LEVITES AND PRIESTS IN HISTORY AND TRADITION

Volume Editor
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In his book *Rites and Rank*, Saul Olyan posits that “[d]istinctions in status, whether significant or minor, are the building blocks of hierarchy.”1 Such distinctions can be identified in various oppositions operating within the text, for example, in binary oppositions such as priest/non-priest.2 In ancient Israel, where “non-priest” and “Israelite” are synonymous, this is evident in the opposition priest/Israelite, which in turn leads to the triadic construction priest/Levite/Israelite. These in turn may give way to secondary binary oppositions such as priest/high priest, in which one element of the original grouping is split. These oppositions privilege one element over the other(s), the vehicle through which hierarchies of status emerge. The opposition holy/common in particular has a major bearing on status in biblical Israel. Gradations of holiness affect an individual’s status in regard to distance from the holy, resulting in a hierarchy: high priest > priest > Levite > common (lay) Israelite.3 In this

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2. Ibid., 7.
3. Ibid., 36. This is particular to the view of the Priestly material of the Pentateuch (P and H); Ezekiel does not recognize a high priest. Although in P/H the Levite is technically
schema, those of higher status, namely, priests, are those with greater access to the holy who therefore face greater restrictions, particularly on purity, than do lay Israelites.\(^4\)

Scholars have long applied such models to gender in the Hebrew Bible, identifying a binary opposition between men and women or a triadic construction of priests/Israelite men/Israelite women.\(^5\) I propose extending Olyan’s analysis by examining the particular status of women as it intersects with the binary opposition holy/common; specifically, I will examine the status of women in the families of priests and Levites, those who stand at the top of the Israelite ritual hierarchy. This will expose a triadic opposition between female members of priestly, Levitical, and lay Israelite families and perhaps even an opposition between priestly women and lay Israelites, both male and female. Such increasingly complex oppositions suggest that issues of women’s status in the Hebrew Bible are more nuanced than previous studies have argued.

As Olyan notes, status generally may be birth-ascribed or non–birth-ascribed,\(^6\) with male priestly status in the Hebrew Bible being birth-ascribed. A male priest can convey his own birth-ascribed status secondarily to depen-

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4. “The more access to the holy the fewer the instances of sanctioned defilement” (Olyan, *Rites and Rank*, 60–61).


Whereas oppositions such as holy/common and pure/impure are explicit in the text (see, e.g., Lev 10:10; 11:47; 20:25; Ezek 22:26; 44:23), the oppositions male/female or man/woman are somewhat more implicit, though no less operative in the text. Indeed, at some level the two are seen as complementary elements (see, e.g., Gen 1:27; 2:23–24), but the very fact of the differences between men and women in the text indicates that this implicit opposition is at work.

6. Olyan, *Rites and Rank*, 8–9. The Hebrew Bible tends to focus on birth-ascribed status. See also Claudia Camp (*Wise, Strange and Holy: The Strange Woman and the Making of the Bible* [JSOTSup 320; Gender, Culture, Theory 9; Sheffield: Sheffield Academic Press, 2000], 193), who cites Howard Eilberg-Schwartz and Mary Douglas as similarly noting that ascribed status and hierarchies result in greater restrictions on individual autonomy.
dents within his household, including women and houseborn slaves, which grants those dependents access, for example, to holy food. Those dependents then have a kind of secondary, non–birth-ascribed status, although it may be largely symbolic and is easily lost through separation from the household. For this discussion, however, I wish to borrow from and extend Olyan's terms with slight distinctions, adding categories of birth-ascribed and non–birth-ascribed status for women as well, thus differentiating between women born into priestly or Levitical households and those women who marry into such families. The difference between men and women in this case is that a woman's priestly status is always secondary, in that it is always derived from her relationship to priestly men, whether by birth or marriage. Thus, a priest's daughter would have (always secondary) birth-ascribed status, whereas a priest's wife would have (secondary) non–birth-ascribed priestly status if she did not come from a priest's family. Adding this distinction is important because, as we will see, there are situations in which a woman's status through either birth or marriage into a priestly family can be lost and situations in which it is not lost despite a change in the woman's relationship to a priestly male.

We discover very little in the biblical text about specific women of the tribe of Levi. Jochebed (Exod 6:20; Num 26:59), Miriam (Exod 15:20–21; Num 12:1–15; 20:1; 26:59; Deut 24:9; Mic 6:4), Zipporah (Exod 2:21; 4:25; 18:2), and the Levite's concubine, also called his wife (Judg 19:1), are the primary examples, but the text gives us little practical information about what status might have accrued to them as a result of their affiliation. In the cases of Zipporah and

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7. Olyan, *Rites and Rank*, 32. Olyan calls this status "secondary and contingent," based on the recipient's "primary bond of dependency to the priest who heads their household." Olyan terms this a "privilege" that can be lost upon departure, for example, through marriage to an outsider. Note, though, that marriage does not break the bond between a priest and his daughter where mourning is concerned (see below).

8. Olyan, personal communication.

9. Birth-ascribed status, whether primary or secondary, male or female, can be lost. For women, for example, it may be lost upon divorce or widowhood: a woman who is not of priestly lineage and who marries a priest would lose her status within the priestly family if she were divorced or widowed. As with other divorced or widowed women—especially if she did not have sons—she would (when possible) return to her father's house, where she would resume her status with him as her primary male bond. See Gen 38:11; Lev 22:13; Ruth 1:6–8. Ezekiel 44:22, which states that a priest may marry only a virgin Israelite or the widow of another priest, may indicate that wives of priests were perceived as retaining some aspect of their priestly status after their widowhood, or it may indicate that the possibility of pollution from a woman who had been with another man was considered less if that other man had also been a priest and therefore of holy status. This might also be an indication that Ezekiel is particularly concerned with the genealogical purity of the priestly line. On this distinction, see Christine Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (Oxford: Oxford University Press, 2002), 27.
the Levite’s concubine, this affiliation is secondary. Some textual vestiges of an earlier, important role for Miriam seem scattered through the pentateuchal text, but none of these really seem to have much to do with her position in the tribe of Levi, if this was even a factor in the early form of the traditions about her. It is also important to keep in mind that many of these texts do not recognize a distinction between priest and Levite; their authors would therefore not be concerned with differences in status between different members of the tribe of Levi. And as none of these are Priestly legislative texts, the authors are likely not concerned with the types of issues to be discussed below, which derive not only from the texts’ Priestly authorship but also from their legislative cultic genre.

The bulk of available information about the wives, sisters, and daughters of Levites and priests appears in the pentateuchal instructions concerning various family rites such as marriage, mourning, and access to sacred meals and donations. There is some related material in the book of Ezekiel as well, but for the purposes of this essay I will be concerned with the pentateuchal sources only and will leave mention of Ezekiel to the footnotes. I have chosen to focus on the Priestly material from the Pentateuch because it offers some particularly enticing details, but I will also include some comparisons with Deuteronomy. This will primarily be an exploration of textual ideology, making some observations and drawing some conclusions about what these laws might mean for the status of women as it is perceived in these biblical legal collections. The question of whether the pentateuchal laws, especially the Priestly ones, represent an ideal never put to use or are reflective of real legal practice is difficult to resolve. The laws may all be theoretical, without practical implementation, but if so, the same is true for all the biblical laws, and so distinctions between rules governing men and women—and their implications—remain.

10. Although, as Olyan reminded me (personal communication), Zipporah is in fact the daughter of a priest—a Midianite one.


12. I will treat both the P and the H material together because the two largely agree with one another on the divisions of the tribe of Levi. Most of the priestly material discussed here, however, stems from H rather than P. That H includes more material about family practices fits with H’s tendency to include women more broadly in order to illustrate its ideology; see Sarah Shectman, “Women in the Priestly Narrative,” in The Strata of the Priestly Writings: Contemporary Debate and Future Directions (ed. Sarah Shectman and Joel S. Baden; AThANT 95; Zurich: Theologischer Verlag, 2009), 184. Although the material in the Holiness Code (Lev 17–26) has little to say about Levites, it does presuppose their separate role from the priests, and H material outside of Lev 17–26 does make the difference explicit. See Baruch A. Levine, Numbers 1–20: A New Translation with Introduction and Commentary (AB 4; New York: Doubleday, 1993), 104–5.
Leviticus 21:7–8, 13–14 contain a small number of legal stipulations about whom priests may marry.13 These rules follow directly on prohibitions concerning mourning rites and, like them, focus on familial relations.14 Some rules pertain to all Aaronide priests and some to the high priest only. They do not extend to the general category of Levites since, as Lev 21:8 makes clear, the stipulations are related to the priests’ role in offering sacrifices.15 The list of women whom an Aaronide priest may marry excludes prostitutes, “defiled” women, and divorced women. The high priest is also forbidden from marrying a widow. The issue here seems to be impurity that could be transmitted to the husband and the children through the woman (see esp. v. 15).16 That a

15. However, on the possibility that this layer of H does not recognize a distinction between priests and Levites, see Levine, Numbers 1–20, 105.

The Hebrew phrase וַיִּקְרָא מִלְחָמִים, which appears only once outside of Lev 21–22, includes both holy and most-holy food portions, as indicated by Lev 21:22. The similar construction וַיִּקְרָא מִלְחָמִים appears more often in P than in H texts and is especially used in reference to portions of offerings that are considered most holy. However, Lev 21:6 explicitly equates the two. Milgrom suggests that מִלְחָמִים is a shortened form of מִלְחָמִים אֲדוֹת; see Milgrom, Leviticus, 1:162.

16. The precise nature of this impurity is a matter of some confusion and contention, however. Biblical impurity can be ritual, moral, or genealogical in nature (see Hayes, Gentile Impurities; Jonathan Klawans, Impurity and Sin in Ancient Judaism [Oxford: Oxford University Press, 2000]). Hayes interprets this text as referring to genealogical impurity (Gentile Impurities, 27). At issue is the terminology, especially the meaning of the root הָרָגָה. Although הָרָגָה can have a meaning of “profane” as distinct from “defile” (usually represented by הָרָגָה), in the Holiness material the two may be used interchangeably (see Milgrom, Leviticus, 2:1327). Hilary Lipka notes that הָרָגָה indicates “sexual acts which result in religious defilement” (Sexual Transgression in the Hebrew Bible [HBM 7; Sheffield: Sheffield Phoenix Press, 2006], 140 n. 58; see also 250). Eve Levavi Feinstein says that הָרָגָה is “somewhere between the divorcée and the prostitute” (“Sexual Pollution in the Hebrew Bible” [Ph.D. diss., Harvard University, 2010], 214). Feinstein also argues that the behavior is “disgracing,” rather than defiling, to the father (p. 216); she suggests that הָרָגָה “refers to the reduction in status that results from the contamination” (p. 70). Hayes notes that in a later period הָרָגָה, “harlot,” means any disallowed woman and “marriage with a צוֹנָה affects the holy seed of the priestly line” (Gentile Impurities, 72). Klawans argues that sexual defilement of a woman is a matter of moral impurity, which is why the defiled woman is then excluded from marrying a priest (Impurity and Sin, 29). However, this argument seems to hinge on terms such as מִלְחָמִים מְדוֹרָה, מַשָּׁמִים, מִלְחָמִים, מִלְחָמִים אֲדוֹת, מַשָּׁמִים, מַשֶּׁמֶת, מַשָּׁמִים, and מַשֶּׁמֶת, which do not actually appear in this passage. Milgrom’s claim that מִלְחָמִים מְדוֹרָה refers to a woman who has been raped (Leviticus, 2:1807) is unfounded. For our purposes, however, the nature of the impurity is less important than its result in restricting the types of women a priest may marry and, thereby, the behavior of women born or married into priestly families.
divorced woman is prohibited but a widow is not for any but the high priest may be an indication, as Jacob Milgrom argues, that a negative stigma was associated with divorce. However, since divorce is not elsewhere negatively stigmatized in the Hebrew Bible, an explanation along the lines of affiliation—the primary defining factor in these rules about women—offers a more plausible solution. If the husband is still alive, despite the divorce the woman’s primary male bond remains slightly muddled. If the husband is dead, then issues of affiliation no longer exist. This is adequate for Aaronide priests generally, but not for the high priest, who, presumably because of his increased sanctity, must marry a woman whose primary male bond has only been to her father.

The high priest is required to marry a virgin, “of his own kin.” The precise meaning of is not clear in this context; elsewhere can have a broad, pan-Israelite meaning, and indeed, according to Exod 6:23, Aaron marries a Judahite woman, Elisheba. In the context of Lev 21, however, some have argued that means a woman only from another priestly family. The use

17. Milgrom, Leviticus, 2:1808; see also Feinstein, “Sexual Pollution,” 217. That the issue of divorce is related to status and is therefore seen as worse than widowhood makes sense, but it is not entirely satisfying as an explanation. As Feinstein notes, men leave some kind of “essence” on their female sexual partners; this is inherently problematic because common essences cannot mix with holy ones. “Women are viewed as primarily affected by the seed of their past partners” (p. 220).

18. Deuteronomy 24:1–4, an interpretational conundrum, indicates only that remarriage after the second divorce may be an ethical problem; see Robert W. Wall, “Divorce,” ABD 2:217–18; Jeffrey Tigay notes that the issue seems to be the similarity to adultery (Deuteronomy: The Traditional Hebrew Text with the New IJS Translation [JPS Torah Commentary; Philadelphia: Jewish Publication Society, 1996], 220). In Ezra 10, divorcing foreign wives is seen as a positive act.

19. Note that in Ezek 44:22, all priests are forbidden from marrying divorced women, but they may marry the widow of another priest. Even if the issue in Lev 21 is one of moral rather than ritual or genealogical impurity (in that moral impurity is not contagious to people, although it does pollute the land; see Klawans, Impurity and Sin, 26–27), the high priest must presumably also be above reproach in moral concerns; hence the increased restriction.

20. See Lipka, Sexual Transgression, 79–80, 95, 204.

21. The other women named in this Priestly genealogy are Jochebed (v. 20), a Levite but, as she is Aaron’s mother, not an Aaronide, and the daughter of Putiel (v. 25), whose tribal affiliation is not given.

22. Milgrom, Leviticus, 2:1820; Hayes, Gentile Impurities, 27. However, Hayes argues that “lay Israelites are not holy in the Priestly strand” (ibid., 27) and therefore they are not required to maintain this degree of genealogical purity. But this particular text derives from H, which does extend a concept of holiness to all of Israel (as Hayes herself observes), despite maintaining distinctions between priests and lay Israelites. Thus, this claim that the legislator here means that the high priest may only marry a member of another priestly family is difficult to substantiate.
of the term in vv. 1, 4, and 15 in the context of family members for whom a priest may mourn suggests that indeed this degree of closeness is indicated, although it could be intended in a broader sense to mean that the priests may not mourn for just any Israelite. In other words, the high priest must marry a woman who has birth-ascribed priestly status. A regular priest’s wife, unless her father was also a priest, attains priestly status only through marriage. The law therefore imposes further restrictions on the priests and their families, particularly the high priest. This opposition between high priest, priest, and non-priest conveys higher status to the priests, implicitly indicating higher status for women of the priests’ families. According to these regulations, we might conclude that a priest’s daughter would have been less likely to marry outside of her close kin group, and her virginity would have been more closely guarded. Another restriction on these women’s sexual freedom appears in Lev 21:9, which states that a priest’s daughter who becomes a prostitute is subject to death by burning.

Two additional texts bear on the issues of sex and marriage in families of the tribe of Levi. In the first, Lev 21:12, the high priest is forbidden from leaving the sanctuary. If this applies at all times, then we must wonder just what sort of family arrangement the high priest would have had. The impracticality of such a prohibition suggests that it is related to the preceding laws concerning mourning and applies only to a time when a close family member of the high priest has died. However, the following law, which requires the high priest to marry a virgin, does depart from the context of mourning and so allows the possibility that this verse does as well. It is also possible that, as noted above, these laws describe an idealized set of principles, in this case about the high priest’s exclusive position, that were never really put into practice. In any case, the law reinforces the exclusive sanctity of the high priest even where his immediate family is concerned.

The second text—or group of texts—concerns the encampment of the tribe of Levi around the tabernacle, as outlined in Num 3–4. The tribal muster, as is the case with the other tribes, includes only males, who are the cultic officiants. The Priestly material is inconsistent about the age at which the men of the tribe

23. See Feinstein, Sexual Pollution, 217–18.

24. This dichotomy is implicit insofar as this status is not formally categorized and explicated in the text, although the restrictions may be explicit indicators of this status. If the ability to marry a priest, especially a high priest, was a privilege available only to certain women, then the ability itself would have been an indicator of status.

25. Milgrom, Leviticus, 2:1816–17. Milgrom argues that it is a specific prohibition that he should not leave to follow the funeral procession, citing a parallel scenario in Lev 10:6–7, which suggests that otherwise he could have left.

26. Ezekiel 45:4 claims that the priestly abodes adjoin the sanctuary; possibly this was also the case with the sanctuary here, although such a conclusion is only theoretical.
start their service, but in any case it does not begin until adulthood. Numbers 3:15, however, enrolls males from a month old. Surely where there are infants, there are nursing mothers very close by; and yet no women, no other children, and no men beyond the age of service are mentioned here. Perhaps the presence of the families is simply assumed; perhaps they are encamped beyond the close ring of the tribe of Levi just outside the tabernacle; or perhaps only the adult men of all the tribes are included and all of the affiliated family members are camped outside of the array described in these chapters. Indeed, the description seems to be based on a military model, and so again we may be in the realm of the ideal, not daily social reality. Nevertheless, as before, the text reinforces the maleness of the cultic servant class and the general distance of women (among others) from things sacred.

The indication in all of these texts is that greater restrictions are placed on women who are affiliated with the tribe of Levi. These restrictions especially relate to how the women’s behavior, especially their sexual history, affects the sanctity of the priests through marriage. Such restrictions are unsurprising. There are no commensurate restrictions on whom male Levites may marry; the description of the camp does not mention women and might exclude them from proximity to the tabernacle, although this is inconclusive. The access of priestly or Levitical women to sacred persons and to sacred food donations, to be discussed below, offers clearer parallels between the roles of women in priestly and Levitical families. Thus, while these women faced greater restrictions, they also had an increased social status, reflected in their access to the sacred. Furthermore, although males with primary, birth-ascribed priestly status can lose this status through certain actions, priestly women are in a precarious position in that their status, whether through birth or through marriage, may be lost through divorce (or widowhood) from a priest or through marriage to a non-priest. Thus, their social position, because it is dependent

27. Numbers 4:3 cites thirty years as the age at which Levitical service begins; according to Num 8:24, service begins at twenty-five. These chapters do distinguish the duties of the Aaronide line from the rest of the Levites, although much of the material applies to all members of the tribe, both priest and Levite.

28. See Levine, who notes that there is no mention of families or family terminology; the camp consists of fighting men (Numbers 1–20, 125, 143).

29. Again, Ezekiel offers an alternative, placing the Levites’ cities close to the temple (45:5) and thus explicitly allowing the priests’ and Levites’ families increased access to the holy members of their families.

30. See Jenson, Graded Holiness, 123.

31. Although the tithe, the sacred portion given to the Levites, is in fact desanctified, it still retains some kind of special status; therefore I have included it in the category of “sacred donations.” See the discussion below.

32. Leviticus 21–22 enumerates various ways in which priests might be excluded, either temporarily or permanently, from service; in some cases they might still have access to sacred foods (see Lev 21:22), but in others they would be cut off completely (e.g., 22:3).
on the primary male bond, is both more restricted and more precarious than that of other Israelites.

II. Mourning

The women of priestly families are among those for whom a priest could mourn in a visible and therefore public way, drawing attention to the woman's place in the priestly family. According to Lev 21:1–4, a priest is allowed to perform mourning rites for mother, father, son, daughter, brother, and virgin (unmarried) sister. The high priest is excluded from mourning rites even for parents, an effect of his superior sacred status (Lev 21:11). The exclusion of the wife from the list of family members for whom a regular priest may mourn indicates that the concern here is people who are in the priest's direct blood line—who can be thought of as sharing the same blood as the priest and as having birth-ascribed priestly status. The same woman may be mourned by her son, who shares her blood and who is also a priest. In this instance, then, the mother has birth-ascribed priestly status with respect to her son but

33. Contrast Ezek 44:25, where priests (Ezekiel does not distinguish between priest and high priest) can mourn for parents, brother, and unmarried sister. According to Olyan, mourning reinforces social bonds (Biblical Mourning: Ritual and Social Dimensions [Oxford: Oxford University Press, 2004], 51) but also makes the mourner like the dead in some ways (pp. 40–44). Mourning rites also "function to separate the mourner ritually from society and the cult" (p. 35), and mourning therefore poses a "serious threat to the sanctuary and other holy space" through corpse contamination (p. 38). The restrictions placed on the priests thus make sense in light of their sacred status. Olyan also suggests that there may be mourning rituals other than corpse contact, shaving, and laceration that were permissible for priests (including even the high priest; pp. 119–20), but the text is not explicit in this regard.

34. Milgrom notes that the priest may engage in certain mourning rites, just not those that are conceived of as defiling (Leviticus, 2:1798). He also notes that the phrase חֶסֶד־אָדָם, "nearest to him" (v. 3) refers to close kinship, namely, those having the same mother and father, rather than being spatial (p. 1799).

35. This may be no more than an indication that the relationship between mother and child was close and important enough (in general) to constitute an exception for regular priests. But even if this is the case, it nevertheless points to the importance of the mother. If parallels to other maternal relationships are any indication, then we might point to the role of the king's mother and the higher status that she seemed to attain (at least in certain cases). Being the mother of an individual with higher status, then, might convey higher status on the mother as well. On the queen mother and/or הַרְבָּתָה, see Susan Ackerman, "The Queen Mother and the Cult in Ancient Israel," JBL 112 (1993): 385–401; Nancy R. Bowen, "The Quest for the Historical Gëbirâ," CBQ 54 (2001): 597–618; Zafrira Ben-Barak, "The Status and Right of the Gëbirâ," JBL 110 (1991): 23–34. Ben-Barak argues that the queen mother attained higher status and influence only in certain very limited circumstances. Bowen argues that the queen mother and the הַרְבָּתָה are two different appellations that might apply to the same woman but did not necessarily do so. Ackerman, in contrast,
non–birth-ascribed priestly status where her husband is concerned, and this in addition to the fact that she might also be a priest’s daughter whose father could mourn for her.36

A sister is included only when she is a member of the priest’s household; once she has married and her primary male bond is to another man, regardless of his status, the priest may no longer observe mourning rites for her.37 It is striking that no such restrictions pertain to the daughter, despite a similar rule for married daughters partaking of priestly food portions. Like the bond between mother and son, the connection of the daughter in a line of direct descent from the priest is strong enough to override the fact that her affiliation may have changed. Again, though, these relational terms may apply variously to the same woman, and so one priestly man may be able to mourn for a woman as his daughter while his son may not mourn for her as his sister; that is, she may have birth-ascribed status with respect to some men and non–birth-ascribed status with respect to others. It seems, then, that mourning is restricted to relationships in which the mourner and the deceased share a relationship of birth-ascribed priestly status: mother and son, father and daughter, but not husband and wife or brother and married sister. The bond seems to move vertically between generations but not laterally within a single generation once the woman has left the household.38 These laws thus reveal a complicated series of individual relationships at work and a precariousness in the status of women in relation to priestly men, in contrast to non-priestly families, in which any member could mourn for any other member.

sees the queen mother as a royal figure with an important cultic role. All agree that, at least in certain cases, women in the royal court, especially the mother of the king, might achieve a high degree of influence and, therefore, of status in comparison to other women. It is therefore plausible that the mother of a priest, especially as she is, after all, singled out as someone for whom the priest may mourn, has a higher status than other women by virtue of her relationship to her son(s).

36. The text does not address what happens if the mother is divorced or if she then remarries. It may be that the text’s ideology does not permit this possibility at all; however, if the issue is indeed direct descent—vertical rather than horizontal relationships (as discussed below)—then neither divorce nor remarriage would preclude a priest’s mourning for his mother.

37. The absolute nature of the law indicates that this applies even if she is married to a priest. The fact that a divorced or widowed daughter of a priest—who is likely in many cases also a priest’s sister—can return to her father’s house and resume her right to eat sacred food, as will be discussed below, confirms that family affinity can change despite blood ties. Camp notes that the sister occupies a unique position, in that she is, “by birth, of the ‘right’ lineage and yet, by gender, not-Us” (Wise, Strange and Holy, 191).

38. This would seem to me to go against Camp’s argument that women are other enough that they have ultimately to be excluded from the priestly lineage (Wise, Strange and Holy, 197). The evidence here suggests that this might be the case for certain relationships in which the blood bond was not seen as strong enough, but that in others it is not the case.
III. Priestly Food Portions

The priests are entitled to certain portions of the offerings of the Israelites. In addition to the tithe of the tithe, they also receive parts of many sacrifices, offerings of firstfruits, firstlings, and the like. According to the Priestly system, many of these offerings are considered כִּסֵּף, “most holy,” and are restricted to consumption only in a holy place and only by the male priests (Aaron and his sons). Other sacred donations, however, are considered simply כִּסֵּף, “holy,” and may be consumed by the priest’s family—all who “are clean in [his] house.” This appears to mean that these may be eaten in the priests’ homes, rather than only in the sanctuary. Leviticus 22 clarifies who is meant by this: anyone born into the priest’s household; the slave, but not the hired laborer; and the unmarried daughter or the divorced or widowed daughter who has no children. The wife is not mentioned, although she would surely be included, as she is a member of the household. The status of the daughter here echoes the status of the sister (but not the daughter!) where mourning is concerned: once her primary male bond is no longer with the priest—her birth-ascribed priestly status is lost—she is not treated as a member of the priest’s family and she can no longer partake of the sacred food.

39. Or possibly, according to Lev 27, the entire tithe; see below.
40. Variously throughout the sacrificial laws in Leviticus, but see esp. Lev 7:6. Interestingly, the phrase כֵּסֶף בַּעֲנַיִם אֶרֶץ (Lev 7:6) suggests that there are some “of the priests” who are not male. This may be an acknowledgment of the closeness of women in these families or of their rights of access to other food portions. Otherwise, the construction is merely redundant. Leviticus 6:22 and 2 Chr 31:19 use the same phrase. Confusingly, the breast and thigh portions that are restricted to the sons in Lev 7:34 are permitted for both sons and daughters in Lev 10:14. According to Lev 22 and Num 18, though, any foods that may be consumed by members of the priests’ families who are not in the male priestly line may be consumed by slaves and other family members as well. Possibly this means that there are some offerings that are extended to the priests’ daughters but not to anyone else, but Num 18:11 suggests that “sons and daughters” may simply be another way of saying “your [entire] household.”
41. Milgrom, Leviticus, 2:1847; according to Milgrom, this is the reason behind Lev 22:3, which states that the person consuming a sacred donation must be ritually pure. The laws related to the כִּסֵּף in Lev 7:11–18, as well as Hag 2:12, indicate that holy portions of offerings could indeed leave the sanctuary precinct.
42. Jenson notes: “Although the priesthood was exclusively male, the entire extended family of priests was affected by priestly status” (Graded Holiness, 123), yet it seems that really it is the nuclear rather than the extended family that is affected. The qualification that the daughter have no children is yet another indication that mother–child blood relations override other relationships, as reflected in the fact that a priest may mourn for his mother or daughter but not for his married sister.
43. This is the conclusion of Olyan, Rites and Rank, 31. The wife is not specifically excluded in this case, as she is in the list of people for whom the priest can mourn.
44. She may, of course, be married to another priest, in which case she would be enti-
Interestingly, these laws indicate that a woman of a priestly family had access to sacred foods to which even a male Levite did not have access. Although the rule indicates that the layperson (and presumably the Levite) can also partake of sacred food in certain limited situations, this is the only sacred food (שָׁם) that a non-priest is allowed to eat. If access to sacred foods is indeed an indicator of status, then a woman in the family of a priest would have had a higher status than a male Levite, according to the Priestly system. Indeed, a slave within the priest’s household would also have had access to such sacred food and so in this limited circumstance can be said to have a higher status vis-à-vis access to the sacred as well. It is probably going too far to say that this extends to every aspect of social status; surely a slave, of whatever station, would have had limited status by virtue of being a slave. Thus, a priestly woman, too, should not necessarily be seen as having higher status than a Levite male, except perhaps in a certain limited, cultic sense. Hierarchies of female and slave status no doubt still applied. Nevertheless, these rules indicate that status is a complex matter and that the status of women and of slaves within priestly households would have been, by virtue of the women’s or slaves’ relationship to the priest and their access to sacred foods, higher than the status of women and slaves, respectively, in Levite or lay households. We might speak, then, of *constellations* of privilege and status, where multiple factors play a part, with an ebb and flow between elements and among groups of people. Overall, a male Levite would have higher status than, say, the slave of a priest, but this is a result of numerous elements coming together to determine that status; in regard to access to holy foods alone, however, the members of the priest’s household would have a status higher than that of a male Levite.

Deuteronomy 18:1–8 also gives a portion of various offerings to the priests. However, Deuteronomy says nothing about where these are eaten or

tied to the portions taken home by her husband and/or son(s). But the law is concerned only with a single priest’s family at a time.

45. There is some tension here, with the being called holy alongside H’s stipulation that no layperson may eat holy foods. Leviticus 19:5–8 indicates that H does consider the to be holy and allows the Israelite to eat it. Either the is an exception or Lev 22 refers only to the sacred portions given to priests, which are considered to have a status different from the (this seems to be the reading of Milgrom [Leviticus, 2:1861]).

46. Olyan notes that Levites do not have access to the holy portions available to the priests and the priests’ dependents, including women (Rites and Rank, 30–31). The households of priests do not seem to be strictly limited to this food, however; that is, they are never explicitly forbidden from eating other, nonsacred foods, and therefore it seems unlikely that the food restrictions are intended to maintain the holiness of those in proximity to the priests.

47. This idea of “constellations” was suggested to me by Saul Olyan (personal communication) and strikes me as an apt metaphor for the complex system of social dynamics.

48. In theory, all male Levites are (potentially) priests according to Deuteronomy;
about whether the priest’s family members may share them. As with the tithe, the Deuteronomist legislation about the priests is remarkably silent about the priests’ families, never mentioning them at all. Nevertheless, Deut 18:1 refers to the “whole tribe of Levi,” which would presumably have been understood to include women, as did the other tribes.

IV. Tithes (Levites)

As with the priests, the Levites receive certain offerings in the Priestly legislation as well. Complicating the issue of the status of Levitical (in contrast to priestly) women is the fact that the status of the Levites in the Priestly material is not entirely clear. The Levites are not holy as are the priests, but neither are they fully laity, despite the fact that their access to holy foods, for example, is the same as the laity’s. According to the pentateuchal legislation, the Levites receive the tithe as compensation for their work. The clearest statement of the tithe rule appears in Num 18:21–31, which states that the Levites are entitled to the tithe, of which they must in turn tithe a portion (“a tithe of the tithe”) to the priests. This process desanctifies the main portion of the tithe and allows the Levites and their households (that is, their families, their slaves however, the centralization of the sanctuary in Jerusalem effectively meant that only those Levites serving in Jerusalem would in practice be priests. Levites from outside Jerusalem were eligible to come to the temple to serve, but in practice not all did so, or realistically would have been able to do so. The result would have been a distinction between those priests actively in service and those not, the latter often referred to as “rural” or “provincial” Levites. Although the priestly material also assumes a centralized cult, it is very specific about the roles of both priests and Levites in relation only to the central sanctuary and thus does not reflect the same issues of redundant rural priests that are a part of the Deuteronomistic system. See Menahem Haran, *Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School* (Oxford: Clarendon, 1978), 61–62. On the role of the rural Levites, see recently Mark Leuchter, “The Levi in Your Gates’: The Deuteronomic Redefinition of Levitical Authority,” *JBL* 126 (2007): 417–36.

49. See Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation* (FAT 52; Tübingen: Mohr Siebeck, 2007), 185, esp. n. 45; Camp, *Wise, Strange and Holy*, 200–206; Olyan, *Rites and Rank*, 28–30. As Olyan notes, Chronicles seems to solve this by making the Levites holy and the priests most holy, thus clarifying the hierarchical structure (*Rites and Rank*, 28). Milgrom notes that the Priestly author avoids using the root מזר in reference to the Levites (*Leviticus*, 3:2428). In Num 17:5, Korah and all the non-Aaronides (that is, Levites), are called מזר, “stranger.”

50. Although the Levites receive the tithe, it is desanctified in order for this to happen; thus, it is common, as is the food of the laity. However, the restrictions on its consumption indicate that it is not of the same quality as laypeople’s food.

51. Milgrom, for example, notes the nature of the tithe as the Levites’ sole source of income (*Leviticus*, 3:2422–23).
and servants, and likely their non-Levite dinner guests as well) to eat it anywhere they choose.52

According to Lev 27:30–33, however, the tithe is a holy donation that belongs to Yhwh, that is, to the priests rather than to the Levites. This passage is considerably less detailed and informative than the one in Num 18; on the surface, it seems to contradict Num 18. It could refer to the status of the Levites’ tithe before the priests’ portion is separated from it,53 or it could be a variant law from another priestly strain.54 If Lev 27 indeed represents a separate law indicating that the tithe belongs entirely to the priests, then it would fall into the category of the priestly food portions, discussed above.55 In any case, as it does not specifically mention priests or Levites and is mostly concerned with contents rather than distribution, it may be left out of consideration here.

The result of the Priestly laws is that the tithe, despite ultimately being desanctified, nevertheless has a special kind of status; it is not that the tithe can be returned to the layperson once it is desanctified, after all. The tithe is the special perquisite of the Levites and its limited nature conveys some element of restricted access and therefore increased status, despite the fact that


53. Milgrom notes that the tithe is referred to as שׁדֹק also in Num 18:32 (*Leviticus*, 3:2427); Milgrom takes this as a reference to the status of the tithe before the priests’ portion is separated from it. A similar situation may apply in Deut 26:13, which also calls the tithe holy, to be treated carefully and not brought into contact with anything unclean. However, it is also given not only to the Levite but to the resident alien, the widow, and the orphan. Because the Levite is synonymous with the priest in Deuteronomy, the tithe’s being sacred is at one level less problematic, although the fact that the tithe is here given to laypeople as well is more problematic. This may also refer to the status of the tithe before it is given to the Levites, or it may be an indication that there were a small number of holy foods, like the מולה, that could be eaten by certain laity. Ian Wilson solves certain of these difficulties by proposing that the third-year tithe was in fact offered in Jerusalem and that the widow and orphan have access to it because of Deuteronomy’s particular theology where those groups are concerned; see “Central Sanctuary or Local Settlement? The Location of the Triennial Tithe Declaration (Dtn 26:13–15),” *ZAW* 120 (2008): 323–40.

54. According to Milgrom, Lev 27 is H, whereas Num 18 is P (*Leviticus*, 3:2397). He sees a historical progression from H to P to D, where the tithe originally went to the sanctuary, then became the perquisite of the Levite, and ultimately revert to the owner (p. 2425). Not only does this require reading an H text as earlier than P, but Milgrom then goes on to detail how the lack of Levites in the Second Temple period resulted in the tithe reverting to the priests, which would suggest, contra Milgrom’s own argument, that his H tithe law is better situated at the end of this historical progression, in the postexilic period. It is better to read Num 18 as H and Lev 27 as stemming from another layer of H, following Stackert, *Rewriting the Torah*, 197.

55. That the tithe in Lev 27 is called “holy,” not “most holy,” means that in this case it would be included with those sacred portions that can be shared with clean members of the priests’ households, excluding hired workers.
it is technically no more sacred than any other common food. The tithe's availability to the families (or households; בְּיָדֵיהֶן) of the Levites suggests that Levitical women would likewise have shared in some measure in the increased status conveyed by the right of access to the tithe.

In Deuteronomy as well, the Levites receive a portion of the tithe as a means of support, to compensate for their lack of territory. Although there is no division between Levites and priests in Deuteronomy, the centralization of worship resulted in a distinction between those Levites serving in the central sanctuary and those who remained outside of Jerusalem and were thus not actively officiating at the temple. The Deuteronomic tithe law seems to have this latter group in mind in particular, as its members would not have had access to the priestly sacrificial portions being offered at the central altar. Instead, the Levites who receive the tithe in Deuteronomy are one of a group of several types of social unfortunates who have a right to it.

Deuteronomy legislates a two-tiered system: for two years, the tithe is shared by the owners with the Levites (Deut 12:17–19; 14:22–26), and in the third year, the tithe is given to the Levite, the orphan, the widow, and the resident alien (Deut 14:27–29). The two-year tithes may be eaten only in the sanctuary—indicating sacred status—whereas the third-year tithe is akin to profane slaughter and is stored locally for the needy to come and partake of it at will. According to Deut 12:18, the Levite is included among the group of pilgrims who go to the central sanctuary to enjoy the two-year tithe, thus ensuring that the rural Levites, who lack access to the priestly sacrificial portions, are taken care of in all years. Notably, Deuteronomy says nothing about gender or age among Levites here, despite the fact that the list in which the Levites appear includes the Israelites' sons, daughters, and male and female slaves. Surely the Levites had families, though, who would likewise have had access to this food.

As Stackert notes, the law "serve[s] to equate the Levites with lay Israelites, but . . . actually fail[s] to do so fully" (Rewriting the Torah, 186).

For a contrary view, however, which sees the tithe as being offered at the central sanctuary in conjunction with a pilgrimage, see Wilson, "Central Sanctuary or Local Settlement."

See Milgrom, who notes that the inclusion of the Levite and not the resident alien, widow, and orphan, in the first two years is a “consequence of Deuteronomy’s guilt for having deprived the Levites of their prior rights to the tithe” (Leviticus, 3:2433). See also Richard D. Nelson, Deuteronomy: A Commentary (OTL; Louisville: Westminster John Knox, 2002), 186.

Possibly this is an indicator that the Levites were an occupational group who did not have families—that their parents and siblings would have been members of other tribes or social groups and that they did not marry or have children. However, this latter in particular seems unlikely, and it is difficult to imagine how their wives and children thus would...
The nature of the tithe as a kind of charity or social welfare system is especially pronounced in Deuteronomy. Although the tithe may impart some temporary special status to all who consume it as a festival meal, it is not restricted to any particular group of people. The third-year tithe is no more than alms given to the poor. The Levite does have access to the tithe in all three years, it is true, and Levites are mentioned specifically despite the fact that there were undoubtedly other poor families in Israel. This is likely an acknowledgment of the Levites’ status above other recipients of the third-year tithe, but on the whole Deuteronomy’s law—making the tithe widely available to a number of groups—only highlights the Levites’ marginal social status. This contrasts with the Priestly legislation, in which access to the tithe is far more restricted. Nevertheless, the Priestly source’s tithe is similarly connected to the fact that the Levites have no tribal allotment of their own and thus no land on which to grow their own crops for food. The tithe is an integral part of a welfare system that helps to support the landless cultic class. At the same time, though, the tithe is a special, semi-sacred donation that is restricted to a certain time and place for consumption. This semi-sacredness imparts a special status to those who are allowed to eat it. As a result, women of Levitical families, according to the Priestly laws, would have had access to restricted food and a commensurately higher social status; in the Deuteronomic laws, in contrast, the Levites and their unmentioned families, despite being technically of the same cultic class as the officiating priests in the temple, seem to have a lower social status, although one nevertheless worth singling out as distinct from other marginal groups.

V. Conclusions

Olyan observes that “[d]enial of access to cultic and quasi-cultic settings not only establishes boundaries around the sanctuary and its analogues but contributes to the shaping of status differences between individuals and groups.”62 The Priestly legislation concerning marriage, mourning, and access to the tithe and other sacred foods shows that women in priestly and Levitical families were subject to unique social standards and restrictions while also having rights of access to restricted people and foods. These rules indicate a high degree of social stratification between women of priestly, Levite, and lay groups within the biblical social structure. Although the rules may be idealized literary constructions, they nevertheless indicate a certain set of hierarchical principles on the part of their authors. As Olyan also notes, “High-status persons draw upon economic, political, legal, and theological resources that allow them to

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62. Olyan, Rites and Rank, 115.
wield significant power. We can imagine, then, that the wife or the mother of a priest, and especially of a high priest, could have enjoyed a status well above that of other women and perhaps even of certain men. In this regard, she might have had much in common with the queen mother, or הַרְויות, who seems to have enjoyed heightened status as a result of her affiliation with royal men. Although priestly women would not have had more access to sacred locations, their symbolic access to the sacred could have applied outside the sanctuary. The status of these women varies according to relationship (birth-ascribed or non–birth-ascribed) and is also very precarious, in that it depends on the primary male bond and can be lost: through marriage to a non-priest for those with birth-ascribed status or through divorce for those with non–birth-ascribed status.

Whereas the Priestly legislation presents a reality of economic dependence as one of privilege and prerogative, Deuteronomy’s cultic classifications, especially regarding the rural Levites, seem generally to denote a lower status and a more marginal social and economic position. The Levites here are mentioned without any reference to their family members, female or male. Although the majority of Levites, and their families, were likely in a dependent social position, some vestige of their special status remains in the ways in which they are singled out. At the same time, the Levitical priests at Deuteronomy’s central sanctuary, and their families, would have enjoyed a commensurately high social status, reflecting stratification within the cultic class, as in the Priestly material. Thus, a picture emerges in which, according especially to Priestly ideology, we can discern complex and fragile constellations of status among different groups of women in the biblical social structure.

63. Ibid., 117.
64. See n. 35 above.