good reason to experience anxiety over this fact, not only in judicial situations, but in all phases of their social and economic lives. This would be particularly true during the period of rapid urbanization spurred by the institution of the monarchy. The kinds of social injustice condemned by the eighth-century prophets like Amos have been called evils 'inherent in the economic life of a city' (Sandmel, 1978: 60). More unsettling than one's vulnerability to deceit in the marketplace was the inability to detect deception by one's most intimate friends and relatives. Micah's warning not to trust a close friend (*'allûp*) or even 'she who lies in your bosom' (7.5), is particularly significant in the present context, for, in Phillips's words, it occurs within a larger 'description of a society in which no one could be trusted' (1982: 222). Similarly, while the speaker in Psalm 55 wants to flee from the bustle of the city, where oppression and guile never depart (v. 12b), his greatest agony is over the betrayal of a former friend (*'allûp*; *mᵉyuddāʿî*), whom he thought he knew intimately (v. 14). Like malefactors in the law-court and marketplace, such two-faced friends use speeches 'smoother than cream' when their hearts are 'war' (v. 22). Clearly, 'double-hearted' neighbors (Ps. 123.3) and Jacob-like untrustworthy brothers and neighbors (Jer. 9.1-5, 7) signal a social malaise which 'has extended to the very heart of the social order' (Overholt, 1970: 84).

The story of Solomon's judgment could have served an important social function as a response to such 'epistemological anxiety' in urban Israel.[19] Because the factors causing such anxiety would be present from the time of Solomon through the time of the deuteronomist, the date of the story in its present form need not be pinpointed in order for this to be a possible social function. In fact,

Noth (1955: 227-28), who believes that the complex of 1 Kgs 3.4-28 is pre-deuteronomistic, would leave open the entire time-span between Solomon and the deuteronomist as the possible date of its fixation. While scholars who interpret the judgment story as an example of royal ideology sometimes trace its transformation from folktale to propaganda to the period of the united monarchy, the story could have also been used for such purposes by the deuteronomist. As Van Seters points out (1983: 308), 'since the power and greatness of the monarchy were at its zenith early in Solomon's reign, it is only natural that Dtr associated this kind of wisdom with this period of his rule'. Indeed, Scott (1955: 270) contends that the focus on judicial wisdom is the special emphasis of the deuteronomist, who appended 'the old folktale of vv. 16-28 as an illustration of such wisdom when he rewrote the dream narrative of vv. 5-15. If the story was placed in its present context by the deuteronomist, the present study suggests that its function would have been to give a concrete example of the kind of judicial wisdom which employs human means to resolve cases formerly destined for sacral adjudication. The fact that Deuteronomy largely abolishes the king's judicial authority (see Macholz, 1972: 339) would not prevent the story from serving this purpose.

If the judgment story did serve a mediating function in the way folk riddles and myths mediate cultural contradictions (see Lasine, 1986: 62-68), the question whether Solomon's methods could be emulated by ordinary human beings becomes crucial. Does the basic judgment story 'assure everyone that justice lay within his or her grasp', a message which, according to Crenshaw (1981: 48), explains the popularity of the incident? Or is this illustration of his wisdom evidence that his success is due to intuition, not method, as von Rad suggests (1972: 297)? If the latter, are such intuitive powers limited to those with God-given wisdom?

The fact that Solomon chooses not to interrogate or cross-examine the disputants aligns the king with divine, as opposed to human, investigative procedures. This is stressed in a midrashic commentary on the judgment story, in which David prays to God to give his son 'Thy power in the rendering of judgments: Even as thou are able to render judgment without witnesses and without warning, so may Solomon be able to... [do so]' (*Midr. Teh.* 72.2). Insofar as he bases no conclusions on the appearance of the women or the living child, Solomon resembles the ideal just king envisioned in Isa. 11.1-5,

whom Lescow calls 'an eschatological Solomon' (1967: 189). This monarch 'shall not judge after the sight of his eyes, nor decide after the hearing of his ears' (v. 3). Far from being blinded by partiality prompted by gifts (as in Exod. 23.8), such a judge is blind to those externals which mislead even the most honest and impartial of ordinary judges.

That Solomon's technique *can* be emulated is explicitly assumed by Josephus, who announces that he is going to explain the circumstances of this difficult case so that those of his readers 'who are involved in such matters may take example from the king's sagacity so as to be able to give a ready opinion on questions at issue' (*Ant.* 8.2.2 §26). While all others present when Solomon gave his judgment were 'mentally blinded, as by a riddle' (*hōsper ep' ainigmati*, 8.2.2 §30), and unable to find a solution, readers of the judgment story can nevertheless become judicial riddle-solvers.

Readers of the judgment story can actually receive a comforting message about a stable social order and stable human nature whether they take the king's procedure to be inimitably godlike or capable of imitation by people like themselves. By focusing on the king's astonishing and seemingly preternatural wisdom, on his intuition rather than his method, readers might be tempted to adopt a passive attitude when confronted by apparent acts of deceit, comforted by knowing that their ultimate judicial authority could solve such riddles for them in seemingly miraculous fashion. From this angle, the judgment story becomes what Coats (1973: 290) calls a 'political legend', exhibiting not simply Solomon's wisdom in handling a ticklish problem, but the people's awe of the power possessed by this ideal, 'almost superhuman', figure, who is meant to become a model for edification of subsequent generations. While Coats elsewhere (1983: 9) states that the legendary hero is meant to provide a model of virtue which can be 'duplicated' by subsequent generations of the edified audience,[20] the very awesomeness of such nearly superhuman figures would seem to place their actions beyond duplication by ordinary mortals. Such emphasis on the idealization and elevation of the hero can lead to Mendenhall's view of the story as monarchical propaganda, transforming a verdict of power into divinely inspired wisdom beyond and therefore immune from ordinary human critical evaluation (1974: 324).

In this reading, it is the king himself who receives the most 'comforting' message. Sternberg's interpretation tends toward the

same conclusion. A reader who is being challenged to 'match wits with Solomon and, indirectly, with his heavenly source of inspiration', only in order to replace his 'illusion of equality' as a riddle-solver with 'an admission of inferiority' (1985: 165-67, 169), might well conclude that monarchical judgments must be accepted solely on the king's authority. Nevertheless, Sternberg believes that it is still 'comforting to the loser', that is, the reader, to deduce that 'God's wisdom was in [the winner Solomon]' (p. 169).

On the other hand, readers who attempt to emulate Solomon would be accepting the challenge to see how far humanly available insight and method can correct for the tendency to be deceived by outward appearances, once they have recognized that tendency. In terms of the biblical opposition between human and divine cognitive powers, readers would be challenged to redraw the boundary line between the 'wondrous things' (*niplā'ôt*) beyond human investigation and comprehension, and the 'revealed things' accessible to humans, without the need for a superhuman hero to go to heaven or across the sea to bring them back to the people (see Deut. 29.28; 30.11-13). As discussed earlier, aspiring riddle-solvers do not need to find the solution to a riddle for it to teach them about such cultural boundaries, or to prompt them to decrease their anxiety about the limits of their knowledge by exploring those limits in play.

While several aspects of Solomon's procedure are similar to divine investigation, the way Joseph tests his brothers and Nathan traps David indicates that other individuals in positions of power can successfully employ such a ruse. Solomon's device is a 'secular' means of eliciting the true characters of the disputants without benefit of God's ability to see directly into the hearts of all human beings, an ability which Solomon himself later declares to be unique to the Lord (1 Kgs 8.39). That is, the king's strategy is a functional equivalent of divine investigation. This aspect of the judgment story is obscured by scholars who, like Mettinger (1976: 243), criticize Noth for stressing the secular character of the king's judicial wisdom instead of the element of 'divine charisma'.

The fact that the judgment riddle may challenge the hearer or reader to explore the boundary separating divine omniscience and human ignorance does not mean that the story cannot be viewed as ideology. Admittedly, scholars who discuss the story as ideology (Sternberg and those who cite it as an example of 'royal ideology') or propaganda (Mendenhall [1974]; Whitelam [1979: 162]), tend to

assume that the story promotes the interests, and serves to maintain the social power, of those at the top of the political hierarchy. These interpreters are judging the story in terms of the 'interest theory' of ideology (see Geertz, 1973: 201-202). However, when the judgment story is regarded as a riddle it becomes clear that it should be viewed in terms of the other major concept of ideology, the so-called 'strain theory'. As Geertz points out (1973: 201-203, 219), because no social arrangement can successfully cope with all its functional problems and antinomies, especially during periods of social change in which traditional 'solutions' prove inadequate, ideologies must attempt to define (or obscure) social categories, and maintain (or undermine) social norms. In the case of riddles, social categories are 'undermined' so that they *can* be 'maintained'—in a form capable of dealing with social strain (see Lasine, 1986: 66-69). Ideological literature also undermines categories, by reviving anxiety-producing contradictions in order to 'manage' them (see Jameson, 1979: 141, 144). To some critics, this means that such literature must expose the limitations and failings of the very ideology it is designed to promote (see Macherey, 1978: 155; Belsey, 1980: 116-17). Regarded from this perspective, the judgment story appears obliged to concede that a person's true character cannot be discerned from speech or appearance, so that it can go on to show how one human being overcame such cognitive limitations in order to prevent an injustice. Yet, if this concession is being made so that readers can learn to keep the cognitive boundary between God and humanity flexible in times of social strain, it too promotes the stories' ideology. Thus, if the Solomon depicted in 1 Kgs 3.16-28 is the kind of king whose justice 'establishes' or 'stabilizes' his country (Prov. 29.4), the story itself was well suited to keep that country's underlying sense of order flexible and adaptable.[21]

NOTES

1. See e.g. Wünsche (1883: 7), Porzig (cited by Jolles, 1958: 142), and Müller (1970: 488).

2. E.g. E.K. Maranda (1971: 53) and Pepicello and Green (1984: 124-25). For a more detailed discussion of such theories, see Lasine (1986: 66-67).

3. Of course, there was at least *one* witness. Although the harlots, as women, could not act as witnesses in the strict sense according to Israelite legal custom (see Falk, 1964: 112; Boecker, 1980: 32), the false mother (if not

both mothers) is a 'witness' in the basic sense of 'a person who has firsthand knowledge of a fact or an event' (Greenberg, 1962: 864). It is the complainant who acts as the principal fact-witness, as well as plaintiff (or witness-accuser ['ēd]). It is up to readers to decide whether her detailed account is the kind of speech which would be used by 'witnesses of violence' who rise up to falsely accuse an innocent person and declare themselves eyewitnesses, saying, '"Aha, aha, our eye has seen it"' (Ps. 35.11, 20-21).

4. Levin argues that the women must have come before Solomon within one day of the alleged kidnapping, because 'with two women fighting over one hungry baby there was no time to lose' (p. 464). He believes that the decisive clues overlooked by Solomon concern the differences between the navel and stools of a five-day-old infant, and those of a two-day-old (p. 465).

5. According to the letter of Maria the Proselyte to Ignatius (III, 3), Solomon made his judgment between the two women at the age of twelve (cf. Ignatius, *Magn.* [longer form], III, 4). In later legends, the child Solomon adjudicates disputes over treasure (Weil [1845: 215-16]; Grünbaum [1893: 190) and inheritance claims (Rappoport [1966: 49-51), as well as a case which, in all its versions, involves two women struggling for possession of one's child, after the other's infant was devoured by a wolf (see e.g. Grünbaum [1893: 189-90]).

In all these legends the child Solomon displays his judicial wisdom after his father David has either given up in perplexity, or made an arbitrary or unjust decision, because he did not know how else to proceed without evidence or witnesses. In this respect the legends accurately reflect the relative judicial merits of David and Solomon in the Bible. As I have argued elsewhere (Lasine, 1989), David's final decision to split Mephibosheth's property is not 'Solomonic' as Hertzberg (1964: 367) and others suggest. On the contrary, it is irresponsible and unjust. For a study of the contrast between Solomon's wisdom in 1 Kgs 3 and David's folly in the Bathsheba episode (2 Sam. 11-12), see Fontaine (1986).

6. The very manner in which Solomon pretends to exact his decision makes a travesty of the symbols and gestures traditionally associated with justice. Artistic representations of justice typically use a sword as the emblem of the precision called for in the allotment of loss and gain (del Vecchio, 1952: 170-71). In fact, Aristotle even derives the term 'just' (*dikaion*) from 'divided into two' (*dicha*), 'as if the judge (*dikastēs*) were a "divider"' (or 'bisecter': *dichastēs*; *Eth. Nic.* 1132a 30-33).

7. Šanda (1911: 62); Rand (1982: 172, 175); Sternberg (1985: 169).

8. Šanda (1911: 61; Rand (1982: 174 n. 8).

9. The king responds to the women's pleas by echoing the true mother's words, just after the false mother has echoed the wording of his false death-order. It seems likely that the oddity of exact echoing led the LXX and Lucianic translators to conventionalize Solomon's final order by transforming

the unexplained echoing into a direct quotation: 'Give the child to her that said, "Give it to her. . . "'. While this does help explain the reason for what is normally considered an otiose expansion, its clumsiness is still obvious. It is incomprehensible why Solomon would suddenly need to go to so much trouble to identify the person he means, when simple demonstratives have sufficed for that purpose up to now. The fact that many manuscripts have both Solomon and the true mother use *lō'* as the negative particle for not slaying the child, as opposed to the MT *'al* for the mother (which is weaker and therefore arguably more 'appropriate' in her mouth), may indicate that the *'al* is another attempt to reduce the exactitude of the echoing speeches.

The echoing speeches form an alternating pattern, which is only unbroken if the respondent (=R) is the true mother. In this case, there are three sets of speeches by the two, followed by a final speech by the complainant (=C), which forms an inclusion with her long opening speech: C (17-21) R (22a) C' (22b) R' (23) C" (23) R" (26b) C'" (26c). The speakers quoted by the king in v. 23 are identified here on the basis of the pattern formed by the order in which the living and dead children are referred to in vv. 22-23: R (living/dead), C (dead/living), king (living/dead [therefore R]), king (dead/living [therefore C]).

Of course, this patterning does not constitute evidence that the respondent is the true mother, any more than the formula 'O my Lord' (*bî ᵃdōnî*) used by the complainant is evidence that the complainant is the true mother, just because it reappears in the true mother's speech in v. 26b.

10. The false mother would be particularly wily if she were echoing Solomon's death-order in an attempt 'to flatter the youthful king', as suggested by Hammond (n.d.: 64).

11. The complainant's '*bî ᵃdōnî*', echoed by one of the women in v. 26, is uttered by a number of very different personages in the Bible, whose common denominator is their dependency and inferiority to the person addressed (see Hoftijzer, 1970: 428). Such speakers range from the ingenuous, emotionally torn Hannah (1 Sam. 1.26), to Abigail and the wise woman of Tekoa, both of whom use longer forms of the *bî 'adōnî* formula (1 Sam. 25.24; 2 Sam. 14.9; cf. Hoftijzer, 1970: 427). While Abigail and the wise woman are generally taken as positive figures, both employ formulas of politeness and flattery in their lengthy speeches in order to manipulate David, their impressionable hearer. Because the wise woman's words are explicitly said to be untrue, it is clear that her polite, verbose speech is no more a reliable indicator of truthfulness than are the 'extremely terse' (Hertzberg, 1964: 300) responses given to David by the morally suspect servant Ziba in 2 Sam. 9.2-5.

12. When God says that he will 'muzzle' (*ḥāṭam*) his powerful anger out of consideration for his name (Isa. 48.9), there is no possibility that he might fail to control his emotion, unless he allows his heart to turn within him once

again. It is interesting that Joseph and Solomon, those humans who best succeed at revealing the characters of others, do so by evoking strong emotions while exhibiting none of their own. Conversely, David's *failure* as a just king is exposed by a prophet who unmasks the king's guilt by distracting him into lowering his guard and his restraints, allowing his true emotions to issue forth.

13. A modern Indian variant of the judgment motif collected by Gressmann (1907: 222-23) dramatically stresses the violence of envy. Here the biological mother of a child kills it herself and plants it on her rival-wife when the latter is asleep. She does so out of envy, because the sleeping wife, although childless, is loved by their husband. Addressing an assembled populace which thinks it impossible for a mother to kill her own son, the innocent barren wife defends herself by pointing out that envy is unparalleled for violence as an emotion, and makes anything possible.

14. Girard's interpretation of the true mother is less persuasive. He asserts that she is presented with the 'tragic alternative: kill or be killed', which she answers by agreeing to substitute herself for the sacrificial victim, so that the child will live (p. 242). Yet the judgment story is remarkable precisely because neither Solomon nor the narrator shows any interest in punishing either woman, even though capital offenses may have been committed. Girard puts the true mother in this position because he wants to demonstrate that a story from the Hebrew Bible can carry a 'spectacular' non-sacrificial message which is surpassed only by that of Christ in the New Testament (p. 245; cf. p. 241).

15. E.g. Exod. 20.13; 23.1; Deut. 19.16-21; Hos. 4.2; Jer. 7.6; Prov. 6.19; 14.5; 25.18. Hos. 4.2 indicates that the ninth commandment was later understood in a broader sense, linking false testimony with other kinds of lying. The emphasis on the problem of false witness in sapiential texts is significant. As von Rad points out (1972: 85), 'of the great public institutions, only the law,... above all with reference to the important office of witness, actually intrudes into the world depicted in the didactic statements and,... in a limited number of passages, the monarchy'.

16. E.g. Prov. 19.5, 9; 26.26. Prov. 18.17 uses *ḥqr*, the key biblical root for investigation, to describe the litigant's examining his rival. In mishnaic Hebrew, *ḥqr* often denotes cross-examination (Tsevat, 1978: 157). Thus, in *'Abot* 1.9 Simeon ben Shetah advises, 'Thoroughly examine the witnesses and be guarded in your words, lest through them they learn to falsify'. The last clause recalls the suggestion that the false mother affirmed the king's death-order in an attempt to flatter him (see n. 9, above). That cross-examination can itself be an instrument of injustice when employed by a witness of violence is implied by Ps. 35.11.

17. Mayes (1979: 267) suggests that the issue denoted by the phrase *bên-dîn lᵉdîn* in 17.8 may be one of conflicting testimony.

18. The parade example is 1 Sam. 16.7, in which Yahweh cautions Samuel that humans tend to be misled by external visual appearances, whereas God looks into the heart. Also see 1 Kgs 8.39; Jer. 17.9-10; Job 13.7-9; Prov. 25.2-3; Jdt. 8.14.

19. In the modern context, the rise of the great cities of nineteenth-century Europe and America occasioned 'epistemological anxiety' (Brand, 1985: 46-47, 54) among ordinary individuals who were unable to 'read' the faces of those in the urban crowd. The genre of the detective story arose in response to such anxiety. Crime has been defined in exactly the same terms as the riddle, namely, as a question that demands an answer. Stories about detectives like Poe's Dupin, who display godlike insight into the human heart, convey the same comforting message as stories about the riddle-solving biblical 'detectives' Solomon and Daniel. For an extended discussion, see Lasine, 1987.

20. Here Coats is in accord with Jolles (1958: 23-61), for whom the decisive element in a legend is the message to imitate the holy person.

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