Reading Jael’s story in a women’s prison

What does Judges 4-5 mean to abused women who fought back?

by Sarah Jobe in the October 10, 2018 issue

Mosaic at the Dormition Church in Jerusalem

Danielle was lying on her living room couch in Betty Boop pajamas, reading a book, when a man kicked in her front door. He had just been involved in a drug deal gone bad, and he was enraged. He demanded Danielle’s money.

Danielle remembers asking, “Why are you doing this?”

He answered, “Because I can.”

By the end of the night, Danielle had been strangled nearly to death multiple times. She'd managed to grab a Ginsu bread knife and land one blow to the man's leg. She'd watched as that one small cut—miraculously—seemed to slow the assault against her, and she'd watched her kitchen fill with blood from that one wound on his leg. Danielle had called 911, and when her assailant's heart stopped she'd been talked through how to give him CPR for 17 excruciating minutes. When help finally arrived, the man was dead.

Danielle went with the police—shaky, swollen, but willing to answer all their questions. At the end of the night, she was charged with first-degree murder and told that she could get the death penalty for killing the man. The reason? He was her boyfriend.

"If a stranger had did what he did. . ." Danielle pauses and shakes her head, the end of the sentence lost somewhere in her disappointment and disbelief. I knew the end of the sentence. The story has become familiar.

Finishing for her, I say, "If a stranger had done what he did, it would have been considered self-defense."

I had been a chaplain at a women's prison for a year before I realized that almost every woman I met who was doing time for murder had killed an intimate partner who had been abusing her for years. Some were serving four-year sentences for manslaughter, others were serving 15 to 20 years for first- or second-degree murder, and still others were in prison for life. Two of my congregants began their incarcerations on death row, having been given death sentences for killing men who actively tried to kill them first. I can still remember feeling shock, confusion, and a righteously sized anger as I learned that these situations were not considered self-defense.

This wasn't always the case. In *Women Who Kill*, Ann Jones explains that until the 1970s, battered women who killed their abusers were often acquitted on grounds of self-defense or insanity. But as the rising rate of incarceration dovetailed with a wave of publicity surrounding the prevalence of wife-battering, prosecution of such crimes began to shift. The publicity about domestic violence had been meant to increase public awareness of the issue and garner sympathy for women's resistance. But in a sickening irony, the affirmation of women's agency warped into a suspicion of women's motives. If women were killing in order to get away from abuse, the

argument went, they should be punished to the full extent of the law.

The issues came to a head in the 1977 trial of Francine Hughes, prosecuted for killing her husband and batterer James Hughes immediately after being beaten in front of her children. She lit their bedroom on fire as he slept. A neighbor, who had pulled James off Francine on a different occasion when he was beating her in the front yard, captured the changes in public opinion when he told reporters, “Francine should sit in prison the rest of her life. . . If she gets out of this, there’ll be a lot of dead guys lying around.” Another friend of James is recorded as having said that Francine’s acquittal would “mean open season on men,” Jones reports.

In *Convicted Survivors: The Imprisonment of Battered Women Who Kill*, Elizabeth Leonard explains that self-defense law allows someone to use “reasonable force” when she believes herself to be in “imminent danger.” The force used in defense must be proportionate to the force used in the attack against her and must be the “only means of preventing harm.” At each of these points, women’s typical modes of self-defense are disqualified. Women who ultimately kill their abusers have learned from years of experience that they are no match for their partners. Research shows that men are able to kill their partners with their hands and feet, beating and kicking them to death. Leonard explains that in intimate homicides, beating and strangulation “appear to be exclusive to male offenders.” When women defend themselves against such attacks, the use of a weapon is necessary, reasonable, and proportionate. Yet the courts repeatedly rule that the use of a weapon disqualifies battered women from invoking self-defense.

Women are also denied the use of self-defense by a discrediting of the “imminent” nature of the threat against them. The argument goes that they *could have* escaped, that lethal force was not the only option open to them. Women often kill their abusers when they are asleep, incapacitated, or in a temporary lull between violent acts. In *Justifiable Homicide: Battered Women, Self-Defense, and the Law,* Cynthia K. Gillespie notes that even something as simple as the existence of a door in the room in which an attack occurs has been used to argue that a woman could have, *should have*, escaped, and therefore her use of force to defend herself was not a necessary act of self-defense.

Once self-defense has been denied as a legitimate description of a woman’s decision to kill her batterer, she is left facing the charges of manslaughter, second-degree murder, or first-degree murder. The distinguishing factor between these charges

tends to be whether or not premeditation on the part of the woman can be established. While many battered women report the sensation of “snapping” in the moment before they killed their partner, accompanied by memory loss in the hours or days after the event, the premeditation necessary for a murder conviction is established in a startling number of cases. One of my parishioners says that if you had asked her that morning if she could ever kill someone, she would have said no. After her arrest, it took multiple days for her to remember what had occurred. She had always thought that premeditation meant you had planned to kill someone. Premeditation was established in her case when the prosecutor said, “Well, you sure didn’t pick up that gun to cook dinner.” She was convicted of second-degree murder and served 17 years.

Danielle says, “The laws have to change. Just because you are in a domestic relationship with someone should not take away your right to self-defense.” I agree. But I am a pastor, not a lawyer or lobbyist, and when I see a systemic, repeated problem in my congregation—in this case, woman after woman filled with shame about killing men who tried to kill them, yet having no idea what they could have done differently—I turn to scripture. I expect the Bible to help us make sense of our lives, especially when our lives are at their worst.

The Bible does contain an example of a woman who killed a violent man in exactly the same patterns by which abused women today fight back against their abusers. Jael kills Sisera in her home, while he is asleep, with the use of a weapon. And she is lauded for it.

A woman who eventually kills her batterer generally cannot invoke self-defense.

I first offered this interpretation of Jael at the women’s prison in a class called Prison and the Bible. We were crowded into a circle of 25 women in a double-wide trailer that serves as both our school and our chapel. We had placed a small podium at the front of the circle, and a woman named Bella had just shared her story aloud, a story similar to Danielle’s. I made my way to the podium, and we opened our Bibles to Judges.

Judges 4 introduces the reader to Sisera by telling about his violence. Sisera had “cruelly oppressed” Israel for 20 years, such that she was crying out to God for help (4:1). The story then cuts to a courtroom drama involving a judge named Deborah. Between trials, Deborah calls for military leader Barak and tells him that if he will go

up against Sisera, God will deliver Sisera's army into Barak's hand. But Barak seems to know how difficult such an attack would be. He is out of his depth. He is scared. He asks for Deborah to join him in the fight. Deborah responds, "Very well, I will go with you. But because of the way you are going about this, the honor will not be yours, for the Lord will hand Sisera to a woman" (4:9, NIV).

Sisera brings 900 iron chariots to battle. Israel has no such strength, but she stands to fight anyway, desperate for these 20 years of oppression to end. And we are told that the Lord fights with and for Israel. As she stands to fight back against great odds, the Lord goes ahead of her and routs Sisera's army. We are told that all the troops of Sisera fell by the sword that day; not a man was left (4:16).

Except Sisera himself. The leader, the most powerful one, the one we are told has been oppressing Israel, slips away on foot to the tent of his ally Heber the Kenite. But Heber isn't home. Jael, Heber's wife, goes out to meet Sisera and invites him into her tent. Sisera asks for water. Jael gives him milk and covers him up. Sisera tells her to stand by the door while he sleeps and protect him. Jael obeys. She stands watch as he falls asleep. Then she "picked up a tent peg and a hammer and went quietly to him while he lay fast asleep, exhausted. She drove the peg through his temple into the ground, and he died" (4:21).

The Bible says that when Jael killed Sisera, God subdued Israel's enemy (4:23). Jael does not do what is expected of her. She violates hospitality. She violates her husband's alliances. She violates gender roles—one of very few women in the Bible to kill anyone at all. Jael keeps her own counsel. She chooses to kill a violent oppressor, and by her act Israel "grows stronger and stronger" (4:24).

Jael's crime meets all of the conditions for a conviction of first-degree murder. Her deliberate use of a deadly weapon, the tent peg and hammer, establishes a clear and premeditated intent to kill. She is in no imminent danger, as it has been defined in America's courts, because Sisera is asleep and she is in her tent with access to a doorway (4:20). Indeed, the poetic rendering of Judges 5:25 suggests Jael may have intentionally administered a soporific. Sisera asks for water, but Jael gives him *chem'ah*, translated "cream, fat, or butter," and covers him up, encouraging him to sleep. Her use of deadly force is not proportionate, since no force has, as yet, been used against her. Furthermore, the text indicates that Sisera can reasonably expect safety because Jael's husband has an alliance, literally *shalom*, with the King of Hazor (4:17).

On these grounds, Jael could have easily been condemned to death in our courts. But instead of condemning her the Bible tells Jael's story a second time, this time in the form of an epic poem. It is as if the text knows that Jael's actions are open to misinterpretation, and so the text is explicit. Jael's actions are worth singing about. They are the actions of God working in her. The poetry of Judges 5 erupts with praise, "Most blessed of women is Jael, wife of Heber the Kenite! Most blessed of tent-dwelling women!" (5:24).

As I proclaimed in that double-wide trailer, "Most blessed is Jael!" the room fell silent. The silence stretched on and on, until one woman, another lifer who was also in for killing an abusive partner, sighed aloud. "This world would be a lot different if people called us blessed," she said.

Since that night, our congregation has embraced the story of Jael. Incarcerated women have written poems, songs, and sermons about this unexpected hero. Jael satisfies a hunger for biblical models of women who keep their own counsel and act for their own safety and the safety of their kin. Jael—the patron saint of women who kill men who would kill them—has become something of a heroine for us. The suggestion that Jael is a heroine has never led to a single woman among us considering herself a hero. But it has, graciously and miraculously, eased the deep shame that women carry for having chosen their own lives over the life of another person. Jael's heroism enhances our congregation's humanity.

Judges 4–5 works through a cycle of pretelling, telling, and retelling the story of Jael. The reader is prepared for Jael to drive a tent peg through Sisera's skull because Deborah has predicted it as the means by which Israel will be saved. To *pre-dict* something is to say it in advance, and such saying does not need prophetic skill. Indeed, battered women killing their batterers can be said in advance, *predicted*, simply because it has continued to happen—again and again, according to the same patterns, with the same risk factors, after multiple calls to law enforcement—for centuries. Jael's story is not only talked about before it happens, it is also retold after the fact. Deborah and Barak join together to sing Jael's song (5:1). In singing it, they offer an interpretation. Every life is precious. Every death to be mourned. But if one person continues to flout such truth, God will fight against him for the safety of God's people—through government, through the stars in the heavens, and through tent-dwelling women, housewives like Jael (5:19–24).

A local preacher and songwriter, Susannah Long, has helped our incarcerated congregation engage in just this sort of telling, retelling, and singing of Jael stories. She led a songwriting workshop in which the group used biblical texts alongside their own life stories to turn their hardest truths into speech. Susannah tells of how hearing the stories of incarcerated women and singing their songs seeped so deep inside her that it began to impact her preaching on the outside of prison as well. When I asked her how she could possibly preach Jael in church, she laughed. “We already know how to preach this story,” she answered. “However you preach David and Goliath,” she said, “that’s how you can preach Jael and Sisera.”

Her answer was convicting. We are a people who know how to preach the good news that a small, unexpected person can defeat a military giant. We are a people who know how to celebrate God working through the underdog—and legal scholar Sayoko Blodgett-Ford points out that on average, male batterers are 45 pounds heavier and four to five inches taller than their victims. But we aren’t a people well practiced at telling such a story when the underdog is a woman fighting a violent man in her own home by whatever means are available to her.

Judges 4–5 calls us to take Deborah, the singer of Jael’s story, as an example for our own speech. As I listen to women telling, retelling, and singing Jael stories, I feel compelled to retell those stories myself. Likewise, if we were to take scripture at its word and call Jael “most blessed of women” from the pulpit, I believe we would be surprised at how quickly we can come to call Danielle blessed as well.

Or perhaps, we could just follow the example of the deputies in Danielle’s case. When the district attorney charged her with a capital offense, those deputies started telling Danielle’s story. They had witnessed four years of her prior abuse. They had been the ones to arrest her partner eight times and see him incarcerated twice, all for his extreme violence against her. When they arrived at Danielle’s house after the 911 call, one deputy even admitted that he assumed Danielle would be the one who died that night. After she was charged, those deputies came back and took photographs of the black and blue handprint on her thigh and the strangulation marks on her neck. They took pictures of the old stab wounds on Danielle’s back from his prior attacks. They told her they would fight for her, and she had to nod her response because her throat was so swollen from strangulation that she could barely speak. Then those deputies went to the district attorney and said, “Danielle is a hero. If it hadn’t been her to kill him, it would have eventually had to be one of us.” As her story was told and retold and as Danielle’s defense of herself was named

heroism, her charges were dropped from first- degree murder to second. Ultimately, Danielle took a plea deal for manslaughter. She served four years and three months in prison.

Danielle was lucky. According to law professor and attorney Victor Streib, 53 percent of the women on death row in the United States in the year 2000 were there for killing abusive partners. Many more are serving life sentences, often with the story of their past abuse having never gone on record. Bella, the woman who shared her story for the first time that night in the double-wide trailer, says that her main regret looking back is not having stood up and told the story of her abuse at her trial.

But shame is a powerful force, and as Danielle says, “Sometimes I still feel like I am an awful person, knowing that I’m the one who did that.” As we join the Bible in calling Jael “most blessed of women” in church, we can break open a space for Danielle and Bella to be called blessed, too. What would our churches, and our laws, look like if we did?

A version of this article appears in the print edition under the title “Blessed Jael.”