Women and the Cry for Justice in Old Testament Court Narratives: An African Reflection

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ABSTRACT

In the OT, the topos of “woman with a cause” has already been identified. Women went to great lengths to ensure that the names of their dead husbands were perpetuated, as in the case of Naomi-Ruth or Tamar, or they sought audience with the king to save loved ones.1 It is argued in this article that both within and beyond this topos, women are found crying out for justice. A consideration of narratives such as the hypothetical case of the Woman of Tekoa’s son (2 Sam 14), the narratives about the two “harlots” (1 Kgs 3) and the account of the two women who ate their own children (2 Kgs 6), etcetera, shows that “women with a cause” often cried out on behalf of their children. By considering the socio-economic background of such OT narratives in relation to the socio-economic conditions in many parts of Africa today, the article makes a case for children in Africa under the threat of starvation, are orphaned by HIV/AIDS, and who are victims of poverty, dreaded diseases and illiteracy, to name but a few. It demonstrates, first, that the quest for social justice on the continent will have to begin with children, and that, second, this will only be attained when women in Africa, like those of the OT, cry out for justice on behalf of these children.

INTRODUCTION

Justice is a complex and controversial topic primarily because there are different conceptions of the term. Walter Houston assumes that justice is about fairness but there is often disagreement over what is fair in actual situations or what constitutes a just society. Therefore, the perception of justice may differ from one individual or society to another depending on various factors such as upbringing, education, self-interest, economic and social position, etcetera.2 In other words, the understanding of justice is contextual or cultural, maybe even personal. The complexity of the notion also seems to reflect in the distinctions widely made between various forms of justice. Studies on justice acknowledge the Aristotelian distinction between distributive and commutative justice.

1 Larry Lyke, King David with the Wise Woman of Tekoa: The Resonance of Tradition in Parabola Narrative (JSOTSup 255; Sheffield: Sheffield Academic Press), 1997.
While distributive justice concerns the fair sharing of resources or power for instance, commutative (or retributive) justice has to do with “fair exchange,” dealing fairly with others by giving them their due.\(^3\) Besides distributive and commutative justice, contemporary conceptions of justice also include criminal justice, civil justice, liberal justice, restorative justice, political justice, economic justice, social justice, etcetera.\(^4\)

Although there are discrepancies between ancient and modern concepts of justice, scholars have established that the concern for justice spans the whole Bible.\(^5\) That justice is a complex notion is shown in the Hebrew Bible by the choice of the Hebrew vocabulary that is covered by the term namely *shaphat, mishpat, sedeq.*\(^6\) But social justice in ancient Israel was also expressed by means of hendiadys or a word pair–*mishpat vazedek* (i.e. “justice and righteousness”).\(^7\) Further, the call for social justice is generally associated with the prophets. Smith notes that, “Israel’s prophets demanded that its monarchs and their subordinate ministers establish justice and righteousness” (cf. Jer 22:3; Ezek 45:9; Isa 32:1-5, etc.).\(^8\)

However, the idea of social justice was not limited to the proclamations of the prophets. In the book of the law, justice (plus righteousness) was regarded as “an ethical ideal.”\(^9\) As in the prophetic books, the law code also called for fair treatment of the weaker members of society – the widows, orphans, poor, strangers, slaves, etcetera. In the royal court narratives, we find stories of ordinary people who resisted injustice by seeking redress in the royal courts or with people in positions of authority.

\(^8\) Smith, *Fate of Justice,* 50.
\(^9\) Smith, *Fate of Justice,* 43.
That also brings us to the distinction between divine and human justice.\(^{10}\) In the Hebrew Bible, YHWH is depicted as a God of justice (Isa 30:18)\(^{11}\) who expected his representatives especially the king to administer justice. The king’s justice was supposed to mirror God’s justice as he was to act as the defender of the powerless. For this reason, in the OT world, we find people (women in particular) approaching the king for justice or judgement in different situations. In this article, I seek to highlight different situations in which women cried out for justice in the OT text and to relate their situations and demands to the African context today.

B WOMEN AND THE CRY FOR JUSTICE IN THE COURT NARRATIVES

Lyke has pointed out the *topos* of “woman with a cause” in the OT.\(^{12}\) He identifies two categories of women under this *topos*. The first comprises of women who went to great lengths to ensure that the names of their dead husbands were perpetuated, as in the case of Naomi-Ruth who wanted the name of Elimelech to be preserved or Tamar in Gen 38 who wanted a seed for her first husband Er. The second group includes women who sought audience with the king to save loved ones such as the Woman of Tekoa in 2 Sam 14, the two “harlots” in 1 Kgs 3 who came to Solomon, or the “cannibal” woman in 2 Kgs 6:26 who came to King Joram.\(^{13}\) Lyke tries to show that each of the women in these two groups had a cause and went all out to achieve that cause.

It is argued in this article that within that *topos* and beyond it, are found women who cry out for justice. The real issue in these stories, I will argue, centres around the life of children or the desire for their survival. A textual overview of the court narratives reveals several cases of women who approached the royal court (or prophets) for justice.\(^{14}\) In 2 Sam 14:1-11, the Woman of Tekoa presents a hypothetical case before King David to demand


\(^{12}\) Lyke, *King David*.

\(^{13}\) The terms “harlot” and “cannibal” are not used in any derogatory manner in this article but are in line respectively with usage in Scripture and in contemporary literature.

\(^{14}\) It should be noted that the narratives in question also contain instances in which men petitioned the king (or the prophet) for help as in 1 Kgs 20:35-43; 2 Kgs 4:40; 6:25; see Zahavi-Eli who notes that though men also approach the king “in the literary world of the Bible the typical supplicant is a woman.” Naama Zahavi-Eli, “‘Turn Right or Left’: Literary Use of Dialect in 2 Samuel 14:19?” *HS* 53 (2012): 43-44.
amnesty for her son while in 2 Sam 21:8-13, Rizpah, Saul’s concubine kept vigil over her sons’ bodies until they were given a decent burial. In 1 Kgs 3:16-28, two harlots came before King Solomon to demand justice. In 2 Kgs 4:1-7, the widow of one of the sons of the prophet besought Elisha for help as the creditors had threatened to take away her sons in lieu of payment for her husband’s debts, while in 2 Kgs 6:26, a woman who had participated in cannibalism approached Joram for help. In a related case, the Shunemite woman cried out to the king for her land in 2 Kgs 8:1-6. Of course, there are related cases in other parts of the Bible where women approached the king or one in position of authority to demand redress or justice in their situation. Esther before King Ahasuerus is a case in point. She demanded and obtained justice for her entire people. In Luke 18, the persistent widow went before the unjust judge daily for him to avenge her of her adversaries. Her refusal to give up produced justice. But a closer look at the court narratives in which stories of women who cried out for justice predominate should help us to determine the issues related to justice in these texts.

In the first story in 2 Sam 14:1-11, Joab engaged the services of a wise woman from Tekoa who was to go to King David with a fictitious story about her two sons. The aim was to force David’s hand to recall Absalom who had murdered his brother Amnon from exile. The woman presented a legal case before David in the form of a story that echoes that of Cain and Abel. Her two sons were in the field and one slew the other. The avenger of blood was now out to get the surviving son. Therefore, she wanted David to intervene and save the surviving son. The woman stated clearly the mitigating circumstances of the case – this was the only son (or only means of support) she had left, she was a widow, and the death of this son would mean that her late husband was left with no seed. Smith shows that after the woman presented her case, David gave a shrewd and guarded ruling that guaranteed the woman’s welfare but failed to address the fate of the surviving son. The wise woman then pressed the king further to rule in favour of her son. When he did, she decided to use the ruling against him to establish a legal precedent in arguing for Absalom’s restoration.

Perhaps this story more than any other illustrates most plainly some of the complexities involved in issues of justice. David balked in pronouncing judgement about the woman’s imaginary case perhaps because he realised immediately that there was a clash of interests at that point. The community sought blood vengeance – retributive justice – while the woman sought welfare

15 Lyke, *King David*, 11.
16 See Arnold A. Anderson, *2 Samuel* (WBC 11; Dallas, Tex.: Word Books, 1989), 188.
which was tied to her surviving son. Smith’s explanation of David’s dilemma in this regard is insightful. He claims that:

In setting up this type of conflict Joab ensures that if David sides with the clan he runs the risk of oppressing a widow. If he sides with the widow, he allows a murderer to go unpunished.\(^{18}\)

In a similar case, when pleading with God about Sodom and Gomorrah (Gen 18:23, 25b), Abraham questioned whether the judge of the whole earth would destroy the righteous with the wicked and would not do right. Leclerc comments on Abraham’s question with another question thus:

Can the demands of justice and compassion be balanced? Which would be greater injustice: to let the guilty go free in order to spare the righteous, or to punish the wicked even at the expense of the righteous?\(^{19}\)

In my view, these are tough questions with no easy answers as several contemporary cases could also prove.

Remarkably, Smith argues that for all their wisdom, David, Joab, and the Wise Woman of Tekoa all failed “to address the justice of Absalom’s killing of Amnon for the rape of Tamar.”\(^{20}\) In other words, Smith says no one is asking for justice for Amnon. But my question is, who is seeking justice for Tamar? Everyone in this story is concerned about Absalom, no one cares that Tamar’s story—that Tamar’s life—has ended.\(^{21}\) Was Absalom’s assassination of the perpetrator in cold blood necessarily tantamount to justice or healing for Tamar?\(^{22}\) It seems that “Lady Justice” is sometimes silent. Why did the Wise Woman of Tekoa not speak out for Tamar who could have been her own daughter? The answer sadly is that daughters did not matter much in the scheme of things – sons did.

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\(^{18}\) Smith, *Fate of Justice*, 165.

\(^{19}\) Leclerc, *Yahweh Is Exalted*, 5.

\(^{20}\) Smith, *Fate of Justice*, 176.

\(^{21}\) Even King David was silent over his own daughter Tamar’s rape. Perhaps Absalom’s subsequent rebellion and attempted *coup d’état* stemmed from bitterness at his father’s silence. But it is ironical that even he (Absalom) advised Tamar to be silent and not make an issue of her ordeal (2 Sam 13:20)!

\(^{22}\) On a similar situation in Gen 34 in which the sons of Jacob murdered Shechem’s son and his entire clan because of the rape of their sister Dinah, Propp comments: “Jacob’s mortified reaction to his sons’ act, however, supports the position of the biblical law codes: bloodshed is an improper remedy for rape. Although the Yahwist’s own sympathies seem to be on the side of Jacob, this narrative illustrates one potential response to rape, namely, killing the culprit and even his associates.” See Wiliam H. Propp, “Kinship in 2 Samuel 13,” *CBQ* 55/1 (1993): 40. Indeed, killing the perpetrator may not be a proper response to rape, society’s outcry and actions to stop it are.
In 2 Sam 21:8-13 is the heartrending story of Rizpah whose two sons were hanged on the hill before the Lord to appease the Gibeonites along with the five sons of Micah, Saul’s daughter and David’s erstwhile wife. Their bodies were left in the open at the mercy of the elements. In a silent protest, which came to the notice of the king, we read:

> Then Rizpah the daughter of Aiah took sackcloth, and spread it on a rock for herself, from the beginning of harvest until rain fell on them from the heavens; she did not allow the birds of the air to come on the bodies by day, or the wild animals by night.\(^23\)

Although she could not raise her dead sons back to life, Rizpah inadvertently sought dignity for them even in death. She did not appear before the king as other women did. But her silence continued to cry out louder than words until it got to the ears of the king who commanded the sons’ bones to be gathered for burial. Her resilience in the face of unspeakable grief as she watched the bodies of her two sons rot away before her eyes speak to women today. Silent but open resistance could be a powerful tool to turn the tide in dire circumstances.

Again, in the case of the two harlots who came to King Solomon for a judicial solution to a domestic problem in 1 Kgs 3, the story is told of how one of the women accidentally rolled over and killed her child in the night. While the other woman slept, she exchanged the dead child for her neighbour’s live child. It is interesting that the two women’s dilemma happened to stem from too much sleep. One slept so deeply and killed her own son; the other slept so deeply and did not realise when her living son was exchanged for a dead child! The two women therefore went on to argue their case before the king. Like in the previous story of the Wise Woman of Tekoa, one son was dead and the other alive. And like David, Solomon also was in a quandary. Whose baby was this live baby? Any mistake on his part would result in miscarriage of justice. Fortunately, his divine wisdom enabled him to avert bloodshed and more death, and he rendered what was considered a just verdict.\(^24\) The surviving baby lived and was returned to his mother. The whole nation of Israel agreed that justice was served (1 Kgs 3:28).

The story in 2 Kgs 4:1-7 also pertained to a woman and two sons. She was the widow of a man of God who died a debtor. The creditors were ready to take her sons away as bondmen, so she cried to the prophet Elisha for intervention. Elisha commanded the woman to do something that would produce a miracle. She should borrow as many vessels as she could from all her neighbours,

\(^{23}\) 2 Samuel 21:10 (NRSV).

\(^{24}\) Note Mulder’s claim that “the king [Solomon] administers justice, not by way of oracles or ordeal, but on purely rational grounds”; Martin J. Mulder, *I Kings 1-11* (vol. 1 of *I Kings*; HCOT; Leuven: Peeters, 1998), 159.
take the only jar of oil she had left, and pour the oil into the vessels one by one. As long as she poured, the oil would continue to flow. At the end of the day, she was able to sell the oil, pay the creditors and have leftovers. Her two sons were saved.

In 2 Kgs 6, we read the pathetic story of a woman who cried out to the king of Israel for intervention. In the middle of the biting famine that plagued Samaria, she agreed with another woman to slaughter and eat both of their sons. They had already eaten the other woman’s son and it was her turn to surrender her own son for food. She could not bear to do it and ran to the king for respite. But the nature of the help she needed is not clear. Did she want food from the king or did she want him to place a restraining order against the other woman to prevent her from eating this surviving son? Whatever it was, it is assumed that her son would be saved.

Hens-Piazza notes sadly that the narrative does not address or resolve the two women’s concern – their starvation, their desperation and the threat to the second child’s life. Their story is secondary, a background story that merely serves as a literary prop for the larger story. About the woman who appealed to the king for help, the author argues that, “Her struggle for food and the child’s life is dwarfed and rendered insignificant by the magnitude of the national and international struggles for power that surrounds her.” Does that not resemble the stories of millions of women in Africa whose individual daily struggles and concern for their children’s lives pale into insignificance in the light of wide-reaching issues such as global warming, global economic crises, terrorism, etcetera?

In a related story in 2 Kgs 8, the woman of Shunem whose son was earlier restored to life by Elisha also cried out to the king–this time, not on behalf of her son but to reclaim her estate which had probably become “crown property” when she went into exile for seven years as a result of the severe famine in Israel. The king commanded that her property be restored to her with full interest on the proceeds of her land.

C  THE AFRICAN CONTEXT: SOME POINTS TO PONDER

In all these cases except Rizpah’s, it is remarkable that the women approached the king (or the prophet) to state their case and to demand not only retributive

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but distributive justice. They could approach the king directly without any intermediary. In fact, Israelite women sometimes acted as intermediaries even for men as Bathsheba did for Adonijah before Solomon in 1 Kgs 2. Many commentators have noted the easy access that litigants had to the king during the era of the monarchy.\textsuperscript{27} For instance, Cogan notes that regardless of the fact that they were prostitutes the two women who came before Solomon for judgement were “given their day in court as any other Israelite.” Montgomery notes that, “The ancient oriental king was approachable to all. . . and such open justice prevails in the courts of modern Arab potentates.”\textsuperscript{28}

However, it is regrettable that with all the modern claims to development, civil liberty, human rights and human dignity and such high sounding concepts, some African nations continue to deny women access to justice in subtle ways. For instance, South Africa is trying to build different support systems for victims of rape many of whom continue to remain silent and refuse to seek redress in court for fear of stigma, reprisal attacks or their claims being dismissed as unfounded on the grounds that what took place was consensual interaction or that there is insufficient evidence to convict the perpetrator. Clearly, if social justice would be a daily reality in Africa, unfettered access to justice that is not intercepted by corrupt officials or by unspoken social codes such as stigmatisation must be institutionalised. Of note on the other hand is the commendable trend that is developing in South Africa in which women and women groups rally round rape victims and victims of domestic violence and abuse in court. They demonstrate with banners or flyers that decry abuse and violence against women and children, and they support victims during court hearings.

Second, the stories all offer a glimpse into the socio-economic conditions of the women who sought justice and of the land of Israel at the time of the incidents. As a widow, the Woman of Tekoa was concerned that the impending death of her second son implied that her welfare and security would be gone also. Rizpah’s sons were hanged to appease the Gibeonites in a bid to make atonement for the land at a time of severe famine. The two harlots who came to Solomon obviously lived on the margin of society—driven to sell their bodies to make ends meet and put food on the table. The widow of the son of the prophet who died a debtor was about to lose her two sons to the creditors. Her condition of abject poverty was glaring. The horrendous story of the women who ate the little boy was situated in a period of untold famine and

desperate hardship. The woman of Shunem had gone into exile for seven years due to severe famine in the land.

In the midst of gripping adversity that consumed not only the women as individuals but also the nation, the aforementioned women cried out for justice and for intervention. The unbearable daily sufferings fuelled by the socio-economic conditions around them forced the women to cry out until they got the attention of the authorities. There appears to be striking parallels between the situations of these women and the conditions of millions of women across Africa today who struggle to keep their children alive because of dire poverty and deprivation. Would the women of Africa dare cry out like these ancient mothers to save their children from hunger, starvation, diseases and impending death?

Another issue that comes to the fore in these stories is the notion of power. Houston argues that the fundamental locus of justice and injustice in the Hebrew Bible is the patron-client relationship that is rooted in a state structure embodied by the king. The client seeks the patron, in this case the state, for justice.29 The state controls justice or the absence of it. According to Grana, because people control justice, it means that justice could be gendered. In essence, unequal social structures would imply that some people will be treated unjustly somehow.30 The case of Rizpah drives this point home. Her two sons were hanged for committing no crime but because they were offspring of an offender. Traces of totalitarianism, patriarchalism, nepotism, corruption and power imbalance often result in injustice and miscarriage of justice in different parts of Africa today. Dube and Kanyoro argue for example that HIV/AIDS is an epidemic driven by social and gender injustice.31 One could therefore conclude that even though justice is referred to as a “lady,” her face remains masculine in this part of the globe.

Again, in two of the stories namely of the two harlots and of the two cannibals, women are said to be “at odds with one another over the matter of life.”32 It is ironical that with their natural capacity for bonding easily with fellow women, women also sometimes demonstrate an uncanny propensity for strife. It is lamentable that in such instances, it is men who sometimes mediate and reconcile the women. Feminist criticism may need to probe this dynamics more closely and the Circle of Concerned African Women theologians in particular could consider addressing such undercurrents which seem to be part of

29 Houston, Contending for Justice, 134.
30 Grana, Women, 12.
32 Hens-Piazza, Nameless, 131.
women’s realities even today in the effort to move women forward and create a safe space for our daughters in the future.

Lastly, the women in the stories sought justice for their sons. Even the Shunemite woman could have asked for the restoration of her estate partly to enable her leave an inheritance for her only son. As Lyke has already noted, women would go to great lengths to save their children. What is curious here is that in all the cases examined, sons had to be saved at all costs but there is not a single instance in which women cried out because of their daughters. No one cried out for Tamar who was raped by her own brother. As in ancient Israel, the obsession with male offspring is a common trend in many African societies which remain largely patriarchal. Although decreasing, the tendency to undermine the girl-child is still visible among us. Without a male child, some women have no locus standi in their matrimonial homes. For this reason, they may continue to try for a male child even after having several daughters. The lack of male offspring is sometimes responsible for breakdown in marriages or in the man having multiple partners in the search for male progeny. Such situations need to be redressed in the interest of fair play and justice.

In several of the cases examined above, there is no mention of the boys’ fathers. The reason in some instances is because the women were widows, for example, the Woman of Tekoa, Rizpah, or the widow of the son of the prophet. The woman of Shunem’s husband was perhaps already dead because when she had her son more than seven years earlier, he was described as old. One does not need an interpreter to conclude that the harlots were single parents. The cannibal women were probably in a similar space. There is not a single instance in which the fathers came into the picture except as dead men. But the women rose up to the challenge of obtaining justice for their children. Clearly, the number of female-headed households is on the increase in Africa and in fact across the globe. Yet, these facts are not clearly reflected in policy formulations or revenue allocation. In the absence of fathers and male role models, nothing stops the African woman from solely taking up the cause of her children.

Most importantly, in some of the cases, a child or more is already dead and the mother seeks life for the living child. Too many children are already dead from HIV/AIDS, starvation, malnutrition, neo-natal complications, and violence in different parts of the continent. Some are killed on the battlefront as child soldiers while others are victims of domestic violence and abuse. The question is how can we save the survivors? The women in these stories cried out to those in power. Should we rather not do the same? Children are victims because they are voiceless and helpless. The African child as well as any other vulnerable member of society needs women’s voice today. To cry out on their behalf? That would be true justice!

Lyke, *King David*, 100.

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