On the first day of Professor A. Leo Levin's mid-1990s Evidence Law class, we learned Torah. Printed in its entirety in our textbook was an English translation of The Judgment of Solomon (I Kings 3:15-4:1),¹ and Professor Levin z"l employed the famous passage to launch a lesson on one of the subject's fundamental principles: the relevance of the evidence. Unintentionally, he also triggered a lifelong love affair with the passage for one of his students. The fascination solidified months later when the story was read as the haftara for Parshat Miketz, for the first time in two decades. Indeed, thanks to Chanuka, which almost always coincides with Miketz, Mishpat Shlomo is rarely read together with the Torah portion;² another 20-year hiatus bridged the 2020 (5781) reading with its most immediate predecessor (2000-5761). Still, the story's coupling with the Joseph narrative in the fixed cycle, however rarely effected in practice, is enlightening.

In their Sabbath-day pairing, the two biblical passages are connected most obviously by the latter's opening verse, And Solomon awoke, and, behold, it was a dream (3:15),³ in which only the king's name is different than: And Pharaoh awoke, and, behold, it was a dream (Gen. 41:7).

Solomon himself, however, would have understood his story was linked with Joseph's at least a few verses earlier, from the content of his own dream. In Genesis, after Joseph persuasively interprets his vision and instantly foresees⁴ how to handle the coming famine, Pharaoh commends him: there is none so discerning and wise [navon ve-chacham] as you (Gen. 41:39). In I Kings, when accepting Solomon's mid-dream request for an understanding heart to judge Your people (3:9),⁵ God uses the very same words: I grant you a wise and discerning [chacham ve-navon] heart, and then adds, there has never been anyone like you before, nor will anyone like you arise again (3:12). Given that Joseph is the only other individual described in Scripture

¹ MIKETZ ESRIM SHANA: THE JUDGMENT OF SOLOMON AND THE JOSEPH NARRATIVE
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Ami Hordes lives with his wife and four children in Jerusalem, where he gives a weekly class in Tanakh to adults. He is a partner at Ephraim Abramson & Co. Law Offices, where he represents Start-up Nation investors and companies, in a corporate practice which focuses on equity and debt financings and M&A transactions.
in these terms, Solomon's attention would naturally be drawn to his narrative, to see how his intellect and insight would exceed even Joseph's. God's deliberate word choice practically invites Solomon, surely familiar with Genesis, to make a direct comparison.

*Mishpat Shlomo* is generally viewed as an immediate fulfillment of the Divine pledge, as implied by 3:16's first word: *Then two women, harlots, came to the king, and stood before him* – as in, they came just then, right after he returned to Jerusalem the day after the dream. The tale's basic plot appears straightforward enough. The two women present seemingly equal claims to being the mother of an infant boy, and the young king proceeds to identify the true mother in stunning fashion – inspiring nationwide awe at their monarch's brilliance (3:28). On a closer look, however, at least two aspects of the story initially stand out as quite puzzling.

The first, Solomon's original decree to kill the child and "give half" to each woman (3:25), is doubly perplexing. Shocked first-time readers of verse 25 will naturally feel a deep sense of compassion for the innocent infant, and experience moral outrage at the unjustifiable threat to his life. What was the king possibly thinking?! Yet for this reason, even veteran biblical students – already aware his threat is not serious – may be quite surprised at the tactic in retrospect. Given the likelihood that practically any person, even if not his parent, would be moved to have mercy on the child, why would the king expect the other woman to react differently to the decree than his mother?

Accordingly, our second, and far more troubling, problem: the completely unfathomable response of the non-mother, accepting the king's decree. Her mercilessly cruel reaction – which defied such natural feelings – would be hard enough to understand on its own. But in context here, it is that much more mindboggling given that, not only was she then in court pleading to be awarded the child, but her counterpart had just offered to do just that (3:26)!

Actually, the non-mother's response is so far beyond belief that it has led some commentaries to conclude that the entire story was fictitious or staged. No real person would have agreed to have the child killed, would they?

Let's take a closer look.

The court case begins with the plaintiff ("P") claiming that the defendant ("D") took away her baby, having switched it for her own dead infant, which she accidentally crushed to death overnight. Her pleading takes up no less
than five of the narrative's 15 verses (3:17-21). D's six-word (Hebrew) retort: 

*No, the live one is my son, and the dead one is yours!* P responds in kind, 
inverting the phrases: *No, the dead boy is yours; mine is the live one!* – and so the dispute continues (3:22).

Solomon's brief summary of the case (3:23) simply repeats, almost verbatim, the litigants' arguments from the previous verse (starting with D): *One says, This is my son, the live one, and the dead one is yours; and the other says, No, the dead boy is yours, mine is the live one.* Initially, this restatement seems odd for two reasons.

First, D introduced no evidence to counter P's story, and no witnesses contradicted the latter's testimony. Yet the king completely ignored P's lengthy pleading. Why? Because P herself unwittingly undermined it. By explaining that she failed to notice the alleged overnight baby switch until morning because your maidservant was asleep through the entire episode (3:20), P admits her story is not an eyewitness account, but rather (at best) questionable guesswork. As such, Solomon properly discounted this key element of her story as inadmissible, trimming P's substantive case to her brief statement in verse 22 – and rendering D's short defense adequate enough.11

Which raises our second question: even if the king's synopsis was legally accurate, what did he add by saying it? What was the point, if he just reiterated the 3:22 arguments?

Perhaps part of Solomon's motivation was to assure the parties he understood the crux of their arguments. Indeed, for this very reason our Sages derived from here a judge's obligation to restate orally the litigants' claims before issuing a decision.12 (The plaintiff, even if she was the true mother, knew deep down her baby-switch theory – while perhaps a fairly reasonable guess – was still mere conjecture, and that her case boiled down to: "he's mine!")

Delving deeper, however, 3:23 shows Solomon already laying the groundwork for solving the case. The king deliberately reframed the arguments in equivalent terms based on verse 22, because it suited his own purposes towards generating a verdict. For in succinctly summarizing the disputants' claims as virtually the same, he gives the distinct impression that the case is utterly unsolvable and that he, the judge, is as stumped as anyone else. Having this impression hanging in the courtroom air will be a key to the success of his sword stratagem later on.
Furthermore, note Solomon's retelling was not literally verbatim. Importantly, when citing D's defense, he inserts a word, zeh, before the verbal quote, as if she had vocalized "this is my son, the live one." It seems that D gestured with the infant in her arms as she presented her brief defense. The king translated her body language into a spoken word, recording it in the judicial protocol, to the biblical reader's benefit.

D's holding the baby is not unexpected: the typical plaintiff seeks to reclaim something in the defendant's possession. But it is significant information, potentially putting pressure on the king to decide the case straightaway. There was apparently no hope for outside witnesses since, as P stated – and D did not deny – there was no one else in the house all that time. In fact, P stressed this point emphatically, in three consecutive phrases: We were alone; there was no one else with us in the house, just the two of us in the house (3:18). With the claims otherwise standing as equal, and with P having failed to prove her case, on what basis would Solomon change the status quo? Shouldn't the defendant, who is holding the living child, get to keep him, by default?

Despite a fairly obvious contextual problem with a status quo decision – it would not have demonstrated Solomon's newfound brilliance – numerous commentators wrestle with this question. At least one attempts to neutralize the situation by suggesting that a countervailing status quo, in favor of P, was also then at play. Many other commentaries discount the idea of preserving the status quo by asserting it would have achieved the wrong result – claiming that, ultimately, P was the true mother, and that Solomon already knew this after the opening arguments. For example, Abravanel (3:22) claims D kept her defense concise deliberately, to avoid getting too entangled in her lie. (Counterargument: As we saw above, P's obvious guesswork left D with no need to elaborate.) Likewise, Alshich (3:16) argues that D spoke only to P – the dead one is yours – because she was embarrassed to lie directly to the king's face. (Counter: D understandably addressed P, not Solomon, in continuation of the parties' ongoing argument, as she had repeatedly done before they arrived in court.)

Others, such as Malbim (3:22), disagree, advancing support for the defendant as the eventual winner. D's truthfulness, he submits, is implicit in her referencing the live baby first in 3:22, indicating that for her, he is primary;
by contrast, for P, who in 3:22 spoke of the dead child first, the opposite was true.17 (Counter, by Malbim himself: P, like any litigant, focused on her strongest evidence – she woke up holding the dead baby.)

Potentially, one might argue the text itself hints that D won by using identical descriptions to present the speakers in each half of the story. 3:26's this woman spoke – referring to the true mother – parallels the same phrase in 3:22 introducing D; while P (3:22's and the other one said) would correspond to 3:26's "other" woman. Counter: As noted by Olam Hatanach18 among others, a similar textual parallel in the two parts of the narrative – both the true mother (3:26) and P (3:17) open with, Please, my lord – favors the plaintiff.19

The question of who won remains disputed and unsettled to this day,20 with some recent commentators proposing that the Bible deliberately concealed the winner's identity, either to stress that only Solomon could solve it,21 or as a fundamental literary element of the story.22

Still, it seems the debate is beside the point. The king may well have recognized the true mother early on, thanks to the above or other clues, or simply via his now towering intellect and instincts. But such considerations, and even Solomon's possible knowledge of the truth, are irrelevant after 3:22, as he makes clear by ignoring them. The judge realizes it is premature at this point to declare she is his mother (3:27), because this can still be rebutted simply with, "Prove it!" So Solomon sets out to generate the evidence that would do just that.

The seemingly impossible challenge facing Solomon – to distinguish, in the coming moments, between these women and their equal-sounding, but incompatible, claims – may have brought Joseph back to his mind. Joseph's task, in deciphering the to-then unsolvable puzzle of Pharaoh's dream, was also to distinguish, on the spot, between things that were equal, at least in number (Gen. 41). In his case, the outward differences between the sets – fat and lean cows; full and thin sheaves – were enormously helpful towards correctly predicting they represented seven years of plenty and seven years of famine. But as impressive as Joseph's dream interpretation was, Solomon was confronted, in his task, with an extra layer of difficulty: as he gazed upon his courtroom disputants, and considered their ostensibly identical cases, they looked entirely indistinguishable on the outside. To tell them apart, he needed to look within.
Actually, this may have squared with his expectations. If our case was intended to highlight his new wise and discerning heart (3:12) – reflecting intelligence so extraordinary it could surpass even Joseph's – it was not unreasonable to think it would involve penetrating beneath surface-level appearance, to reveal hidden emotions of the heart.

As such, whether or not he already identified the winner by then, Solomon intuited before his 3:23 summary that this puzzle's solution lay neither in the nuances of the parties' assertions nor in their conduct to that point. While to the other courtroom onlookers, the litigants' claims seemed equivalent, the king strongly suspected that on the inside, these women – one the real mother, one an impostor – were polar opposites. His challenge would be to devise a way to tease out that difference publicly, so that the parties would essentially "identify" themselves on the judicial stage.

Mapping the true mother's emotions was, in all likelihood, easy enough: presumably full of boundless love for her child, she could be expected to do anything both to protect him from harm and to regain unchallenged custody. The other woman's mental state, however, was more complicated. Inwardly, she knows this baby isn't hers. So why is she here? She seems to have acted impulsively – but those impulses belie deep-seated emotions. And while a formal psychological diagnosis of the non-mother is beyond the capabilities of most biblical readers (including this one), the layperson may note the following considerations. First, this woman, perhaps suffering from post-traumatic stress disorder, is apparently unready to face the tragic death of her own child. Latching on to this claim – a blatant act of self-deception – will help shield herself from it for the time being. But even for someone heavily in denial, trying to steal someone else's baby is a rather extreme measure to take. What drove her to do so? According to Malbim (3:22), the non-mother's "essential aim was to ensure that her counterpart would, just like her, no longer have a child." Metzudat David (3:26) concurs, adding that she wanted "to prevent her counterpart from being pleased at her child's death." For Abravanel (3:26), her goal was "taking revenge on her counterpart"; Josephus claims she wanted her opponent to "be tormented."

Perhaps. But whether or not her intentions were sinister, it appears reasonable for the king to have assumed she was motivated, at least in part, by jealousy. Such envy is not hard to imagine in the circumstances. During their
parallel pregnancies, these housemates likely discussed their hopes and dreams for their unborn children, possibly often. Following successful deliveries just days apart (3:18), the realization of those dreams was finally underway. Then, in an instant, one's son was gone, all her hopes cruelly dashed. Before long, she saw her counterpart with her son – and his wished-for future – still alive; would anyone be surprised if she felt intensely envious?

Worse yet, she is apparently stuck living with her for the foreseeable future. Given that no one came to help them for the birth or afterwards (3:18), a fact not disputed by the parties, she may not have had anyone to turn to for alternate accommodations. Moreover, these women, identifiable as prostitutes (3:16) simply by their appearance,24 presumably lacked the means to afford separate housing. But remaining housemates would not be simple. It meant seeing her companion, hour after hour and day after day, raising her son and sharing myriad mother-child experiences with him, when, irrevocably, she herself could no longer do the same with her child. The prospect of such a constant, in-your-face reminder of her loss may have been too much for this woman to bear.25 Her irrational plan – an extension of her denial and perhaps born more out of an emotional defense mechanism than a sinister jealousy – is to claim the live infant is her own.

All this is immediately understood by the king, who recognizes she is deluding herself and that her desperate scheme is reckless and ill-advised. She clearly hasn't had time, or hasn't permitted herself, to ponder a host of difficult questions that complicate her course of action, such as: Is she really interested in nursing someone else's child26 or raising him?27 To live a lie, and hide the truth from the boy – in both the short and long term? And, how will she deal with her counterpart, who is still her housemate, and will not easily let go of the truth?

Potentially more disturbing still: her own feelings for the child. While it is her companion of whom she is jealous, the object of that envy, and the source of that constant reminder, is this newborn. Paradoxically, this leaves the bereft woman arguing for the right to shower him with love while simultaneously harboring intense, deep-seated animosity towards him. Even if she was awarded custody, the relationship appears destined not to end well. What will she do with him – or worse, to him – when what she knows in her heart of
hearts eventually surfaces to her conscious mind, and she is overwhelmed by a wave of those antagonistic feelings? 28

As Solomon knew well, 29 intense envy, left unchecked and endlessly exacerbated within close quarters, can be dangerously toxic; in extreme circumstances, it could lead to homicide. But in her current emotional state, the bereaved woman might have been incapable of thinking that far ahead or recognizing that danger on her own. How could the king penetrate this woman's warped perspective, clouded by jealousy, and get her to see the risk?

Here, once again, Solomon may have looked to Joseph for inspiration, this time from elsewhere in his narrative. 30 When his half-brothers first came before him in Egypt, Joseph (unrecognizable to them, as viceroy) similarly feared that their intense jealousy – brutally directed at him years earlier – might now threaten the wellbeing of his full brother Benjamin. Indeed, these concerns would quickly mount when they described how their father favored Benjamin (44:20,22) – one of the key triggers for their original jealousy of Joseph. If their father's bias towards Benjamin, which they endured constantly living together in the family compound, reactivated (or already had) the brothers' envy – a force so powerful it had nearly killed Joseph – his brother could be in real danger.

To get his brothers to realize the serious threat posed by their jealousy – the same challenge Solomon now faced with the non-mother – Joseph tapped his wisdom and discernment to employ a variety of psychological techniques, such as grilling them about their family, accusing them of being spies, jailing them, and threatening to execute them if they didn't bring Benjamin before him (Gen. 42:9-20). Capitalizing on their failure to recognize him and his position of power, he immediately succeeded in eliciting an admission of guilt for ignoring his cries of distress when they sold him (Gen. 42:21). Apparently, at least some of them were beginning to recognize the terrible consequences of their envy.

To get the bereaved woman to come to a similar realization, Solomon would follow Joseph's blueprint, and draw on psychological stratagems. But he needed to tread lightly. While Jacob's sons, unaware the viceroy was their brother, had been unsuspecting targets, this woman, conversely, was apparently in a very delicate state, and would have her guard up. As such, Solomon's mission involved not only striking the right chord with her, but also
intricately navigating the minefield of her emotions, without setting off any alarm bells of suspicion.

A cunning scheme was required, and the young king would need to muster all of his historic wisdom, discernment and consequent foresight to design it. Of course Solomon, unlike Joseph, could not hide his identity, but he could conceal from the bereft woman his instincts about her mindset. He also realized that constant reminder concerns could, ironically, be useful in that regard: from her distorted viewpoint, the ideal solution to her problem would be to "eliminate" the source of that reminder entirely. If he could induce this troubled woman to express that sentiment out loud, not only would she thereby publicly expose her true identity, but on hearing herself say so she might be shocked enough to initiate the confronting of her own trauma.

Considering the true mother again with this analysis of her opponent still in mind, Solomon immediately senses that threatening the surviving child's life will strike directly at the core of the diametrically opposed feelings of the parties. Moreover, he knows it is an excellent time to tap into and draw out those raw emotions, because the litigants remain in heated argument with each other (3:22), and are not devoting full attention to their surroundings. Still, even if the king endangers the infant, numerous obstacles stand in the way of the disputants' unbridled emotions emerging, unimpeded, as a direct result. To begin with, it's a patently outrageous idea. Will anyone really believe he is serious? Anticipating this hurdle, Solomon took initial steps to counteract it, as noted, with his symmetrical 3:23 summary, which implied he was baffled by the case. That impression sinks in further as he then pauses (for effect) in quiet contemplation (a lull conveyed to the reader by the space in the text before verse 24). With all eyes now on a young king understandably quite eager to impress the nation in judging his first case, he manufactured an aura of mounting pressure on himself – conceivably enhanced by pretending to look flustered – the type of pressure that could believably lead to panicky, unpredictable behavior.

Indeed, no one could have predicted that, when he finally spoke again, he would command, Fetch me a sword (3:24). Lost in the English translation, the puzzling directive is issued to no one in particular – the Hebrew k'chu, "fetch," is in plural – perhaps indicating it was blurted out in apparent frustration from deep thought, rather than being calmly conveyed to the nearest-
standing servant. It is now the courtroom onlookers who are baffled. For what purpose could he possibly need a sword?

While multiple assistants scrambled to go bring the blade \( (vayavi’u, \text{ also plural}) \) and set it down "before him",\(^{34}\) there was time for a more worrisome thought to strike the crowd: the ominous association between the king and such deadly weapons. In his short tenure as monarch, Solomon had already established a reputation for using the same to resolve thorny personal problems. In fact, after relating at length in the previous chapter that he commenced his reign by ordering, in rapid succession, the execution of three problematic characters \((2:13-45),^{35}\) Scripture testifies that – not surprisingly – the kingdom was established in the hand of Solomon \((2:46)\) as a result.

The young king, who everyone knew had wielded a strong hand to consolidate power and who, visibly under intense pressure in his own courtroom, just called for a sword to help him resolve a baby's custody dispute, had begun to create an atmosphere in which a threat by him to the child's life could, at least momentarily, sound believable.

But he had more work to do. First, even if the threat would be plausible enough, how could he be sure the parties would react to it differently? He might be fairly confident he will get the reaction he seeks from the true mother – an instantaneous and passionate plea for her child's life. But what about her counterpart? Putting the baby in peril is so reprehensible, who wouldn't respond with deep compassion for the innocent infant – even if not his parent? The king is likely relying on such natural feelings to make his servants hesitate before carrying out their boss's cruel instruction.\(^{36}\) Why would the non-mother's instinctive reaction be different?

Because of her predicament. If our analysis is correct, then behind her protective shield, this woman's thoughts are singularly preoccupied with one aim: avoiding further trauma. In the competition among various emotions likely to be triggered inside her by his daring decree, it seems Solomon is counting on these predominant feelings being so powerful that they will, at least initially, completely overshadow any natural sympathies for the child – setting her thoughts on track to react outwardly as he hopes she will.

Still, directing her attention in that first instant, while absolutely critical to his mission, will itself not be enough to guarantee that response. For when the bereaved woman hears the true mother's assured compassion and willing-
ness to do anything to protect her child's wellbeing – potentially even offering him to her housemate – it will risk bringing the former to her "senses", warped as they currently may be. With her defense mechanisms probably on high alert, she is liable to sense a ploy and recognize that, to avoid being exposed as a fraud, she must respond no differently than her counterpart.

A key to preventing that will be making the decree plausible enough to truly sound like her salvation. Played right, the resulting flood of emotions will drown out all other considerations in the moments just after he makes his pronouncement, shielding her from even hearing the true mother's pleas, as it dawns on her just how "perfect" a solution the judgment could be. With the claims sounding entirely equal to this point, he can do so in part by reverting to rules of basic fairness and treating the parties equally.

With the table thus set, the king carried out his gambit: Divide the living child in two, and give half to the one, and half to the other (3:25).

Brilliantly designed, the command caught the entire courtroom off guard and struck those present in divergent ways. All of the king's servants hesitated before taking action – the directive once again not issued to any individual (gizru is plural) – as a profound sense of mercy for the child most likely welled up inside each of them.

The litigants, still mid-argument,37 were affected differently. Camouflaged in equitable-like language (awarding half to each litigant) which also subtly sidestepped the certain, fatal impact on the child ("divide," not "kill"),38 the shocking pronouncement arguably sent a jolt right down to the innermost depths of their respective hearts.

With the threat facing her suddenly escalated from losing custody of her son to forfeiting his life, the true mother, as expected overcome with compassion for her son, desperately pleaded that he be spared. But she did not stop there. Please, my lord, she cried, give her the live child; only don’t kill him! (3:26) – at once rejecting the king's misleading term "divide" and frantically offering to grant the baby to her combative counterpart, if only to see him live on.

Having elicited the desired response from one litigant, Solomon might still be anxious about inducing the second. Would the real mother's brutal honesty about the threat to her child's life, merciful plea for him, or magnanimous overture, alert her opponent to the king's ploy and ruin his plan?
Fortunately for both him and the true mother, it did not. In the moments that followed Solomon's decree, wishfully believable enough to capture her imagination initially, the bereaved woman—apparently not having heard a single word said by her opponent—came to understand that this was her dream scenario. No constant reminder. Nothing of which to be jealous. No need to raise someone else's child, or to live a lie under the ever-present risk of being found out. And all by the judicial order of the king!

Still deep in thought as she came to this realization, her genuine response—driven by the tragic emotions and distorted thinking now afflicting her—could now burst forth, unhindered, *Let him be neither mine nor yours. Divide him!* (3:26).

Not having noticed the true mother speaking to Solomon and still thinking they were mid-argument, this woman, seemingly beginning to emerge from her warped cognitive bubble, first addressed not the king but her opponent, to convey to her that, from her perspective, what he had just said could finally put an end to their dispute. Then immediately, adopting the king's misleadingly benign term (divide, not kill), she unfathomably agreed—with apparent enthusiasm—to his decree. Doubtless, everyone on hand let out a gasp of disbelief.

Except Solomon. Having successfully generated new evidence from the litigants precisely as he anticipated, the king wasted no time canceling his original decree and issuing a final verdict, now adopting the true mother's term in deciding the case in her favor: *Give the live child to her, he said, and do not kill him; she is his mother* (3:27)." The commands here, *t'nu* and *lo t'mituahu*, are again in plural, to ensure it was clear to every single servant, without exception, that no harm was to be done to the child.

But let's look closer at Solomon's statement. Note it has two distinct parts: (I) *Give the live child to her*—the legal verdict, and (II) *she is his mother*, a factual determination which is beyond the verdict. The reader knows he is correct on both scores, since the Bible identifies 3:26's first speaker ("S1") as the true mother. And while the king himself was not so informed, ruling for S1 (Part I) seems intuitive—even though, as TB Makkot 23b notes, S1 could've been faking compassion—given her counterpart's ("S2") cruel reaction. On the other hand, as damning as her response is, S2 did not explicitly admit she wasn't the real mother, and the commentators labor to explain how
technically, from a legal standpoint, Solomon translated her heartless reaction into a verdict against her. They propose, for example, that by agreeing to the baby's death, S2 either forfeited her claim to him\(^4\) or gave the judge reasonable enough grounds to rule against her as the best estimate of the court,\(^5\) especially one presided over by the king, who has greater discretion as judge.\(^6\) Alternatively, as Professor Levin suggested, this evidence was relevant to demonstrate who the better caregiver would be.

Whatever the legal rationale for Solomon's verdict, however, Part II of his statement, declaring – with apparent certainty – that S1 was the true mother, required a different level of evidence. From the perspective of the king, lacking DNA test results and unaware of the Prophet's 3:26 labeling of S1, was it really the case that S2 could not possibly have been the true mother?

Consider alternate facts to those which we have been assuming. The true mother was a destitute harlot, for whom contraception failed. She was ambivalent about her pregnancy – not an asset for her business – from the start. For nine months, this woman waivered emotionally between the impending burdens, financial and other, of raising a child and the excitement of becoming a mother. She may have considered abortion, but never took action, with some lingering regret. Holding her newborn brought feelings of love, but also turned those burdens into a reality. Her counterpart, whose own baby just died, suddenly takes hers. Instinctively, she fights back, quarreling until they reach the palace. And then she hears Solomon's decree, which reactivates her underlying ambivalence. Might the prospect of long-term relief from these pressures, sanctioned by the king – a "dream" scenario of another sort – have momentarily overpowered her compassion and triggered a knee-jerk response agreeing with his decree?

An unlikely scenario, but not entirely implausible. Was completely disregarding this type of circumstance, to declare S1 the true mother as a matter of fact, really warranted? Besides, with the court case over once he issued a verdict (Part I), what was to be gained by doing so?

TB Makkot 23b neutralizes this question by concluding *she is his mother* was stated not by the king, but rather by a heavenly voice. Yet, although this turns the declaration into a stirring Divine confirmation of his ruling,\(^7\) it also negates the text's plain sense that these are the king's words. At the *pshat* level, perhaps the king's certainty may be explained by his Divine promise. This
court case, coming right after his dream, seemed destined to fulfill that pledge. It may have been inconceivable to Solomon that God had arranged this ostensibly unsolvable riddle, let him elicit such dramatic evidence – applying deep psychological insight which reflected his heavenly-granted exceptional wisdom – just to have him give the wrong answer and look like a fool. As such, he may have concluded, S1 had to be the real mother.

The benefits of stating so were clear. For one thing, of course, it's infinitely more dramatic. Asserting with conviction that S1 is the true mother is a far more impressive way to demonstrate publicly the fulfillment of God's promise than merely ruling in her favor based on a legal presumption. Moreover, establishing a measure of clarity as to his parentage would certainly be in the best interests of the child, the identity of whose father was, presumably, already beyond determination.

But Solomon may also have been aiming to eliminate any lingering doubt in the minds of others. For while the king had perhaps joined the reader in knowing the truth definitively, the courtroom onlookers – unaware of the dream – had not. The proof would come not in what he proclaimed from the bench that day – simply vocalizing his conclusion would not make it true – but rather by what was not. In this follow-up gambit, Solomon was betting his subjects would understand that, in the face not just of a ruling against her, but also the king's outright negation of her being the child's parent, S2 – if in their minds by some unusual circumstance she could still be the true mother – could not keep quiet. If any uncertainty about S2 remained after her 3:26 response, her silence when Solomon publicly declared S1 the baby's real mother might fairly be viewed as a resounding admission, and remove all doubt.

And in fact, S2 is never heard from again. But the lack of dialogue after 3:27 does not necessarily mean Solomon's ruling was followed by silence in the courtroom.

One can only imagine the extreme sense of relief that engulfed the true mother on hearing the king's ruling, as she wept with sobs of joy while finally holding her son again, unchallenged.

As for her former challenger, she had indeed been verbally silenced by the king's award and declaration favoring S1. Thus exposed, with the grotesque consequences of her distorted thinking now laid bare, and her final words, "Divide him!" still ringing in her ears, the bereaved woman was now left to
ponder how she had reached such a terribly low point. Solomon had sought to trigger such thoughts in order to jumpstart her healing process, not only by convincing her he knew the truth, but also by ordering "do not kill him", stressing his original decree had spelled the child's certain death. Here, natural compassion for the innocent child may have finally welled up in S2's consciousness, as she wondered, how could I have been so callous? Together, the resulting torrent of emotions overwhelmed her. Perhaps now, at rock bottom, she could finally allow herself to admit the reality of her own tragedy and begin truly to grieve. It is not hard to imagine a wave of excruciating pain overcoming her on hearing her own concluding words, in all their cruelty, echoing in her head, as she finally began to weep tears of sorrow for the devastating and irreversible loss of her infant son.

The cries of the litigants, unreported in the story but likely a natural outcome thereof, may actually be hinted at in the text, by association – to Joseph. In 3:26, the Prophet describes the deep compassion for her son felt by the true mother on hearing Solomon's decree as nichmru rachameha, employing a verb which appears in all of Scripture only three other times. One of those instances is in Parshat Miketz, where the Bible uses this exact phrase to depict the overwhelming emotions Joseph, as viceroy, felt upon seeing his brother Benjamin for the first time in 22 years: With that, Joseph hurried out, for he was overcome with feeling toward his brother [ki nichmru rachamav el ahiv] and was on the verge of tears. As a result, he went into a room and wept there (Gen. 43:30).

With the case resolved, Mishpat Shlomo then concludes with one final parallel to the Joseph narrative. When the latter's dream interpretation and 14-year plan had calmed his confounded heart, Pharaoh said to his courtiers, Could we find another like him, a man in whom is the spirit of God (Gen. 41:38)? For Solomon, too, the Divine within was recognized as a result of our story. In his case, however, this awareness spread well beyond the palace walls. When all Israel heard the decision that the king had rendered, they stood in awe of the king; for they saw that he possessed divine wisdom to execute justice (3:28).

The potency of Solomon's royal authority was already well recognized prior to our narrative. He commenced his reign sitting upon the throne of David his father with his kingdom established firmly (2:12), and, after dispensing
with his enemies, had deepened his dominance by chapter 2's end, which stresses the kingdom was established in [his] hand (2:46).

The Judgment of Solomon takes the king to even loftier heights, inspiring nationwide reverence for their leader, who was now recognized by all not only as the accepted heir to the Davidic dynasty and firmly in control of the realm, but also as endowed with God-given intelligence and foresight – which even exceeded Joseph's.49 Crowning off the first chapters of the Solomonic narrative, our story – as the haftara cycle reminds us, if not annually, then at least every decade or two50 – can thus conclude that Solomon, fast approaching the apex of his career, was now king over all Israel (4:1).

NOTES
1. Biblical references herein are to I Kings unless otherwise noted.
2. For example, after a relatively quick repeat, in 2023 (5784), it is not scheduled to happen again until 2040 (5801).
3. Technically, 3:15 concludes the previous passage, Solomon's dream; its connection to Mishpat Shlomo is addressed below. Unless otherwise noted, translations of Scripture are taken from the Jewish Publication Society, 1917 or 1985 versions, with adjustments as necessary. Other translations are the author's.
4. The Sages (TB Tamid 32a) identified the ability to anticipate as a key feature of wisdom: "Who is wise? One who foresees what will develop." See also Rashbam to Genesis 41:39.
5. Wisdom his parents also prayed for him to be granted (see I Chron. 22:12, David), including in particular as a judge (Psalm 72, David, and Prov. 31:9, Bat-Sheva). See also II Kings 2:6,9 (David tells Solomon he is wise).
6. Scripture combines chacham and navon elsewhere in various contexts (see, e.g., Deut. 1:13; 4:6), including often in Solomon's own Proverbs (e.g. 1:5; 10:13; 14:33; and 16:21, among others), but not to describe a specific biblical character.
7. See, e.g., Radak, Alshich and Malbim to 3:16.
8. In his dream, Solomon refers to himself as a young lad, with no experience in leadership (3:7). See also Seder Olam Rabba 14, quoted by Rashi and Radak to 3:7, among others, opining that he took the throne at age 12.
9. See Shir Hashirim Rabba 1:10, where Rav suggests the women were "spirits" that posed as prostitutes, in order to "test Solomon's wisdom" (Judaica Books of the Prophets to 3:16). A staged story here would not be unique in the Bible. See, e.g., II Sam. 12:1-25 (Natan the Prophet invents a parable so King David will understand his sin with Uriya and Bat-Sheva); II Sam. 14:1-20 (at Yoav's behest, a Tekoan woman falsely pleads for help, to convince King David to reconcile with son Absalom).
10. P does not claim – and as we will see, could not have testified – that D had a sinister motive. See also Kohelet Rabba 10:16.
11. Perhaps Solomon had D's concise yet effective retort in mind when he observed, The first to plead his case seems right – until the other party scrutinizes him (Prov. 18:17).
13. As noted by Alshich (3:16), among others.
14. See R. Yaakov Fidanque, commentary to Abravanel, 3:17 (arguing P's stating we were alone after D's delivery (3:18) implied others were present to witness P's delivery - indicating that only P unmistakably gave birth to a live child; and that P's subsequent admission that D's son survived childbirth (3:19) should be discounted, since it was only known because P said so). Counter: P, who brought no such witnesses, admitted I was delivered of a child with her [D] in the house (3:17), strongly implying no one else was around then either.
15. P's supporters include Ralbag (3:16); Metzudat David (3:25); Radbaz, Responsa 3:634; and Meiri to TB Yevamot 17b.
16. D's backers include Ateret Zvi al Ha'Haftarot and Kochav MiYaakov al Hahaftarot.
17. Others suggest this may simply reflect a biblically-common chiastic structure. See Amnon Bazak, Mishpat Shlomo, available at http://etzion.org.il/sites/default/files/10chap3_b.doc.
18. Olam Hatanach, introductory notes to Mishpat Shlomo.
19. See also Eliezer Chadad, “Mishpat Shlomo”, Megadim 27 (1997), 103; Bazak (above, note 17).
20. For example, Daat Mikra (3:26) supports P, while Ephraim Vizenberg, “Mishpat Shlomo”, in Niv Hamidrashia (1973), 39-50, champions D.
22. See, e.g. Elchanan Samet, Parshat Vayigash, “Judah's Speech and the Possibility of Rashomon In Biblical Narrative” [Hebrew], available at http://www.etzion.org.il/vbm/archive/parsha5760.html (arguing Mishpat Shlomo is a "Rashomon" story, a Japanese literary genre known for the story's truth being unascertainable). Indeed, the reader's knowledge of which party was the true mother is not necessary to convey Solomon's brilliance.
23. Antiquities, 8:2:32.
24. This clearly important plot detail is mentioned only by the biblical narrator, and only in 3:16. Presumably then, their profession was obvious to Solomon on sight. Cf. Targum Yonatan and Ralbag to 3:16, positing the women were innkeepers, not harlots. It is not clear how this would have been visible or in what way relevant to the story. See also Shir Hashirim Rabba 1:10, above note 9.
25. The constant reminder phenomenon appears elsewhere in the Bible as well. See, e.g., Esther 5:13, where Haman, having risen to Achashveiros'h second-in-command, expresses his inability to cope with repeatedly seeing, in the royal courtyard, Mordechai – who refused the king's order to bow to Haman (3:2).
27. See Abravanel 3:26.
29. Solomon was favored by David to succeed him, over his older brothers. See, e.g., 1:5-53, 2:13-25 (Adoniya's attempts to seize the throne).
30. Joseph also endured a somewhat similar, but much more difficult, constant-reminder trial, being subjected to the daily advances of Potiphar's wife (Gen. 39). Perhaps for continually resisting that temptation, he earned the title "Joseph the Righteous" (see TB Yoma 35b). By contrast,
Potiphar's wife couldn't handle Joseph's repeated rejections, so she ended them by having him jailed.

31. Solomon may hark back to this moment in Prov. 1:4-5, when, employing both key terms from God's 3:12 promise, with a possible wordplay reference to Joseph, he describes the Proverbs' benefits: *For endowing the simple with shrewdness, the young with knowledge and foresight. The wise man, hearing them, will gain [v'yosef] more wisdom; the discerning man will acquire stratagems. See also Ralbag (3:16).*

32. A point made in TB *Eruvin* 65b, "Rav Elai says, 'A person's true character is revealed by three things: his cup [i.e. intoxication], his pocket [i.e financial dealings], and his anger."

33. For other biblical cases of a space in the text representing the passage of time, see, e.g., Joshua 22:12-13 and Ezra 6:22-7:1.

34. Implied it was placed down in front of him, and not held by any servant. Cf. Abravanel to 3:26.


36. *Kohelet Rabba* 10:16 criticizes Solomon for taking this risk, speculating he recalled this moment from his youth with regret when he wrote, *Woe to you, O land, when your king is a boy, and your princes feast in the morning* (Eccl. 10:16)! See also Midrash Shocher Tov to Ps. 72, citing R. Yehudah ben R. Elai saying had he then been in court, he would have physically restrained Solomon to halt his decree.

37. After presenting their inverted arguments, 3:22 concludes, *And they went on arguing before the king.* See also Radak and *Metzudat David* to 3:22.

38. See Chadad, at 107.

39. See *Daat Sofrim* (3:26), suggesting she whispered to herself the words *Let him be neither mine nor yours.*

40. Although at least orally, Solomon didn't specify which "her" to "give the child to" (perhaps he pointed), Chadad (at 109) suggests his use of the real mother's wording is a clear indicator he was talking about her.

41. While some claim *Give her the live child* – which implies the baby was not then in his mother's hands – proves the plaintiff won, even some of P's supporters, such as Abravanel (3:26), nullify this argument by assuming a court attendant had already taken hold of the baby at an earlier point. Indeed, as Chadad points out (at 108), the true mother's plea using the identical phrase, *give her the live child,* which is made in plural (*t'nu*), implies this.

42. As noted above, S1 is not necessarily the plaintiff.

43. Netziv (3:15-16). He suggests Solomon brilliantly originated just then the doctrine of *kofin al midat Sdom,* which bars a party's claim to prevent another from benefitting despite no cost to himself (a Sodomite practice; see Ezek. 16:49). See also Radbaz, Responsa 3:634. As noted in TB *Baba Kamma* 81b, Solomon himself expressed a similar idea, *Do not withhold good from one who deserves it when you have the power to do it* (Proverbs 3:27).

44. See, e.g., Rosh, Responsa 78:3 and 107:6; Maharil, Responsa 90; and *Be’er Eliahu on Bei’ur HaGra* to *Choshen Mishpat* 15:4:12.45. See *Aruch laNer* to TB *Makkot* 23b; Alshich (3:16).

46. See Malbim to II Sam. 12:5.

47. See Abravanel 3:26.

48. For additional parallels, see Bazak (note 17).
49. See Chadad at 101.
50. Some "consolation" for Solomon regarding Mishpat Shlomo's rarity as a haftara: when spanning two weekends, Chanuka's second haftara chronicles his building the Temple (7:40-50).

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