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The Judgment of Solomon according to Josephus

The «judgment of Solomon» related in I Kgs 3,16-28 is one of the Bible's best known narratives. This essay will focus on the retelling of the story in Josephus' *Antiquitates judaicae* (hereafter *Ant.*) 8.26-34.¹ More specifically, my study seeks to address two overarching questions: (1) Which text-form(s) of I Kgs 3,16-28 did Josephus use?²; and (2) What kinds of rewriting techniques did he apply to the data of his *Vorlage(n)* and what is distinctive about his own resultant version?

For my comparison of them, I divide up I Kgs 3,16-28 and *Ant.* 8.26-34 into three parallel segments: (1) Mothers' cases presented (3,16-22// 8.26-30a); 2) Solomon's judgment (3,23-27// 8.30b-33); and Popular response (3,28// 8.34).

Mothers' cases presented

Like the author of Kings, Josephus attaches his account of the «Judgment of Solomon» directly to the report of Solomon's encounter with God at Gibeon (8.22-25// I Kgs 3,1-15; cf. II Chr 1,2-13) with its divine promise (8.24// 3,12) of pre-eminent wisdom for the young king. Whereas, however, I Kgs 3,16 immediately proceeds to mention the appearance of «two harlots» before the king, Josephus (8.26) interjects an extended preface explaining his double purpose in reproducing the story:

*Now in these days a difficult case was brought before him [Solomon], for which it was troublesome to find a solution. I have thought it necessary to explain the matter about which the suit happened to be, in order that my readers may have an idea of the difficulty of the case, and that those 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.*³

Only thereafter, does he (8.27a// 3,16) introduce the opposing parties: «Two women who lived as harlots came before him [Solomon] ...» I Kgs 3,17aα calls the first of the mothers to speak simply «the one woman.» Josephus' elabora-

¹ For the text and translation of *Ant.* 8.26-34, I use R. Marcus, *Josephus V* (LCL), Cambridge, MA-London 1934, 584-589. My study likewise draws on the treatments of the Josephan passage by M.V. Spottorno, *Flavio Josefo. Técnicas de adaptación del texto bíblico* (1 Re 3,16-28), *Sef 52* (1992) 227-234 and L.H. Feldman, *Josephus's Interpretation of the Bible*, Berkeley CA 1998, 580-583.

² Under this head I shall concentrate on comparing Josephus' text with the readings of MT on the one hand and Codex Vaticanus (hereafter B) and the Antiochene or Lucianic (hereafter L) manuscripts of the LXX on the other.

³ I italicize the above and subsequent portions of Josephus' presentation that have no direct counterpart in I Kgs 3,16-28.

ted designation of her already suggests the credibility of subsequent words: «and she *who seemed to be the injured one* first began to speak, saying ...»

The «one woman» of 3,17aα addresses the king at length in 3,17aβb-21. Her plea begins (3,17aβb-18) by providing «remote background» concerning the case: her living together with the other woman, their both giving birth, the absence of anyone else. Josephus' version of her opening words (8.27b) differs in several details from her biblical discourse: ««... I, o King,⁴ live with this woman in the same room (δοματίω),⁵ and it so happened that we both gave birth *on the same day and at the same hour*⁶ to male children.»⁷

In 3,19 the speaker begins adducing the series of events that gave rise to her dispute with the other woman. The first of those events is the latter's accidental killing of her infant by «laying on» it during the night. In citing this happening, the biblical speaker does not spell out how long after the birth of the child in question this accident occurred. Josephus, by contrast (8.28a), supplies such a dating, via a «reapplication» of the phrase «on the third day» used in reference to the other's woman's giving birth in 3,18a: «But on the third day⁸ this woman by sleeping on her child caused its death ...»⁹

⁴ Compare 3,17aβ: «Oh, my lord (LXX ἐν ἐμοί, κύριε).» For the first woman's word to Solomon, Josephus retains the Bible's direct address; subsequently, however, in line with his frequent practice, he recasts characters' speeches in indirect discourse (see 8.30,31,32,33).

⁵ In 3,17bα the speaker refers to the «house» (LXX οἶκος) she and the other woman share.

⁶ According to 3,17b-18a, the other woman gave birth «three days after» the speaker did. S. Rappaport, *Agada und Exegese bei Flavius Josephus*, Wien 1930, 56, #231, followed by Marcus (*ad loc.*), suggests that Josephus' making the births simultaneous is based on his (mis-) interpretation of the phrase used by the speaker in 3,17bβ (MT and LXX L): «(and I gave birth to a child) while she was in the house.» Alternatively, his version might reflect the reading peculiar to LXX B 3,17bβ, where the speaker uses the expression «we gave birth» as opposed to the «I gave birth» of MT and LXX L. In any case, Josephus associates the phrase «on the third day» of 3,18a, not with the other woman's giving birth, as in all the biblical witnesses, but rather with her accidental killing of her child as mentioned in 3,19; see above and cf. n. 8.

⁷ From the woman's opening words of 3,17-18, Josephus, at this point, leaves aside the emphatic statement she appends to her report about the double birth (3,17-18a) in 3,18b («and we were alone; there was no one else with us in the house, only we two were in the house»). He will, however, make delayed use of this element of the speaker's speech at the conclusion of her discourse; see 8.29b and compare n. 18.

⁸ Josephus' «reapplication» of this chronological indication is necessitated by the fact that in what precedes he has dated the other woman's delivery to an earlier point, making this simultaneous with the speaker's own giving birth; see n. 6.

⁹ Josephus omits the (self-evident) specification of 3,19 that the accident occurred «in the night.»

The speaker continues her report concerning the other woman's actions in 3,20: the latter arouse at midnight, took my son while your servant slept,¹⁰ and places this on her own bosom. The historian's version of this sequence (8.28b) rewords several of its component items: «... and she took my child from my lap (ἐκ τῶν γονάτων)¹¹ and carried it over to her side¹² and then laid the dead child in my arms (εἰς τὰς ἀγκάλας μου)¹³ as I slept.»¹⁴

In 3,21 the speaker shifts her focus from the other woman's nocturnal actions to her own initiatives once morning comes: she discovers her (supposed) child to be dead, but then determines that this dead child is not the one she had borne. The Josephan version (8.29a) clarifies the identity of the dead child the speaker encounters: «And in the morning when I wished to give the breast to the child, I did not find my son, but I saw this woman's dead child lying beside me,¹⁵ for I looked at it carefully *and recognized whose it was.*»¹⁶

The biblical presentation moves, without transition, from the speech of the first (3,17-21) to that of the second woman (3,22a). Josephus, for his part, supplies an extended transition between the words of the two parties that itself consists of several elements without parallel in the biblical account (8.29b-30a):

(8.29b) «I therefore demanded (ἀπαιτῶ) my son back, and, as I have not obtained him, I have come to appeal to you, my lord, for help¹⁷; for, contemptuously relying on the fact that

¹⁰ This indication concerning the speaker's own state during the proceedings is found in MT 3,20, though not in LXX (and *Vetus Latina*). The MT allusion naturally raises the question of how the speaker could have known about the other woman's actions if she were asleep during these.

¹¹ In MT 3,20 the speaker refers to her child's being removed from «beside me», while in LXX it is «from my arm(pits)» (ἐκ τῶν ἀγκαλιῶν). Josephus omits the preliminary biblical reference to the other woman's «arising at midnight.»

¹² This phrase is Josephus' reformulation of 3,20bα where the plaintiff charges that the defendant «laid it [the speaker's living child] in her bosom.»

¹³ Compare 3,20bβ where the defendant lays her dead infant in the speaker's «bosom» (LXX ἐν τῷ κόλπῳ μου). Josephus' Greek term for the portion of the speaker's anatomy on/in which the dead baby is placed is reminiscent of the term used in LXX BL 3,20aβ for the «place» from which the speaker's living son is removed; see n. 11.

¹⁴ The speaker's mention of her being «asleep» during the defendant's initiatives recalls the MT plus in 3,20 (see n. 10). There, however, the reference concerns rather the moment of the latter's taking the former's child.

¹⁵ Compare 3,21a: «When I rose in the morning to nurse my child, behold it was dead.» The biblical formulation suggests that the speaker's own child was actually dead; Josephus corrects this misleading way of stating matters.

¹⁶ In 3,21b the speaker's taking a close look at the dead child leads her to the negative realization that the child is not her own. Josephus recasts her realization in «positive» terms, i.e. she perceives that the child is that of the other woman.

¹⁷ With this insertion Josephus has the woman begin by assuring the king that she had first tried (unsuccessfully) to resolve the dispute by dealing with the other woman

*we were alone*¹⁸ and that she has no one to fear who can convict her, who stubbornly persists in her denial (ἀρνούμενη).»¹⁹ (8.30a) *After she had spoken the king asked the other woman what she had to say in contradiction to these statements.*²⁰

Following the above insertion, Josephus gives his version (8.30b) of the defendant's response, recasting this in indirect address: «And she denied (ἀρνούμενης)²¹ having done this thing, saying that it was her child that was alive, while her adversary's was the dead one.»²²

I Kgs 3,22b (MT LXX L) rounds off the two mothers' presentations of their respective cases, first with a reaffirmation by the plaintiff of her claims (v. 22bα) and then with the summarizing notice «thus they spoke before the king» (v. 22bβ). Like LXX B, Josephus has no equivalent to the former item, while he diverges from all the biblical witnesses in his non-reproduction of the latter one.

Solomon's judgment

The biblical Solomon speaks for the first time within 3,16-28 in v. 23 where he sums up the mothers' conflicting claims about whose child is the live one, which the dead one. Perhaps because the king's words on the matter seem a mere repetition of what has been already said that, as such, evidence no particular insight, Josephus omits them. In their place he (8.30c) interjects a transitional introduction to the king's subsequent directives about procuring a

directly before soliciting his intervention. The biblical presentation leaves Solomon (and the reader) wondering why she did not take this step prior to approaching the king – who surely had more pressing matters to attend to than a quarrel between two harlots.

- ¹⁸ With this reference to the pair's being «alone», Josephus makes delayed use of the speaker's emphatic allusion (3,18b) to the fact of their being by themselves at the time of their children's birth which he earlier passed over; see n. 7.
- ¹⁹ The above appendix to the speaker's statement about her having tried unsuccessfully to get her child back from the other woman provides an explanation as to why that attempt was unsuccessful. At the same time, the explanation serves to present the king (and the reader) with a very negative view of the defendant – even before she herself says a word.
- ²⁰ This conclusion to Josephus' inserted transition between the words of the two parties underscores the king's authoritative direction of the legal proceedings – the other woman does not speak on her own initiative (as she does in 3,22a), but only when summoned to do so by the king.
- ²¹ This is the same verb used of the defendant by the plaintiff in 8.29b where she charges her with «stubbornly persisting in her denial (ἀρνούμενη)». The former's «denial» when addressing the king thus suggests the truth of the latter's charge about her.
- ²² Compare 3,22a where the defendant addresses herself directly to the plaintiff: «No, the living child is mine, and the dead child is yours.»

sword and dividing up the (living) child (3,24-25). The insertion reads: «*And when no one could see (ἐπινοοῦντος) what judgement to give, but all were mentally blinded, as by a riddle (αἰνίγματι),²³ in finding a solution, the king alone devised (ἐπενόησε) the following plan ...*»²⁴ To this lead-in to the king's directives Josephus appends (8.31) his expanded version of the biblical royal command («bring me [LXX B lacks me] a sword») of 3,24a: «... *he ordered both the dead and the living child to be brought,²⁵ and then sent for one of his bodyguard²⁶ and ordered him²⁷ to draw his sword²⁸ and cut both children in half, in order that either woman might take half of the dead child and half of the living child.*»²⁹

The biblical account makes no mention of a reaction by the audience to Solomon's shocking command of 3,25. Josephus (8.32a) supplies such a reaction, at the same time accentuating the irony of the situation: «*Thereupon all the people secretly made fun of the king as of a boy.*»³⁰

Solomon's directive about «halving» the live child (3,25) prompts very different responses by the two mothers, as reported in v. 26. In accordance with the biblical sequence Josephus (8.32b) has the actual mother respond first, even while also elaborating on both the figure herself and her words: «But meanwhile the woman *who had demanded (ἀπαιτούσης) the child*³¹ and was its

²³ All Josephus' other uses of this term (see *Ant.* 8.148,149; *c. Ap.* 1.114,115) refer to Solomon in his role as «riddle-solver.»

²⁴ The effect of the above insertion is to underscore the unique wisdom of Solomon – he is able to solve the «riddle» when no one else can. The effect is further heightened by Josephus' use of the same verb (ἐπινοέω) to refer to what the multitude cannot do and what the king is able to do in 8.30c.

²⁵ With the inserted command by Solomon Josephus fills a gap in the biblical presentation where the presence of the (living) child (and in LXX L the dead one as well; see n. 29) is presupposed in what follows, even though there is no previous mention of a royal directive about its (their) being brought.

²⁶ Also this command lacks a parallel in 3,24-25 where Solomon's directive (v. 25a) about «dividing» the child is issued to an unspecified collectivity – whose summoning by him has not been previously mentioned.

²⁷ Josephus has Solomon give his commands to the single bodyguard whereas in 3,25 there are issued to a unspecified collectivity: «divide (pl.) ... give (pl.).»

²⁸ This third royal order represents Josephus' adaptation, prompted by his previous mention of the king's summoning of a bodyguard, of the sequence of 3,24: «And the king said, «Bring [pl.] me a sword.» So a sword was brought before the king.» Josephus' formulation presupposes that the bodyguard did in fact report to the king armed with his sword.

²⁹ In having Solomon command the bisection also of the dead child, Josephus agrees with the concluding plus of LXX L 3,25 where the king directs «and the dead one likewise divide and give to both.»

³⁰ This inserted reference to the audience's reaction to Solomon's command is ironic in that it comes from those whom Josephus had just qualified (8.30c) as themselves «mentally blinded» and unable «to see what judgment to give», whereas the object of their derision is on the point of demonstrating his superior wisdom.

true mother cried out that they should not do this, but should give the child over to the other woman,³² *as if it were hers*,³³ for she would be content to have it alive and only look at it,³⁴ *even if it should seem to be another's ...*»

The other mother's response is cited with chilling brevity in 3,26b: «It shall be neither mine nor yours [MT; LXX BL *Vetus Latina*: hers]; divide it.» Josephus (8.32c) makes the woman begin by calling for the bisection of the child and then attributes a further proposition to her, this indicative of her cold-blooded self-assurance that she can indeed prevail in the case: «... while the other woman was prepared to see it divided *and even asked that she herself be put to torture.*»

Having heard the responses of the two women (3,26), the biblical Solomon proceeds immediately (3,27) to render his verdict in favor of the first speaker, the actual mother according to 3,26aα. Josephus' version (8.33a) incorporates an indication about the rationale that inspires the royal decision: «Thereupon the king, *recognizing that the words of either were prompted by her true sentiments*, adjudged the child to the one who cried out, holding that she was really its mother ...»³⁵ The biblical narrator leaves readers wondering what consequences – if any – the other woman suffered once Solomon had decided in favor of her opponent. Josephus (8.33b) satisfies their curiosity on the point with his appendix to the royal judgment of 3,27: «... *and condemned the other for her wickedness both in having killed her own son and in being anxious to see her friend's*³⁶ *child destroyed.*»

³¹ This inserted characterization of the first speaker in 3,26 harks back to 8.29b where Josephus reports – here too in an insertion – her statement to the king: «I therefore demanded (ἀπαίτῳ) my son back ...»

³² Josephus here reverses the order of the woman's words as cited in 3,26aγ where she states what she wishes to be done («give her [the defendant] the living child») prior to what she wants not done («and by no means slay it»). Josephus' sequence appears more logical: the decision to spare the child would precede its consignment to the other woman.

³³ This appended characterization of the defendant highlights both the injustice of what the speaker is proposing (the child in fact is not the former's), but also her readiness to suffer this injustice if only the child – her child – not be harmed.

³⁴ With the above motivation for the woman's plea – which Josephus makes part of her actual speech – compare the editorial notice introducing the speaker's words in 3,26aβ: «because her heart yearned for her son», Josephus has the woman herself give expression to her attachment to her son, whereas the biblical narrator simply informs readers of this.

³⁵ Compare Solomon's words as cited in 3,27: «Give the living child to the first mother [LXX BL add: to the one who said «give it to her»] and by no means slay it; she is its mother.» Josephus has no equivalent to the LXX BL plus in which Solomon cites the words of the first speaker.

³⁶ In using this term to designate the relationship of the second woman to the first, the

Popular response

The Bible's story of Solomon's judgment concludes in I Kgs 3,28 with all Israel «standing in awe» of the king once they hear of his judgment, this due to their perceiving that «the wisdom of God was in him, to render justice.» Josephus (8.34) relates a similarly positive popular response to the royal verdict: «This the multitude considered a great sign and proof of the king's prudence and wisdom, and from that day on they hearkened to him as to one possessed of a godlike understanding (θείαν ... διάνοιαν; compare φρόνησις θεοῦ, LXX BL 3,28).»

Conclusion

In concluding this essay I return to the two questions I posed at the start. My first question asked about the text(s) of I Kgs 3,16-28 utilized by Josephus. Over the course of this investigation we did, in fact, come upon several items relevant to answering this question. Most notably, Josephus (8.28) agrees with MT against LXX BL 3,20 in having the first speaker mention her own being «asleep» while the other woman makes her «substitution». On the other hand, he has a counterpart (8.31) to the plus at the end of LXX L 3,25, absent in both MT and LXX B, where Solomon commands the division also of the dead child, just as he goes together with LXX B in his lack of an equivalent to the MT LXX L plus of 3,22ba where the first woman contradicts the second woman's statement in 3,22a. These findings, limited as they are, do suggest that the historian drew on various text-forms of I Kgs 3,16-28.³⁷

My second opening question concerned the re-writing techniques applied by Josephus to the biblical account of Solomon's judgment and the impact of their employment. Among such techniques, it is Josephus' additions to/amplifications of source elements that particularly stand out in 8.26-34. More extended examples include: the «preface» of 8.26, the plaintiff's declaration about her attempts to recover her son from the other woman and the latter's non-cooperation (8.29b), the king's summoning the defendant to respond to the charges against her (8.30a), the inserted contrast between the inability of everyone else and Solomon's own capacity to find a solution (8.30c), the people's ridicule of the king (8.32a), the elaboration of the true mother's plea in 8.32b (compare 3,26a), and Solomon's rationale for his verdict as well as his

Josephan Solomon highlights the enormity of the former's behavior – she is quite prepared to see her «friend» deprived of her child via an act of barbarous cruelty.

³⁷ Spottorno, Flavio Josefo, 233-234, comes to a similar conclusion, noting points of contacts between Josephus' presentation in 8.26-34 and readings peculiar to MT, LXX B, and LXX L I Kgs 3,16-28.

condemnation of the defendant (8.33, compare 3,27). Conversely, Josephus' omissions/abbreviations of source items in 8.26-34 are quite limited. He does, however, leave aside the chronological indications of 3,19 («in the night») and 3,20 («at midnight»), the closing notice of 3,22bβ («thus they [the women] spoke before the king»), Solomon's summation of their opposing claims (3,23), and the mention of the bringing of a sword to the king (3,24b).

Yet another Josephan re-writing technique evidenced in 8.26-34 is his re-arrangement of the order of the Bible's presentation. Thus, e.g., he «relocates» the plaintiff's reference to her and the other woman's being alone with their infants (3,18) to a later point in her discourse (see 8.29), just as he reverses the sequence of the former's final plea (3,26a) in 8.32b.

Finally, Josephus' rendering features still other sorts of modifications/adaptations of its *Vorlage*. Thus, e.g., his defendant (accidentally) kills her child «on the third day» (8.28), rather than giving birth to it at that moment (so 3,18) – an event which, in Josephus' version, occurs simultaneously with the plaintiff's own delivery (see 8.27, compare 3,17). Again, Solomon directs his order about splitting the child(ren), not to an unspecified collectivity (so 3,24), but to «one of the bodyguard» (8.31). In place of the defendant's declaration («it [the living child] shall be neither mine nor yours») of 3,26b, the historian has her volunteer to undergo torture (8.32c), while the populace «hearkens to» the king following his judgment instead of «standing in awe» of him (compare 8.34 and 3,28).

The above re-writing techniques generate a variety of distinctive features to Josephus' version of Solomon's judgment. Right at the start, he supplies the biblical story with a lengthy preface setting out his reasons for incorporating it into his own work (8.26). In the same line he fills several «gaps» and questions left by the biblical author: would not the plaintiff have tried to deal directly with the defendant before taking her case to the king (see 8.29b)? Why does Solomon fail to order the bringing of the live infant whose presence is required for the procedure he has in mind (see 8.31a and compare 3,24)? How did Solomon arrive at his verdict in the face of the two women's response to his order about dividing the child(ren) (see 8.33a and compare 3,27), and what befell the defendant once her perjury has been exposed (see 8.33b and compare 3,27)?

It is above all, however, in the characterization of the story's personages (the two women, Solomon, and the audience/ populace) that the distinctiveness of Josephus' version – in which each of these figures undergoes «retouchings» at his hands – emerges. Even before she begins speaking, the plaintiff is designated as «she who seemed to be the injured one» (8.27), this eliciting reader sympathy for and credence in her. Her opening discourse before Solomon is extended to include a report about her unavailing efforts to get the defendant to return her child (8.29b). In her response to the king's order about

dividing the child the intensity of the woman's concern to see the infant live is accentuated, even though injustice thereby be done to her (see 8.32b). Conversely, the defendant is portrayed by Josephus in still darker colors than in the Bible. Already prior to her reply, she has been portrayed by the first woman as «contemptuously» rejecting the latter's appeal to return her son, in her confidence that there is no one to gainsay her own claims (see 8.30). Subsequently, the historian highlights her brazen self-assurance in having her suggest that she be subjected to torture (8.32c). Ultimately, however, the figure gets her just desserts from the king who condemns her readiness to see the child of her «friend» executed (8.33b). As for the onlookers, Josephus goes beyond the Bible's closing reference to their acclamation of Solomon's wisdom (3,28// 8.34) in his inserted mentions of their inability to resolve the case (8.30c) and their (ironic) ridiculing of the king's initial directive (8.32a, cf. n. 30).

The story's central character, Solomon, also comes in for Josephan retouchings throughout 8.26-34. In particular, the king's extraordinary wisdom is still further underscored by the historian's opening insistence on the difficulty of the case he is about to hear (8.26) and his interjected comment about Solomon's ability to resolve it when no one else could (8.32a). In the same line, Josephus makes clear that there was indeed a clear rationale behind the royal verdict (see 8.33a, compare 3,27), just as he leaves aside what could be construed as the rather banal comments on the case attributed to Solomon in 3,23. In addition, the Josephan Solomon is portrayed as fully in charge of the proceedings: the defendant speaks only when called on to do so by him (8.30a, compare 3,22a). Finally, the king's concern for justice is enhanced in Josephus' version where Solomon does not fail to pronounce condemnation also on the egregious conduct of the defendant (see 8.33b).³⁸

Josephus clearly found the biblical story of Solomon's judgment congenial to his purposes in writing the *Antiquities*: the story features a Jewish figure who is a pre-eminent example of the wisdom prized as one of the four cardinal virtues by his Greco-Roman readers³⁹ and one who can further be commended to those among such readers with judicial responsibilities of their own as an example and inspiration (see 8.26). At the same time, the historian was not content to simply reproduce the story as he found it in his biblical text(s). Instead, he exerted himself to «improve» the original story in the many, varied, and ironic ways this essay has explored.

³⁸ On Josephus' overall portrait of Solomon, see Feldman, *Josephus's Interpretation*, 570-628.

³⁹ On such readers as Josephus' primary intended audience for his *Antiquities*, see Feldman, *Josephus's Interpretation*, 46-49.

Abstract

I Kgs 3,16-28 is the brief, but dramatic story of Solomon's judgment in a case that involves identifying the true mother of an infant when two women are both claiming that role. This essay focusses on Josephus' elaborated retelling of the story in his *Ant.* 8.26-34. The study seeks answers to two overarching questions regarding the Josephan version of the story: (1) with which of the various (and varying) ancient text-forms of I Kgs 3,16-28 do Josephus' affinities lie?; (2) what re-writing techniques has the historian brought to bear on the data of his *Vorlage* and what is distinctive about his version as a result of their application?

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