UNCOVERING THE FATHER’S SKIRT

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Deut. xxiii 1 reads: “A man shall not take the wife of his father”. The first half of the verse prohibits marriage with a step-mother, thus depriving the heir of his ancient right of inheriting his father’s wives and concubines, and having sexual relations with them (Gen. xxxv 22, xlix 4; 2 Sam. iii 7, xvi 22; 1 Kings ii 22; 1 Chron. ii 24) 1). Since a son by a first marriage would often be the same age as a later wife of his father, marriage with one’s step-mother could clearly be an attractive proposition. For the Deuteronomist such a union was considered totally improper and absolutely forbidden. It is difficult to say how widespread such a practice was at that time. A man would have had to be of some means to support more than one wife (cp. Deut. xxi 15-17). Certainly the majority of the cases cited in the Old Testament concern the royal family where possession of the King’s harem was essential to the man who would succeed to the throne 2). But the fact that Deut. xxiii 1 specifically prohibits marriage in contrast to promiscuous sexual relations mentioned twice in the Holiness Code (Lev. xviii 8, xx 11) and again in the cursing liturgy against secret offenders (Deut. xxvii 20) would appear to indicate that the Deuteronomist was depriving men of a right which was still being practised. No penalty is prescribed in Deut. xxiii 1, but it is probable that death was intended, the offence being treated as an extension of the crime of adultery (cp. Lev. xx 11).

The second half of Deut. xxiii 1 is usually interpreted as a restatement of the first, the father’s skirt being understood in a transferred sense as referring to his wife 3). Support for this interpretation comes

from (a) Ruth iii 9 and Ezek. xvi 8 where the expression to spread the skirt over a woman indicates taking her as one's wife, and (b) Deut. xxvii 20 which reads: “Cursed be he who lies with the wife of his father for he has uncovered the skirt of his father”. But two things should make us cautious about interpreting Deut. xxiii 1 in the light of Deut. xxvii 20. In the first place Deut. xxvii 20 substitutes ki (“for”) for the welo’ (“and ... not”) of Deut. xxiii 1, and second it is not the normal practice for legislation to say the same thing twice. Interpreted in the light of Deut. xxvii 20, Deut. xxiii 1b becomes tautologous. This raises the question whether it should be taken either literally and understood as referring to uncovering and looking upon the private parts of the father, or euphemistically and understood as prohibiting actual sexual relations between son and father. Is there any evidence to support this?

Homosexual practices are prohibited neither in the Book of the Covenant nor in Deuteronomy, but are first made criminal in the Holiness Code (Lev. xviii 22, xx 13). These provisions are intended to govern all sexual relations between males rather than the specific case of a son seducing his father. But in Lev. xviii 7 we find specific reference to such relations: “The nakedness of your father and the nakedness of your mother, you shall not uncover: she is your mother, you shall not uncover her nakedness”. Most commentators understand “the nakedness of your father” as a later addition into what was originally a list of female relations whom one would have expected to find in one's tent encampment and with whom customary law forbade any casual sexual relations, and they accept translations which refer it to the mother, the father's wife 4). But it is much more natural to understand Lev. xviii 7a in its present form as prohibiting sexual relations with either of one’s parents 5). For sexual intercourse with the mother is prohibited not, as in the case of a step-mother (Lev. xviii 8), because she has married the father, but simply because she is the mother. The conjunction in Lev. xviii 7a should be given its ordinary meaning, and “the nakedness of the father” understood literally. And here at any rate it is clear that it is not merely the immodest act of looking upon
