

The Marriage and Incest Laws of Leviticus 18: 1-18
and the Influences That Helped to Shape and Inspire Them

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Abstract

The biblical laws of Leviticus 18:1-18 prohibit illicit sexual practices, specifically incest. In spite of appearing to be a simple list of statutes imposed on ancient Israelite culture, which apparently participated in such relations, there were many influencing factors that contributed to the creation of these bans. This thesis closely examines the incest laws of Leviticus 18:1-18. First, the relationship between marriage and illicit sexual practices and the issues of morality and pollution that these laws bring into question are addressed and explained. Next, the influences of ancient Near Eastern law codes, familial structure, and most importantly, biblical narrative are examined as motivational forces behind these laws. Ultimately, this paper concludes that the narrative cases of incestuous relationships in the book of Genesis (and one in Exodus) clearly transgressed the laws of Leviticus 18 and are actually the catalysts that inspired their creation.

Introduction

Trying to analogize the symbolism of “the most important day of a woman’s life,” her wedding day, the beginning of her fulfilling relationship with her male counterpart and companion, to the economic motivations for creating a social unit of identity in ancient Near Eastern cultures is a complicated task. The role of marriage and companionship has changed significantly over time. Marriage in contemporary culture represents a public declaration of the private love that bonds two people in a quasi-permanent relationship replete with children and joint tax returns. Marriage in the ancient world, however, represented a very different social institution. The function of marriage in ancient Near Eastern cultures, as understood in the present scholarly consensus, was to bear children and thereby maintain a large familial structure for identity and security. This understanding is exemplified by King and Stager: “the family and household constituted the basic social unit in ancient Israel” (King and Stager 2001: 36). Additionally, marriage was an opportunity to fortify relationships with extended kin encouraging solidarity of a people.

Firstly, to be clear, “in marriage the economic motivation was more important than the romantic. The chief goal of marriage was to have and raise children, especially boys” (King and Stager 2001: 54). Marriage was a form of civil contract that allowed two people, in legal terms and within the socio-cultural norms of the time, to copulate and procreate. The importance of this contract and occasion was crucial because “there was no opportunity for sexual relations before marriage because the bride was not to be seen by her intended husband until their entry into the wedding chamber” (King and Stager 2001: 54).

As stated previously, the economic motivation of marriage was to bear many children and raise large families. This contributed to not only the economic security but also to the political

security as well (King and Stager 2001: 42). Additionally, it was common societal practice among ancient Near Eastern cultures that “many more than just immediate kin made up the residential unit of the small family” (King and Stager 2001: 36). Essentially, such a familial unit becomes a national political entity, which depended upon the continuation of marriage for the means of procreation to maintain this identity and security. For this reason, in terms of political governance, or at least, perhaps on a more rudimentary level, to simply maintain organization within different communities of people, a large family was of the utmost importance.

Another main feature of the biblical family and of families in archaic Near Eastern cultures in general, is that they were endogamous. This is the traditional custom of marrying only within the limits of a local community or familial tribe, or as described more explicitly by King and Stager, “a preference for marriage between close blood relatives” (King and Stager 2001: 38). This particular aspect of ancient families is not especially surprising, considering the importance placed upon large families for reasons of economic and political security, and of the contributions made to the functioning of the entire social nexus by extending and joint families.

Due to the fact that such importance was placed upon marriage for the purpose of having large families, there is a number of laws found within ancient Near Eastern cultures that governs such behaviors and occasions. Concerning ancient Israelite culture, there are numerous explicit statutory laws regarding whom exactly one (specifically a male member) *cannot* marry and with whom one *cannot* copulate and procreate. The laws of Leviticus 18:1-18, focus upon illicit sexual practices between family members of specified relations. It is interesting that given the necessity of large families, in addition to the key practice of endogamy within the tribe, there are numerous restrictive laws. Further, it is troubling that those who appear to have “broken” those laws were the very patriarchs of the ancient Israelite religion who, according to tradition, formed

the ancestral foundation and sustained the nation. This paper undertakes a close reading of the incest laws of Leviticus 18:1-18 and will explore the following: the specific details of the aforementioned laws, the relationship between marriage and illicit sexual practices, the issues of morality and pollution that these laws bring into question, and the influences of ancient Near Eastern law codes, familial structure, and, finally and perhaps most importantly, biblical narrative. Ultimately, this paper will present the scholarly opinions of Jacob Milgrom, Calum Carmichael, as well as others, and will argue that the narrative cases of the Patriarchal incestuous relationships of the book of Genesis (and one in Exodus), that clearly infringe upon the Levitical laws of chapter 18 are actually the accounts which inspired their creation.

Discussion of Leviticus 18

Initially, the laws of Leviticus 18 must be disclosed before they can be discussed in great detail. It must be noted, however, that despite the fact that Leviticus 20 (and other priestly laws found elsewhere in the Hebrew Bible) also refer to illicit sexual practices, for the purposes of the issues examined within this paper, only the laws of Leviticus 18:1-18 will be considered. Further, all biblical verses provided, with the exception of those quoted by specified authors, are taken from the New Revised Standard Version translation. Lastly, Hebrew words used throughout this paper, even when cited in specific quotes, are simply designated by italics, altered by the removal of transliteration symbols. The laws of Leviticus 18:1-18 are as follows:

¹The LORD spoke to Moses, saying: ²Speak to the people of Israel and say to them: I am the LORD your God. ³You shall not do as they do in the land of Egypt, where you lived, and you shall not do as they do in the land of Canaan, to which I am bringing you. You shall not follow their statutes. ⁴My ordinances you shall observe and my statutes you

shall keep, following them: I am the LORD your God. ⁵You shall keep my statutes and my ordinances; by doing so one shall live: I am the LORD. ⁶None of you shall approach anyone near of kin to uncover nakedness: I am the LORD. ⁷You shall not uncover the nakedness of your father, which is the nakedness of your mother; she is your mother, you shall not uncover her nakedness. ⁸You shall not uncover the nakedness of your father's wife; it is the nakedness of your father. ⁹You shall not uncover the nakedness of your sister, your father's daughter or your mother's daughter, whether born at home or born abroad. ¹⁰You shall not uncover the nakedness of your son's daughter or of your daughter's daughter, for their nakedness is your own nakedness. ¹¹You shall not uncover the nakedness of your father's wife's daughter, begotten by your father, since she is your sister. ¹²You shall not uncover the nakedness of your father's sister; she is your father's flesh. ¹³You shall not uncover the nakedness of your mother's sister, for she is your mother's flesh. ¹⁴You shall not uncover the nakedness of your father's brother, that is, you shall not approach his wife; she is your aunt. ¹⁵You shall not uncover the nakedness of your daughter-in-law: she is your son's wife; you shall not uncover her nakedness. ¹⁶You shall not uncover the nakedness of your brother's wife; it is your brother's nakedness. ¹⁷You shall not uncover the nakedness of a woman and her daughter, and you shall not take her son's daughter or her daughter's daughter to uncover her nakedness; they are your flesh; it is depravity. ¹⁸And you shall not take a woman as a rival to her sister, uncovering her nakedness while her sister is still alive. (Attridge and Meeks 2007: Leviticus:1-18)

The first five verses are commonly referred to as the "opening exhortation." The structure of this address to the nation of Israel consists of the following: "an opening (v. 2b), prohibition

(v. 3), command (v. 4a), close (v.4b, an inclusio with opening, v. 2b), coda (v. 5a, chiasmic with v. 4a), and echo of the close (v. 5b)” (Milgrom 200: 1517). The opening, as signaled by Jacob Milgrom, “I am the LORD your God” (Lev 18:2b), is considered as such not simply because it is the beginning of the chapter, arbitrarily starting this passage of Leviticus, but more so because it is used in the same fashion in other contexts, especially those requiring a motive for observing specific laws. It is very important to the national identity of Israel and serves, in part, as the rationale behind the enforcement of the supposed strict observance of these laws.

The prohibition, “You shall not do as they do in the land of Egypt, where you lived, and you shall not do as they do in the land of Canaan, to which I am bringing you. You shall not follow their statutes” (Lev 18:3), refers to the ostensible illicit sexual practices of the Egyptians and the Canaanites. For a variety of reasons (that will be addressed later) it is clear that God insists that the Israelites not behave in the same sexually immoral manner as their neighbors and those that inhabited the land before them. The command, “My ordinances you shall observe and my statutes you shall keep, following them” (Lev 18:4a) solidifies the prohibition, invoking not logical rationale, but authority.

Finally, the close of the opening address, “I am the LORD your God” (Lev 18:4b) is revealed by Milgrom as an ‘inclusio’ because it is clearly a repetition of verse 2b and encloses the prohibition of verse 3 and the command of verse 4a. The coda, or the concluding “You shall keep my statutes and my ordinances” (Lev 18:5a) is demonstrated by the literary technique of a chiasmus with verse 4a to give emphasis by means of reverse repetition. Lastly, these final verses of the opening exhortation, in combination with the echo of the close, “I am the LORD” (Lev 18:5b) illustrates such importance of the motive for abiding by these laws in such a way that provides the rationale of the prohibition with the authority of divine ordination.

Following the opening exhortation is the list of prohibitions of sexual relations between family members. The first statute is the general law: “None of you shall approach anyone near of kin to uncover nakedness: I am the LORD” (Lev 18:6). This law clearly bans any sexual activities with “anyone near of kin.” While this may appear to be a generalization of the laws that follow, it actually refers to specific family members, those that are not actually mentioned in the following prohibitions, namely the full-sister and the daughter. According to Milgrom, using Susan Rattray’s reasoning from her seminar paper, “Marriage Rules, Kinship Terms and Family Structure in the Bible” (SBL Seminar Papers 1987), he affirms “v. 6 refers to the addressee’s closest *blood* relatives... V. 6, therefore, cannot be a general heading for the list, since the forbidden women that follow are mainly affines, and some are even unrelated. Thus, v. 6 concerns only the missing blood relatives, namely, the sister and daughter” (Milgrom 1528). Therefore the law is a generalization, but not of the relationships noted in the statutes of Leviticus 18:7-18, but rather of the nuclear familial relationships not explicitly mentioned in those verses.

The prohibitions that succeed the opening exhortation, verses six through eighteen, can be simplified to patterns such as the following offered by Jacob Milgrom:

A. Primary relationships (vv. 6-17a)

1. General law (v. 6)
2. With a mother (v. 7)
3. With a father’s wife (v. 8)
4. With a half sister (v. 9)
5. With a granddaughter (v. 10)
6. With a stepsister (v. 11)

7. With a paternal aunt (v. 12)
8. With a maternal aunt (v. 13)
9. With an aunt, wife of father's brother (v. 14)
10. With a daughter-in-law (v. 15)
11. With a brother's wife (v. 16)
12. With a mother and daughter (v. 17a)

B. Additional prohibitions (vv. 17b-18)

1. Against sexual relations with a woman and her granddaughter
2. Against marriage to a wife's sister (v. 18)

(Milgrom 2000: 1523-4)

While the syntax, diction, and semantics of each and every verse will not be addressed in explicit detail, there are a couple of these elements of significant importance that must be taken into consideration. First, the grammatical person of Leviticus 18 shifts from the second-person plural of the opening exhortation to the second-person singular of the prohibitions. This is interesting in that although both are gendered as male in the Hebrew language, the former can inclusively address female constituents of the society, as the function of the pronoun naturally allows. However, due to the fact that the language used for the prohibitions addresses a singular male "you" it is clear that the laws are directed to the single male head of the household (Milgrom 2000: 1525). Stephen Bigger aptly points out, "Incest prohibitions relate to a man's sexual intercourse with a woman who bears a specific relationship towards him at the time of the offense" (Bigger 1979: 194). Further, Calum Carmichael brings this issue full circle when he suggests that the gender specific language is perhaps due to the fact that a father's sexual advances would ordinarily be the problem in the majority of households and that the male

traditionally initiates the act. Despite this, however, he reminds the reader, “be alert to the distinct possibility that in certain instances the masculine second-person pronoun, ‘thou,’ may include the feminine” (*Law, Legend, and Incest* 17). Thus, he suggests, this particular pronoun is gendered by language but perhaps not by explicit intent.

Second, the phrase “uncover the nakedness” should be carefully reasoned and understood. Milgrom argues that although there are only euphemisms for genitalia, not actual terms rendering the explicit translation of such, “uncovering the nakedness”, *legalot ‘erwa*, implies copulation. Ultimately, “the root of *‘erwa* is *rh* ‘uncover’, implying that ‘nakedness’ (i.e., genitals), is customarily covered... The word *‘erwa* applies to both sexes and is clearly distinguished from *arom* ‘nudity, nakedness’” (Milgrom 2000: 1534). Thus, such “uncovering the nakedness” is not a matter of simply seeing a family member in the nude, but rather an act of sexual intercourse (Milgrom 2000: 1534). Another understanding of this phrase is given by Carmichael who suggests that intercourse is implied by “uncovering the nakedness” because it “has to do with the near universal use of clothing to indicate marital relation” (*Law, Legend, and Incest* 19). This concept assumes, as will be addressed later, that intercourse only takes place within the contract of marriage.

Regarding the prohibitions in general (as opposed to purely from the linguistic perspective), there are a few additional issues to bring to light. First, Milgrom uses Margaret Mead’s definition of incest from the *International Encyclopedia of the Social Sciences* (1968) to broadly clarify the issues discussed within Leviticus 18:1-28 in the following very concise way: “Prohibitions against incest (vv. 6-18), can be defined as ‘the infraction of the taboo upon sexual relations between any two members of the nuclear family, except husband and wife’” (as cited in Milgrom 2000: 1523). While this definition appears, at first, as a simple overgeneralization, it is

appealing because while there may be a justification for the creation for each regulatory statute, this defines Leviticus 18 as a whole, allowing the reader to grasp the essential feature of incest.

Another point to note was made by Roland de Vaux, author of *Ancient Israel, It's Life and Institutions*. While some scholars differentiate between consanguineous and affine relationships in their study of the specific prohibitions concerning those kinship ties, de Vaux makes the following case: “Within the family, marriages with very close relations were forbidden, because one does not unite with ‘the flesh of one’s body’ (Lv 18:6), affinity being held to create the same bond as consanguinity (Lv 18:17)” (31). From this, de Vaux’s assumption was that at the time the law was written, incestuous relationships, even those that are only related by marriage as opposed to being descendants from the same ancestor, are held to the same standard, and are all thusly banned. Similarly, he affirms that it is by means of marriage that affine relationships become and are considered to be of the same relational status as consanguineous relationships.

Lastly, there are two specific scholarly opinions regarding the order of the prohibitions that should be addressed. Firstly, there is a consideration (one of many) put forward by Milgrom. He demonstrates that the order of incest laws begins with those relationships most closely related to the addressee, such as by blood, and continues down the list to those that are less and less related. It is displayed as the following:

1. vv. 6-11. Your closest blood relations: mother (7), stepmother (8), the addressee’s: half sister (9), granddaughter (10), stepsister [=sister] (11).
2. vv. 12-14. Your parents’ closest blood relations and affines: father’s sister (12), mother’s sister (13), father’s brother’s wife (14)
3. vv. 15-16. Your relatives by marriage: daughter-in-law (15), brother’s wife (16).

4. vv. 17-18. Your wife's closest relatives: wife-daughter (17a), wife-granddaughter (17b), wife-sister (18).

(Milgrom 2000: 1526)

The opinion given by Calum Carmichael in his book, *Law, Legend, and Incest in the Bible*, suggests that the order of the laws mirror the sequence of the topics in the biblical narratives of Genesis and Exodus: "In general, then, the lawgiver progressed through the traditions about his ancestors" (Carmichael 1997: 42). Carmichael argues that the lawgiver "usually proceeded sequentially through biblical traditions" (Carmichael 1997: 42) with a few exceptions allowing Carmichael to conclude,

The explanation is that the lawgiver was abreast of the entire range of traditions extending from the primeval history in Genesis through the period of the monarchy in 2 Kings. Where he found in a different generation a development parallel to the one that had his attention he incorporated it in his scheme of presentation. (Carmichael 1997: 42)

While the influences of biblical narrative on biblical law will be discussed at length later in this paper, it is interesting to note Carmichael's observation here, especially in contrast to that of Milgrom.

Relationship between Marriage and Illicit Sexual Practices

To the extent that it was extremely unlikely that a man and woman in ancient Near Eastern and Israelite cultures would have sexual intercourse prior to marriage, one must associate all sexual acts described within the Hebrew Bible as occurring within the contract of marriage. Because random, unmarried intercourse was both rare and against the socio-cultural norms of that time, the majority of scholars agree that the various phrases metaphorically implying or

suggesting sexual acts, were indeed assuming sexual intercourse, and thus marriage.

Milgrom asks this very question himself: “What precisely is prohibited: Is it marriage or copulation? In favor of the former argument that *prima facie*, free sex is forbidden: the couple who indulge in sex must marry (Exod 22:15-16; Deut 22:28-29). Thus this chapter must be speaking of forbidden marriages” (Milgrom 2000: 1532). In addition to this reasoning, he reviews the translation of the biblical Hebrew word meaning ‘marry,’ ‘*laqah*.’ Milgrom confirms that this indeed is the accurate translation and it is used specifically within the laws of Leviticus 18, in verses seventeen and eighteen (Milgrom 2000: 1532).

Similarly, David Mace, author of *Hebrew Marriage: A Sociological Study*, reaches the same conclusion, although from a distinct approach. Despite the fact that he uses a different translation, Mace agrees that the verb used in Leviticus 18:17 and 18:18, *laqah*, which he translates as ‘take’, “certainly seems to imply marriage with a woman” (Mace 1953: 153). He substantiates his argument by contrasting this word with the phrase ‘to lie with’ (also translated by others as ‘uncovering the nakedness’). While the latter phrase, ‘to lie with’, refers to a single occurrence of a sexual act, namely intercourse, both the phrase as well as the verb “to take” refer to marriage. This is ultimately because, as Mace denotes, “there is nothing which distinguishes these prohibitions from the other incestuous ones where marriage appears to be understood; so we may conclude that it is to be assumed throughout” (Mace 1953: 153).

Issues of Morality and Pollution

When asking the age-old question of *why* the laws of Leviticus 18, prohibiting incestuous relationships, were written and supposedly enforced, scholars have been forced to gain perspective regarding particular motives. Because it is assumed that laws were not written where

there were no problems, it is clear that incestuous relationships were not only a part of ancient Near Eastern and Israelite culture but also presumably caused many contentions and conflicts. This being the case, the motive for morality, a concern for the moral well being of Ancient Israel, is especially popular among scholars addressing the laws of Leviticus 18. Further, morality is often linked not only to the social relationships at stake but also to the purity or impurity of the land.

Milgrom, quoting Ibn Kaspi, argues that the motive behind these laws banning incestuous relationships lies within the social dimension of morality. In an effort to avoid family disagreements and rivalries, “the purpose of these laws is the prevention of family quarrels and maintenance of *salom bayit*, literally ‘household peace’” (Milgrom 2000: 1530). Incestuous relationships cause interpersonal familial relationships to be vulnerable to destruction, primarily due to rivalry. Further, it is clear that conflicts that place such relationships in danger and vulnerability should be avoided, and were thus banned.

Following this line of reasoning, Tikva Frymer-Kensky understands the motive behind these laws not simply as moral behavior designed to prevent familial disagreements, rivalries, and quarrels, but as a way to prevent a threat to the larger societal organization as a whole, family included. Because incredible amounts of emphasis were placed upon social order within the community and family, incestuous relationships, she argues, compromise this order, causing a destruction of such entities:

All of these rules of control are part of the domestication of sexuality, the harnessing of its power in the service of community solidarity... Just as sexual attraction within the marriage can bond the husband and wife, sexual attraction to others is a temptation to break the boundaries and dissolve social categories. (Frymer Kensky 1992: 194)

She takes this point even further when she notes that a threat to social order is of national concern. Linking moral behavior to the destruction of social order, she reveals the connection to and consequence of pollution:

Forbidden sexuality... goes beyond the private affairs of families, and becomes a national concern. Such sexual behavior is a threat to social order, as is murder, and, again like murder, it is said to pollute the land and thereby endanger the very survival of Israel. Leviticus 18 relates that the pre-Israel inhabitants of the land indulged in the incestuous relations listed there...and that—as a result—the land became defiled and vomited out its inhabitants. (Frymer-Kensky 1992: 196)

Frymer-Kensky makes it clear that these laws were written in an effort to maintain not just family prosperity and familial relationships on a private level, but also human society on a much larger scale. She claims that moral misbehavior driven by sexual attraction and impulsivity threatens the destruction of this socio-cultural construction, resulting in a pollution of the land that will force the Israelites out (Frymer-Kensky 1992: 197).

Similarly, Stephen Bigger takes the aforementioned arguments into consideration in his article “The Family Laws of Leviticus 18 in Their Setting” and suggests the following all-inclusive statement: “Incest, when it occurred, broke social conventions and often prevented domestic harmony, but it also brought pollution or defilement onto the individual and the community” (Bigger 1979: 194). Addressing the first matter, he goes on to demonstrate that three of the prohibitions are wife-related, revealing an attempt to reduce familial rivalry (Bigger 1979: 197). Regarding the latter matter, he refers to Mary Douglas’ work to illustrate the specifics of his argument: “Any event, attitude or action that threatened social order was viewed with suspicion since social stability was paramount in the uncertain of the settlement. Their

fears of anything threatening life or order merged to form a wide-ranging mystical—yet very real—danger which we, for convenience, call ‘pollution’” (Bigger 1979: 195).

In conclusion, it is clear that numerous scholars have tried to understand the underlying motives of the laws of Leviticus 18. While the laws themselves bring up such questions of morality and pollution of the land, scholars may never truly understand either the motives for the creation of the laws or their function through society as time as passed. Scholars, however, have surely done their research and have agreed upon particular understandings these of laws: mainly that they were created in an effort to reduce familial tensions, as well as to relate the social constructions, and perhaps avoidance of destruction of such, with pollution of the land.

Influence of Ancient Near Eastern Law Codes

As is well known, ancient Israel comes into historical existence much later than most other Near Eastern nations, namely those of Sumer, Akkadia, Egypt, and Ugarit. For this reason many scholars have worked under the assumption that Israel grew as a nation in the shadow of these already well-established empires that served as socio-cultural models exerting determinative influences. The biblical evidence for what is presumably Israelite history and law is believed to have been effected in some, or numerous, ways by these cultures. Edward Greenstein, for example, expresses this matter as follows: “To say anything at all about ancient Israelite history, one must have some theory of how the bible and its sources were formed. What world, or piece of a world, does the literature represent? Even to read the text as literature, one must have some idea of its historical setting” (Greenstein 1990: 153). The historical setting to which Greenstein is referring is the very environment of the Near Eastern cultures that arose in

the same region, with similar societal structures and cultural norms, which most likely contributed to the growth of ancient Israel.

Continuing this line of thought, some scholars, such as David Mace, go as far as to consider Israel to be little more than an amalgamation of Near Eastern cultural influences. Thus, he argues, “any given phenomenon in the social and moral code of the Old Testament may in fact be derived from one or more of the many cultures out of which Israel was compounded” (Mace 1953: 45). While some scholars may not go this far in their reasoning, there is an appeal to this understanding: there are perhaps kernels of foundational concepts and laws that were previously established within a nearby culture that influenced ancient Israel in such a way so as to maintain the continuation of reasoning or law at its most basic core. With this rationale, Mace’s argument is clear: law of the Hebrew Scriptures originated within a Near Eastern neighbor’s own law culture and was simply developed by the ancient Israelite historiographer and legislator.

Frymer-Kensky, mostly in agreement with Greenstein and Mace, argues vigorously that the legal evidence of ancient Near Eastern cultures must be taken into consideration when understanding the bible and biblical law. She claims, “it comes out of a specific cultural milieu and manifests many of the features of the culture from which it sprang” (Frymer-Kensky 1981: 209). Furthermore, she asserts that it is the codes of other Near Eastern cultures that give biblical law and narrative historical authenticity; “paradoxically, it is the cuneiform evidence that elucidates and illuminates the patriarchal material, indicating its historical authenticity by demonstrating its fidelity to the culture mores of the ancient Near East” (Frymer-Kensky 1981: 209). Due to the similarities between biblical legends, narratives, and laws it is evident that the incorporation of older sources would give credibility to the scriptures that make up the bible.

However, despite the efforts of numerous scholars to find authority and congruency within early legal codes regarding the laws of Leviticus 18 banning incest, there are really only two ancient Near Eastern cultures whose legal codes address incest specifically, namely, the Code of Hammurabi, of Babylonia, and, although to a much lesser degree, the Hittite Laws. Paragraphs 154-158 of Hammurabi's code address forbidden sexual relationships and paragraph 189 of the Hittite Laws address "unpermitted sexual pairing." As translated within Martha Roth's *Law Collections from Mesopotamia and Asia Minor*, the following paragraphs refer to prohibitions against incest as found in the Laws of Hammurabi:

¶154: If a man should carnally know his daughter, they shall banish that man from the city.

¶155: If a man selects a bride for his son and his son carnally knows her, after which he himself then lies with her and they seize him in the act, they shall bind that man and cast him into the water.

¶156: If a man selects a bride for his son and his son does not yet carnally know her, and he himself then lies with her, he shall weigh and deliver to her 30 shekels of silver; moreover, he shall restore to her whatever she brought from her father's house, and a husband of her choice shall marry her.

¶157: If a man, after his father's death, should lie with his mother, they shall burn them both.

¶158: If a man, after his father's death should be discovered in the lap of his (the father's) principal wife who had borne children, that man shall be disinherited from the paternal estate.

(Roth 1997: 110-11)

The Code of Hammurabi shows that in Babylon there were four explicitly forbidden relationships. As Mace denotes more simply, “these prohibit sexual relations between a man and his daughter, his son’s betrothed or married wife, his mother, or his father’s wife” (151). Additionally, each of the laws stated within Hammurabi’s Code addresses a punishment for violating that law that bears striking similarity to the punishment held by Leviticus 18:24-30 (discussed below).

Mace argues regarding the few similarities between Leviticus 18 and the Code of Hammurabi: “it defines clearly enough the general pattern out of which the prohibited degrees of the Old Testament in all probability developed” (Mace 1953: 151). Three of the four prohibitions listed in Hammurabi’s code are also listed in Leviticus 18, although in a different order (mother v.7, father’s wife v.8, daughter-in-law, v.15). Mace reasons that because the incest laws of Leviticus 18 do not explicitly ban a father-daughter relationship, the Levitical laws “are assumed to rest upon the existing basic code” (Mace 1953: 153) such as found in Hammurabi. By this he concludes that because Leviticus 18 provides a much more extensive list, focusing on more distant relationships, it is possible that the writer knew of and regarded the list attested to in the Code of Hammurabi “as too obviously incestuous to require specific mention” (Mace 1953: 153) in Leviticus 18. Although this really only applies to the missing father-daughter ban in Leviticus 18, his rationale is plausible.

Similar to the Laws of Hammurabi, the Hittite Laws address very few prohibitions of inter-familial relationships in comparison to Leviticus 18: 1-18 as well. As translated within Martha Roth’s *Law Collections from Mesopotamia and Asia Minor*, the following paragraph refers to the incestuous relationships banned by the Hittite laws:

¶189: If a man has sexual relations with his own mother, it is an unpermitted sexual pairing. If a man has sexual relations with his daughter, it is an unpermitted sexual pairing. If a man has sexual relations with his son, it is an unpermitted sexual pairing.
(Roth 1997: 236)

While the Hittite laws do appear to address incest, it does so to a much lesser degree than even the Laws of Hammurabi. Further, there are a couple of striking differences between the Hittite Laws and the Levitical laws. The laws listed in Leviticus 18:1-18 do not include laws neither banning a man and his daughter nor a man and his son. Thus, one can presume that the Hittite laws did not influence the Levitical laws banning incest.

Unfortunately, the Assyrian codes do not include any prohibitions against illicit sexual practices or incest. Mace suggests that this is “probably because the Code of Hammurabi was assumed as a background” (Mace 1953: 151). From a different perspective, this is a non-issue for Milgrom because he suggests that although there is no evidentiary support given by Assyrian or Hittite legal codes that they are indeed of similar nature to the Levitical laws of chapter 18, they are not necessary. Because Leviticus 18 only addressed the immoral and inappropriate behavior of the Egyptians and the Canaanites, but failed to acknowledge the Babylonians, Assyrians, or Hittites, he assumes that “these peoples shared many taboos” (Milgrom 2000: 1519) with the Israelites. Thus, his reasoning continues, many of their societal activities and laws must have been quite similar although there is no evidentiary support. Furthermore, if one combines this argument with Mace’s, then it stands to reason that if the Code of Hammurabi was used as a background, Assyrian and Hittite codes would be further unnecessary as they would have assumed Hammurabi’s code, which does have laws banning incest similar to Leviticus 18.

Although not concerned specifically with legal statutes, Milgrom addresses incestuous marriages that took place in ancient Egypt and clearly influenced Leviticus 18: “brother-sister marriage prevailed among Egyptian royalty” (Milgrom 2000: 1518). Again, citing Monkhouse, “consanguineous marriages (father-daughter, brother-sister, aunt-nephew, uncle-niece, and others) prevailed in Egypt in every period, in *nonroyal* as well as royal cases” (Milgrom 2000: 1518). He draws the connection of these well-documented occurrences to the historical validity of and influence upon the actual referral to the Egyptians in Leviticus 18:3.

Raymond Westbrook and Bruce Wells speculate regarding the actual enforcement of such laws: “From the existence of similar penalties in cuneiform law codes, at least for incest and bestiality, it may be inferred that such prohibitions were applied in practice. LH ¶154 and ¶157 punish incest with death or banishment” (Westbrook and Wells 2009: 71). Westbrook and Wells are referring to the final verses, or closing exhortation, of Leviticus 18: 24-30:

²⁴Do not defile yourselves in any of these ways, for by all these practices the nations I am casting out before you have defiled themselves. ²⁵Thus the land became defiled; and I punished it for its iniquity, and the land vomited out its inhabitants. ²⁶But you shall keep my statutes and my ordinances and commit none of these abominations, either the citizen or the alien who resides among you ²⁷(for the inhabitants of the land, who were before you, committed all of these abominations, and the land became defiled); ²⁸otherwise the land will vomit you out for defiling it, as it vomited out the nation that was before you. ²⁹For whoever commits any of these abominations shall be cut off from their people. ³⁰So keep my charge not to commit any of these abominations that were done before you, and not to defile yourselves by them: I am the LORD your God.

Similar to the sanctions of banishment, disinheritance, and death sentence imposed by the Hammurabi Laws for infringement on the crime of incest, the laws of Leviticus 18 punish it with banishment (v. 25, 28) and disinheritance (v. 29).

In opposition to many biblical scholars, Carmichael notes that looking to Near Eastern law codes is not entirely useful when seeking to understand biblical law. He argues that much of the legal tradition produced in law codes of the Near East is more philosophical and jurisprudential in nature and “did not necessarily apply to the problems of the communities that produced them” (Carmichael 1996: 2). This causes him to doubt their appeal, application, and authority for understanding biblical law. Furthermore, he argues against the Near Eastern material taking precedence over the biblical law. Simply because biblical laws are “somehow related to similar legal material”, does not make it acceptable to give more or absolute authority to an ancient Near Eastern legal codes. Further, he claims that the integrity of the influence of the Hebrew Bible is ultimately rejected when taking numerous seemingly authoritative pieces from a variety of cultures into consideration. He argues that while it is permissible to take other Near Eastern legal codes into minimal to moderate consideration to understand general context, they should not become exclusively authoritative.

Carmichael’s opposition continues when he suggests, quite boldly, that although the Israelite lawgiver was most likely familiar with the legal codes from ancient Near Eastern cultures, such as the Code of Hammurabi, “one motivation of the Israelite lawgiver may have been to construct a set of distinctive, *ancient* laws of his own nation—the distinctiveness deriving from Israel’s national literature—in contrast to the, by his time, ancient laws of well-known neighboring cultures” (Carmichael 1996: 18). This would provide the rationale to the differences and lack of similarities between codes. Further, Carmichael defies Westbrook, who

claimed that biblical law was indeed a part of tradition of documenting legal codes. Carmichael, altering Westbrook's claim, suggests "that those who set down the rules that eventually became biblical laws deliberately formulated them so they would appear as ancient as the laws found in the 'schools' tradition" (Carmichael 1996: 20).

Carmichael ultimately claims concerning the Levitical laws of chapter 18: "Before any historical questions can be asked about the biblical material, and before any comparisons can be drawn between individual provisions in the biblical and ancient Near Eastern codes, we have to recognize the overwhelming influence of the narrative sources that inspire the presentation of each and every law" (Carmichael 1996: 16). Due to the lack of substantial evidence supporting similarities and subsequent developments of legal matter regarding the laws prohibiting incestuous relationships in ancient Israelite culture, Carmichael suggests a closer look at the biblical narrative instead of looking to other nearby cultures.

In conclusion, it is obvious that there are numerous scholars who find great value in looking to the ancient Near Eastern cultures for congruence, validity, and authority when referencing biblical law. Despite the fact that those efforts may reveal numerous cases of evidentiary support for many cases of biblical law as a whole, it appears that there is not nearly as much support when looking specifically at laws banning illicit sexual practices such as incest. Further, although the Code of Hammurabi proved to be a useful resource, the unfortunate reality that no other ancient Near Eastern law code includes similar laws banning incestuous relationships clearly demonstrates that the search for a more influential body of scripture upon Leviticus 18 must continue.

Influence of Familial Structure

There are many aspects of familial structure that appear to have influenced the creation of the Levitical laws of chapter 18, banning illicit sexual practices and relations such as incest. As previously noted in the introduction, there are two key characteristics of the familial structure of ancient Near Eastern cultures that influenced and affected much of the socio-cultural behaviors and norms, especially marriage. These characteristics are the following: first, the concept of the large, extended family, or ‘father’s house,’ as the key social unit and, second, the component of endogamy. In addition to the attributes of familial structure, there remains one more factor that is perhaps most important, and often not addressed: the original matriarchal nature of ancient Israelite family structure. Each of these characteristics of familial structure affected the creation and evolution of the laws of Leviticus 18 and will be discussed in that respect.

First, to briefly touch upon this characteristic once more, Milgrom indicates that within ancient Near Eastern cultures, “The basic sociological unit was the *bet ab*, ‘father’s house’. It included three to five generations consisting of fifty to a hundred people living in close proximity. Although the average Israelite house could accommodate four persons (father, mother, two children), the kin-related group, numbering about twenty persons, lived in close quarters around a common courtyard” (Milgrom 2000: 1526). Thus, as discussed previously, this unit of social identity incorporated the extended family in an effort to ensure economic and political security.

With regard to the specific laws banning incestuous relationships among immediate as well as extended family members in chapter 18 of Leviticus, Perdue, Blenkinsopp, Collins, and Meyers point out that “the incest regulations of Leviticus 18 and 20 likewise reflect a compound family household as the basic domestic unit of society” (Perdue, Blenkinsopp, Collins, Meyers

1997: 17). They point out that the prevalence of large, extended families influenced the creation of the laws of Leviticus 18. Perdue, et al. reveals an interesting understanding of how the interpersonal relationships between members of a large, extended family, contributed to the necessity to create laws banning sexual relations amongst extended family members:

The relatively large number of prohibited liaisons among consanguinal and affinal kin arises from the necessity to create taboos among the residents of an extended family household. In other words, the family is described negatively in the incest laws by listing the family members with whom marriage is prohibited; marital unions could not be made with certain kinfolk, whose proximity and kinship bonds presupposed a complex, not a nuclear, family. Incest taboos in such a context, serve as coping mechanisms for dealing with the tensions and temptations present when closely related persons live in close quarters. (Perdue, Blenkinsopp, Collins, Meyers 1997: 18)

Interestingly, Perdue, et al. considers the necessity of such prohibitions a “coping mechanism” to manage large families and the sexual attractions and relations that might arise. Placing a ban on such relations, as Perdue, and others, suggest, could exert some degree of control over those desires and actions upon which are impulsively founded, and the consequent tensions, disputes, and conflicts arising from such impulses.

Additionally, as Frymer-Kensky also points out, within large families “these incest laws define and clarify family lines... Sex within the family would blur family lines and relations and cause a collapse of family relations” (Frymer-Kensky 1992: 191). Such a “blur” of relationships would compromise the social entity, thus sacrificing the political and economic security of the clan. For this reason, the creation of the prohibitions of Leviticus 18:1-18 was influenced by the

vulnerability of the family structure due to the large size of the familial tribe, and the ease with which it was to obscure the familial and interpersonal relations among such family members.

The second of the previously addressed characteristics of family structure that influenced Leviticus 18:1-18 is that of endogamy. The custom of marrying within the extended family or tribe was prominent among ancient Near Eastern cultures. De Vaux relates this attribute: “It was custom to take a wife from among one’s own kith and kin; the custom was a relic of tribal life” (de Vaux 1973: 30). Further, it was obviously essential to ancient Israelite culture, as signified by the marriages in Genesis 12-36: “all of the approved marriages are to some extent endogamous. Abraham marries his half-sister, according to one of the traditional sources (Gen 20:12). Isaac marries either his cousin or his second cousin, depending upon whether Rebekkah’s father is Bethuel or Nahor. And Jacob marries two of his cousins, cross cousins, at that, since Leah and Rachel are his mother’s brother’s daughters” (Oden 1983: 194). Such narrative accounts, found in one of the few surviving sources that recount ancient Israelite history (perhaps more symbolic in meaning than literal), reveal the consistent nature of endogamous relationships within the ancient Israelite family structure.

Perdue, et al. offers another, more interesting, understanding of how the endogamous nature biblical Israel affected the Levitical laws of chapter 18:1-18:

Since the woman introduced into her husband’s household always remained, in a certain sense, an outsider, there was some pressure to seek an alliance with a household as close in terms of consanguinity as possible. This would also be conducive to retaining control of economic assets, especially patrimonial domain. (Perdue, Blenkinsopp, Collins, Meyers 1997: 59)

Thus, it is clear that to maintain the extended family or tribe as well as to ensure economic and political security, it was in the best interest of the husband to (continue to) marry within the clan. While this statement seems contradictory, however, to the incest prohibitions (“as close in terms of consanguinity as possible”) the overall frame of mind stands in agreement with the endogamous nature of the family.

The final aspect of familial structures that influenced the creation of the Levitical laws banning sexual relations amongst family members is the original maternal or matriarchal nature of the family structure. As Chamberlayne first suggests, “In the earliest known historical times, the Hebrews, like other Semitic peoples, had a firmly established patriarchal society. There are some traces, however, that this patriarchal system was superimposed upon an earlier social arrangement, whereby descent took place through the female line” (Chamberlayne 1963: 153). This earlier social arrangement is addressed in more detail by Louis Epstein, author of *Marriage Laws in the Bible and the Talmud*, when he declares, “kinship on the maternal side was considered by ancient Hebrews as by most primitive Orientals closer than paternal relationships. Maternal kinship is ‘natural’ while paternal is ‘legal’” (Epstein 1942: 221).

The understanding of this matriarchal system of family organization comes from primitive marital arrangements “in which the woman lives with her parents after marriage and has her husband to visit her or stay in her home” (Chamberlayne 1963: 154). This explains the creation and evolution of the Levitical laws regarding incest for the following reason: it reveals why “a union between children of the same father was permissible and was not regarded as incestuous, whereas the union between children of the same mother was abhorrent” (Chamberlayne 1963: 154). Thus if different wives of the same extended family had children,

those children could marry as they would only be half siblings because they only shared the same father, not mother.

While the reasoning for this law may no longer satisfy Leviticus 18:9, Epstein notes that a close reading of “the prohibition against a maternal half-sister is implied in the statement of Abraham to Abimelek (Gen 20.12), that Sarai was only a paternal half-sister but no maternal relative, and therefore he was permitted to take her as wife. Evidently, if she had been his maternal sister he could not have married her” (Epstein 1942: 223). Thus, this narrative account reflects what was most likely an earlier form of marital arrangements reflecting, in turn, a matriarchal structure of the family. Epstein goes as far as to state, “the pre-deuteronomic law prohibited only Mother and Maternal Sister as first grade incest and Daughter as a lower grade of incest” (Epstein 1942: 222-3) as would be supported by this narrative account.

Further, it is clear that there was an evolution in the Levitical laws of chapter 18 as well. Epstein argues “the tribal form of family organization underwent a change in deuteronomic time. The patronymic family became so dominant that people began to recognize relatives on the paternal side as equal to similar kinfolk on the mother’s side. This brought about the new legislation in Deuteronomy that a Paternal Half-Sister was prohibited like a maternal half-sister” (Epstein 1942: 227-28). Chamberlayne agrees when he states, “Later law forbade also union between the children of the same father as well those of the same mother (Lev 18.9)” (Chamberlayne 1963: 155).

In sum, it is clear that there were numerous factors that contributed to the development of the Levitical laws of chapter 18:1-18. These factors, the large family unit, the element of endogamy, and the less well-known original matriarchal nature of the family structure, all clearly affected the construction of the laws banning incest in a number of ways.

Influence of Biblical Narrative

One cannot fully and completely understand why and for what reasons the laws of the bible were written. Further, we cannot be certain how, exactly, the bodies of biblical law functioned within ancient Israelite society. Despite the sincere efforts of this paper up to this point to address and analyze aspects of the law that would shed some light on these puzzling questions, a comprehensive answer has yet to be found. As was addressed previously, standard scholarly explanation has been to look to other legal codes of ancient Near Eastern cultures for contextual congruencies among laws in hopes of finding authority, influence, and even origin of the biblical laws. While this approach works for numerous other biblical statutes, the prohibitions against interfamilial sexual relations of Leviticus 18 pose an especially difficult case. As was found earlier within this paper, only one of the many ancient Near Eastern legal codes addresses incestuous relationships at all. One may ask, then, where is there left to look? A well-respected scholar of biblical law, David Daube, suggests the following:

We must separate Hebrew law from the dress in which priests and prophets have handed it down to us; we must, as in a jigsaw puzzle, assemble and combine the scattered fragments; we must supply the large gaps that are left, for example, by going into the non-legal portions of the Bible, into the legends and annals, and examining any legal ideas that may chance to occur there. The conclusion, if we used this method, would perhaps be that a good deal of what is commonly described as the religious character of biblical law was not from the beginning inherent in that law, but is due to the very special theological tendencies of the authors of the Bible. (Daube 1969: 2)

It is clear that Daube not just sympathizes with the unsatisfactory and often unyielding quest to understand the purposes behind the great majority of Hebrew laws, but also provides a solution!

He suggests, as stated above, that scholars must look within the non-legal portions of the Bible, the narratives that illustrate legends, stories, and records. Within these non-legal portions, he concludes, we will find insights into the reasons why biblical law was written.

Such an approach is not simply warranted but encouraged when informed of the following scholarly opinion as expressed by Milgrom:

...behind every law lies a (narrative) case and that the narrative is not an artificial, fictive case and not a midrashic construction or an ancient tradition to justify the inclusion of an existing law; rather, both law and narrative arise simultaneously, the narrative (case) providing the motivation for the emergence of the law. (Milgrom 2000: 1347)

Here, it is clear that Milgrom is arguing that every law created was motivated by an actual, non-legal, story exposed by biblical narrative. If indeed it were, then this perspective in combination with Daube's approach, would lead to significant understandings regarding the purpose of specific biblical laws.

From a different perspective, Pamela Barmash argues that biblical narratives influence biblical law not by pure motivational inspiration, but by revealing details about legal matters. Narratives are presented as "telling a legal story" (Barmash 2004: 5) and thus supply the details regarding the context in which the statute or body of law was practiced. By means of narrative texts, she concludes, one can learn the "social setting in which the law was used, from which its origins, inadequacies, and psychology can be highlighted" (Barmash 2004: 5). It is clear that she approaches narrative as source for enlightenment regarding the specifics of the social circumstances surrounding the creation of the law, as opposed to the single matter of the law's inspiration.

Combining both Milgrom and Barmash's claims, one might arrive at Calum Carmichael's argument:

The biblical lawgivers take up issues that they find in histories, legends, and myths located in the books of Genesis through 2 Kings and make judgments on them according to their own ethical and legal standard. The pleasing result is that material found in the Bible itself permits us to see why a rule is recorded and what particular issue has prompted it. (Carmichael 2008: 229)

Obviously Carmichael agrees with Milgrom's initial argument that biblical law was inspired by and arose out of specific narrative stories. Further, Carmichael also addresses the element of social setting argued by Barmash, when he notes that the biblical lawgivers formulated the laws after having judged the stories to which the law alludes. By this it is meant that in addition to the story acting as inspiration for the law, the law is placed in contextual setting due to the lawgivers standards, understandings, and circumstances. In sum, all of these arguments reflect how the biblical narrative could and did influence the creation of biblical law. Using Carmichael's arguments illustrated in his numerous literary works such as *Law, Legend, and Incest in the Bible* and *Sex & Religion in the Bible*, this section will reveal not only striking evidence that demonstrates the close relationship between biblical law and the narrative that inspired it, but also more specifically and importantly, those narrative accounts that inspired the Levitical laws of chapter 18, banning incest.

Calum Carmichael argues two major points across his literature relating to his overall perspective that biblical narrative inspired biblical law, especially concerning the laws of Leviticus 18. Firstly, he argues that there is a "direct link between patriarchal sexual conduct and the presentation of the incest rules in Leviticus 18 and 20" (Carmichael 2010: 140). Secondly,

continuing the first train of thought, he claims that the legends of the narrative accounts in the book of Genesis directly “determine the lawgiver’s concerns” (Carmichael 2010: 142), thereby inspiring law. These two elements of Carmichael’s argument are inextricably intertwined, as it is the patriarchal incestuous relationships relayed in the biblical narrative to which the lawmaker is opposed and takes into consideration when formulating the biblical law.

Carmichael views the lawgivers as gentlemen who read the tales within the biblical narrative of the book of Genesis and sought to address the ethical and legal problems within those texts. Thus, “Biblical laws consequently constitute commentary on matters arising in the national folklore” (Carmichael 1997: 6). Because the lawgivers took this approach Carmichael explains the following,

there is a direct link between patriarchal sexual conduct and the presentation of the incest rules in Leviticus 18 and 20. The reason for the link is that the lawgivers disapproved of what they found in some of their nation’s traditions because the narratives condoned relationships that the lawgiver judged to be incestuous. (Carmichael 1997: 6)

From this excerpt it is clear that the lawgivers did indeed confront the ethical and legal problems that were found in the book of Genesis, namely the incestuous relationships of the Patriarchs, and subsequently prohibited such behavior in the Levitical laws of chapter 18, banning incest. By reading the stories related in the Genesis narrative as they apply to each verse of Leviticus 18, one may begin to see the inclusive relationship between narrative and law. Furthermore, specific attention will be paid to the Israelite Patriarchs Abraham, Jacob, Judah, Moses, and their incestuous relationships as related by the biblical narrative. Carmichael demonstrates in detail how these paradigmatic figures and their marital circumstances are key in the formulation of the laws.

The following chart was made in an effort to more simply visualize and comprehend Carmichael's connections between the biblical law of Leviticus 18 and the narratives that inspired them. Note: all verses of Leviticus are taken from Carmichael's book, *Law, Legend, and Incest in the Bible*, which uses the King James Version translation. The first column is divided by sections referring to the chapter subheadings denoted by Carmichael; the arbitrary divisions between laws or groups of laws are his doing and are not necessarily the nature of chapter 18. The second column corresponds to these verses showing the relationship in a simplified manner, as expressed by Milgrom and as viewed earlier within this paper. The third column exhibits the chapter or chapters of biblical narrative (typically from Genesis, with one exception in Exodus) that Carmichael argues inspired its corresponding prohibition. The final column provides Carmichael's rationale for correlating a biblical narrative account to a specific law (if it is not clearly evident on its own).

Prohibition Biblical Law (Leviticus 18)	Simplified nature of the relationship (Milgrom 1523)	Biblical Narrative Account (Genesis)	Rationale (if Unclear)
Leviticus 18: 6, 7 “None of you shall approach to any that is near of kin to him, to uncover their nakedness: I am Yahweh. The nakedness of thy father, or the nakedness of thy mother, shalt thou not uncover; she is thy mother; thou shalt not uncover her nakedness.”	v. 6 General Rule v. 7 with a father	Genesis 9: 20-27 Ham's offense against his father, Noah Genesis 19 Lot's daughters lie with their father in order to produce offspring by him	Carmichael states, “the Priestly lawgiver used the incident to reflect on the potential sexual offense of a son against his father” (16). Carmichael states, “the lawgiver sets down the equivalent male offense, a son's intercourse with his own mother” (16).
Leviticus 18: 8 “The nakedness of thy father's wife shalt though not uncover: it is thy father's	v. 8 with a father's wife	Genesis 35:22 Reuben, Jacob's oldest son, lies with his father's wife Bilhah	

nakedness”			
Leviticus 18: 9-11 “The nakedness of thy sister, the daughter of thy father, or daughter of thy mother, whether she be born at home, or born abroad, even their nakedness thou shalt not uncover. The nakedness of thy son’s daughter, or of thy daughter’s daughter, even their nakedness thou shalt not uncover: for theirs is thine own nakedness. The nakedness of thy father’s wife’s daughter, begotten of thy father, she is thy sister, thou shalt not uncover her nakedness.”	v. 9 with a half-sister v. 10 with a granddaughter v. 11 with a stepsister	Genesis 12: 13 Sarai is Abram’s half-sister, the daughter of his father Genesis 19 Lot’s daughters possibly considering having sexual relations with their granduncle, Abraham. Genesis 20: 12 (clarified repetition) Sarah is Abraham’s half-sister, the daughter of his father	Carmichael argues that this law is derived indirectly. Abraham is suggested to have been like a father to Lot, creating a pseudo-grandparental relationship to his daughters (24). Carmichael argues that although the lawgiver prohibits this union previously, it was too general, and this repetition is more detailed (22).
Leviticus 18: 12, 13 “Thou shalt not uncover the nakedness of thy father’s sister: she is thy father’s near kinswoman. Thou shalt not uncover the nakedness of thy mother’s sister: for she is thy mother’s near kinswoman.”	v. 12 with a paternal aunt v. 13 with a maternal aunt	Exodus 6:20 Moses’ parents: Amram married Jochebed, his aunt	“The term <i>dodah</i> “aunt” can refer to either a father’s brother’s wife or a father’s or mother’s sister... The rule covers both a father’s sister and a mother’s sister because the reference to Amram’s aunt in Exod 6:20 is indeterminate” (27-8).
Leviticus 18: 14 “Thou shalt not uncover the nakedness of thy father’s brother, thou shalt not approach to his wife: she is thine aunt.”	v. 14 with an aunt, wife of father’s brother	Exodus 6:20 (clarified repetition)	“The lawgiver nonetheless lays out another of the possibilities inherent in the statement in Exod 6:20, that is, <i>dodah</i> as the wife of a father’s brother” (29).
Leviticus 18: 15-17	v. 15 with a	Genesis 38: Judah and	

<p>“Thou shalt not uncover the nakedness of thy daughter in law: she is thy son’s wife: thou shalt not uncover her nakedness. Thou shalt not uncover the nakedness of thy brother’s wife: it is thy brother’s nakedness. Thou shalt not uncover the nakedness of a woman and her daughter, neither shalt thou take her son’s daughter, or his daughter’s daughter to uncover her nakedness; for they are kinswomen: it is wickedness”</p>	<p>daughter-in-law</p> <p>v. 16 with a brother’s wife</p> <p>v. 17a with a mother and daughter</p> <p>v. 17b against sexual relations with a woman and her granddaughter</p>	<p>Tamar</p> <p>Also Genesis 38: Tamar and Onan (levirate marriage)</p> <p>Also Genesis 38: Judah and Tamar</p> <p>Also Genesis 38: Judah and Tamar</p>	<p>Carmichael suggests that the lawgiver is abolishing the custom of the levirate marriage (36).</p> <p>“Tamar’s actual or potential sexual liaisons with what amounts to three generations of men in the same family inspired the lawgiver to set down a rule that prohibits a man from having sexual relations with three generations of women in the same family” (37-8).</p>
<p>Leviticus 18: 18 “Neither shalt thou take a woman as a rival wife to her sister, to uncover her nakedness, beside the other in her lifetime.”</p>	<p>v. 18 against marriage to a wife’s sister</p>	<p>Genesis 29: Jacob marries both sisters, Leah and Rachel</p>	

This chart incorporates the majority of arguments and references to biblical law and narrative as exhibited in the first chapter of *Law, Legend, and Incest in the Bible*, “The Incest Laws of Leviticus 18” (14-44). The arguments that were left out were those that seemed overly contrived by Carmichael to reveal a fabricated relationship between the law and an account (or, more often, an indirect account) in the biblical narrative. Ultimately, this chart reveals the very clear and striking relationship between biblical narrative and biblical law – that it is not only

reasonable to believe that the narrative accounts of the Patriarchal incestuous relationships of the book of Genesis (and one in Exodus) inspired the creation of the laws of Leviticus 18 banning incest, but that it is also very likely to have indeed been the case!

Conclusion

This paper has explored and examined the Levitical laws of chapter 18:1-18 prohibiting illicit sexual practices, mainly incest, in great detail. Many connections such as the relationship between marriage and illicit sexual practices have been made clear: that, which implies intercourse or any sexual act, also implies marriage. Furthermore, specific Hebrew words, such as *laqah*, meaning, “to take” refers to marriage, further validating the argument. Additionally, issues questioned by these laws such as those of morality or pollution and defilement of the land have also been addressed. It was found as a general consensus among scholars that in response to these questions, the Levitical laws of chapter 18 were created in an effort to reduce familial tensions (revealing a favor for moral priority), as well as to relate the social constructions, and perhaps avoidance of destruction of such, with pollution of the land.

Ultimately, the crux of this paper lies within the understanding of the influences made upon the Levitical laws of chapter 18 by ancient Near Eastern law codes, familial structure, and biblical narrative. Firstly, unfortunately, there was not nearly as much of an influence made by ancient Near Eastern law codes upon the Levitical laws banning incest as was originally anticipated. Only one ancient law code, the Code of Hammurabi, had laws addressing similar content with similar punishments, banning four incestuous relationships (as opposed to the fourteen listed in Lev 18) with banishment or death. Further, while the Hittite Laws appear to

address incestuous relationships, they in actuality address them only superficially and have been argued to be unrelated to the Levitical laws.

Second, in contrast, there was compelling evidence that familial structure greatly influenced the prohibitions against incest. The findings of Epstein regarding the original matriarchal structure of society definitely inspired particular original creations of the laws, remnants of which are still visible today. Furthermore, it was the shift from matriarchal organization to patriarchal organization that increased the social complexity of the tribal and familial structures thereby necessitating the elaboration and expansion of the Levitical laws, to ultimately reduce possibilities for conflict.

Lastly, and most importantly, this paper found that it was the bible's own narrative accounts that held the most influence on the creation of the Levitical laws banning incestuous relationships. It was found that the Genesis narrative is historically and paradigmatically primary to the biblical laws of Leviticus 18: 1-18. Further, it was the patriarchal paradigms of this narrative that were dysfunctional in the face of necessarily increasing familial, societal, and tribal complexity, therefore motivating legal ramifications and regulations. Thus, the very narrative cases of the Patriarchal incestuous relationships of the book of Genesis (and one in Exodus), that clearly infringed upon the Levitical laws of chapter 18 are actually the accounts that inspired their creation.

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