

# Scribal Composition

Malachi as a Test Case

Sheree Lear: Scribal Composition

**V&R** Academic

Sheree Lear: Scribal Composition

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## Abbreviations

ABD	ed. D. N. Freedman. <i>The Anchor Bible Dictionary</i> . 6 vols. New York, 1992.
BDB	F. Brown, S. R. Driver, S. A. Briggs. <i>Hebrew and English Lexicon of the Old Testament</i> . Oxford 1907.
GKC	A. E. Cowley. Gesenius' Hebrew Grammar as Edited and Enlarged by the Late E. Kautzsch. Oxford, 1910.
HALOT	L. Koehler, W. Baumgartner, J. J. Stamm. <i>The Hebrew and Aramaic Lexicon of the Old Testament</i> . trans. M. E. J. Richardson. Leiden 1994–2000.
HB	Hebrew Bible
IBHS [WO'C]	B. K. Waltke and M. O'Connor. <i>An Introduction to Biblical Hebrew Syntax</i> . Winona Lake, Indiana, 1990.
Joüon	P. Joüon. <i>A Grammar of Biblical Hebrew</i> . Translated and enlarged by T. Muraoka. 2 vols. Subsidia biblica 14/1–2. Rome, 1991.
LAB	Liber Antiquitatum Biblicarum
OG	Old Greek
PRE	Pirke de Rabbi Eleazar
RGG	ed. K. Galling. <i>Religion in Geschichte und Gegenwart</i> . 7 vols. 3d ed. Tübingen, 1957–1965.
Str-B	H. Strack and P. Billerbeck. <i>Kommentar zum Neuen Testament aus Talmud und Midrasch</i> . 6 vols. Munich, 1922–1961.
TDOT	ed. G. J. Botterweck and H. Ringgren. <i>Theological Dictionary of the Old Testament</i> . Translated by J. T. Willis, G. W. Bromiley, and D. E. Green. 8 vols. Grand Rapids, 1974–
T. Ps.-J.	Targum Pseudo-Jonathan



# Chapter 1: Introduction

## 1.1 Introduction

The Hebrew Bible (HB) is the product of scribes.<sup>1</sup> Whether copying, editing, conflating, adapting, or authoring, these ancient professionals were responsible for the various text designs, constructions and text-types that we have today. This study seeks to investigate certain compositional practices used by ancient scribes to create texts. What mechanical procedures did they employ to construct a text? What were the assumptions of ancient composers about how texts conveyed meaning? What structural features did they put into place to fashion a communicative text? Is there evidence that their compositional techniques were successful in conveying meaning to the subsequent ancient reader? Can the answers to these questions help us better understand ancient texts? Unfortunately, there is a paucity of information concerning ancient scribes and their practices. Much like the situation at Qumran, “[t]he only information available regarding the many aspects of scribal activity is ... culled from the texts themselves.”<sup>2</sup> To investigate these questions, I have chosen to examine the book of Malachi. From this book, I will draw three individual test-cases and present them in three different chapters. Each test-case can stand alone as an independent study, but the three together give a holistic view of scribal composition in the book of Malachi. These case studies will demonstrate the far-reaching effects the study of scribal composition can have on (normally) disparate disciplines within biblical studies.

Below, I will first describe the ancient scribe. Then, I will define what I mean by “scribal composition.” After that, I will justify my choice of Malachi as a test-case, and finally, I will present an overview of the three chapters in this study.

## 1.2 What is a Scribe?

The word “scribe” is used in various ways in biblical studies, usually based on either one’s subdiscipline (e.g. copyist for textual-critics) or based on how one understands the HB to have been written (issues regarding orality, redaction, etc.) For some, the scribe is responsible for the final shaping and redacting of the HB, but not necessarily for the actual content. For example, De Jong has written:

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1 From here onward “Hebrew Bible” will be “HB.”

2 E. Tov, *Scribal Practices and Approaches Reflected in the Texts Found in the Judean Desert* (STDJ 54; Leiden: Brill, 2004) 9.

The biblical prophetic books in their final form are the work of scribes. This does not imply that everything within [*sic*] these books are the product of scribal activity. Critical scholarship has ascertained that the prophetic books had a history of development. The books have developed into their final forms through a series of successive stages. This process of development, referred to as the redaction history or composition history, was a scribal process . . . Because scribes were involved in the production of the prophetic books, any element within these books *might* be affected by, or come from, their hands.<sup>3</sup>

Similarly, Schniedewind understands a scribe as not someone who is involved in original composition. He has written:

The scribes were first of all administrators or bureaucrats; they were not authors. The Classical Hebrew language does not even have a word that means “author.” The nearest term would be *sofer*, “scribe,” who was a transmitter of tradition and text rather than an author. Author is a concept that derives from a predominantly *written* culture, whereas ancient Israelite society was largely an *oral* culture.<sup>4</sup>

Thus, according to Schniedewind, while scribes were similar to “authors” they were not responsible for original writings. The text became a text through the transcription of oral tradition by scribes. From evidence that we have, his assertion is partially correct. There is also no doubt that transcribed oral tradition is indeed the source of certain portions of the HB. The book of Jeremiah itself depicts transcription as a scribal activity in the creation of texts (see for example Baruch in Jer 36:4). But, even if this was one way that texts could come into existence, does that preclude any form of creative composition; were there no authors? Other scholarship has found evidence to the contrary. In his book *Kunder oder Schreiber?: eine These zum Problem der “Schriftprophetie” auf Grund von Maleachi 1,6–2,9*, Helmut Utschneider has discussed Malachi as written prophecy that did not have an oral genesis.<sup>5</sup> If his evaluation is correct, then one must also account

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3 M. J. de Jong, “Biblical Prophecy—A Scribal Enterprise: The Old Testament Prophecy of Unconditional Judgement considered as a Literary Phenomenon”, *VT* 61 (2011) 39–70, on p. 41.

4 W. M. Schniedewind, *How the Bible Became a Book: The Textualization of Ancient Israel* (Cambridge: Cambridge University Press, 2004) 7. Compare with Van der Toorn: “The gist of the present chapter can be summed up in one phrase: authors, in antiquity, were scribes.” Interestingly, Van der Toorn affirms Schniedewind’s assertion that “author” as we as moderns understand this word is anachronistic. Van der Toorn instead differentiates between the modern “author” and the ancient “author.” “The difference between authors then and authors now has more to do with the conditions of literary production, on the one hand, and the perception of authorship, on the other. Both affected the nature of the texts that have come down to us in writing. When reading them, it is necessary to be aware of those differences so as to put the texts in the proper interpretive perspective.” K. van der Toorn, *Scribal Culture and the Making of the Hebrew Bible* (Cambridge, MA: Harvard University Press, 2007) 48.

5 H. Utschneider, *Kunder oder Schreiber?: eine These zum Problem der “Schriftprophetie” auf Grund von Maleachi 1,6–2,9* (BEATAJ 16; Frankfurt am Main: P. Lang, 1989).

for creative composition. What would one call an author of antiquity? Is he/she something different from the scribe who transposed and ordered the HB?

The most common designation for the “scribe” of the ancient world is that of “copyist.” But, as noted by Tov:

[t]he assumption underlying the description [of scribe as copyist] is based on the realia of the scribes of the Middle Ages who worked within so-called scriptoria. One wonders whether scribes of this type existed at all in antiquity.<sup>6</sup>

Instead, he notes that at least at the time of the writing of the Qumran manuscripts, “most scribes occupied themselves with all aspects of scribal activity, that is, the copying of existing documents and literary compositions, as well as the writing of documentary texts ... and the creative composition of new literary works. In addition, some scribes were involved in various aspects of administrative activity.”<sup>7</sup> This use of the term “scribe” is echoed (concerning the scribes of the HB) by Van der Toorn’s assertion that

[t]o properly appreciate the role of the ancient scribes, it is necessary to take leave of the common conception of the scribe as a mere copyist. The traditional distinction between authors, editors, and scribes is misleading because it obfuscates the fact that authorship and editorship were aspects of the scribal profession. In the words of James Muilenburg, scribes ‘were not only copyists, but also and more particularly composers who gave to their works their form and structure, and determined to a considerable degree their wording and terminology.’<sup>8</sup>

Both Tov (in recent publications) and Van der Toorn have a holistic understanding of “scribe.” This also accords with the view of Schmid, who considers a scribe to be anyone in antiquity involved in literary production.<sup>9</sup>

Amongst the various opinions on the function (and definition) of a scribe, how should one differentiate between the different definitions for the word? The answer to this question hinges on the question of who in the ancient world had the correct skills for text production. As a word of caution, Schmid has noted, “[o]ur historical knowledge about scribes and scribal schools in ancient Israel is very limited.”<sup>10</sup> But, he argues: “the texts were produced and received within a comparatively narrow circle that was adequately familiar with reading and writing

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6 E. Tov, “The Scribes of the Texts Found in the Judean Desert,” in *The Quest for Context and Meaning: Studies in Biblical Intertextuality in Honor of James A. Sanders* (ed. C. A. Evans and Shemaryahu Talmon; Leiden: Brill, 1997) 131–52 131.

7 Tov, *Scribal Practices*, 8.

8 Van der Toorn, *Scribal Culture*, 109; See also J. Muilenburg, “Baruch the Scribe,” in J. I. Durham/J. R. Porter (ed.), *Proclamation and Presence: Old Testament Essays in Honour of Gwynne Henton Davies* (London: SCM, 1970) 215–38.

9 K. Schmid, *The Old Testament: A Literary History* (Minneapolis: Fortress, 2012) 34–5.

10 Schmid, *Old Testament*, 35.

and existed within a largely illiterate society.”<sup>11</sup> Schmid identifies this “narrow circle” as the ancient scribes.<sup>12</sup> From the little evidence that we have (comparative, epigraphic and biblical) the only people in the ancient world capable of the various observable modes of literary production (transcribing, editing, copying, collating, authoring, etc.) were the scribes.<sup>13</sup> This understanding of “scribe” is thus very broad. In this study, I use the term “scribe” in much the same way as described by Tov, Van der Toorn and Schmid. I mean a type of person who was responsible for—or at least capable of—all forms of literary production.<sup>14</sup>

I have chosen to use the broad term “scribe” for several reasons. First, this designation assumes no ideological affiliation with any ancient “school” of thought (e.g. “wisdom,” or “priestly”). Rather, a scribe is simply someone who possessed the education and skills for text production.

Second, by including all activities of literary production as part of the scribal profession, one emphasizes the continuity between the different modes of text production. For each type of production, the scribes drew from “a conventional stock of ancient Near Eastern scribal practices and vocabulary.”<sup>15</sup> Thus, many of the same scribal practices can be found, for example, in both the activities of editing and of copying. As Van der Toorn has argued, the separation of “scribal modes of text production ... is, to some degree, artificial in the sense that it separate methods and techniques scribes normally used in conjunction. Adaptation

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11 Schmid, *Old Testament*, 32. Carr similarly argues: “The biblical narratives of writing and reading generally presuppose or are consistent with pictures elsewhere of ancient cultures where the majority of the population does not read and relies on literate professionals in those instances where writing is required.” D. Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature* (Oxford: Oxford University Press, 2005) 120.

12 See K. Schmid, “Schreiber/Schreiberausbildung in Israel,” in K. Galling (ed.) *RGG* 7, p. 1001. Carr argues: “Literacy, however, was hardly confined to those labeled as sopherim (‘scribes’) or *shoterim* (‘literate officials’). Both epigraphic and other evidence testifies to more widespread literacy, especially among kings, priests, and other officials” (118). But, he concludes: “Yet this evidence must be interpreted with caution. Though these texts present pictures that authors and audiences found plausible, many narratives are almost certainly not historically reliable. In addition, it is sometimes unclear precisely what is meant when a text asserts that a given king or other figure ‘writes’ or ‘reads.’ For example, Jeremiah 36:2 describes Jeremiah as receiving an order to take a book scroll ... and write down God’s words. Jeremiah himself, however, does not write down these words but calls Baruch, who writes down the words dictated by Jeremiah on a book roll (36:4). Examples like this—however fictional—out of putative reading/writing versus ‘actual’ reading/writing raise questions about other instances in which a king ... other major figure ... or group of people ... is described as writing or reading” (120). Carr, *Writing on the Tablet*, 118, 120.

13 See for example Van der Toorn, *Scribal Culture*, 9–142.

14 Throughout this study I refer to the ancient scribe with the masculine pronoun. This is simply because the probability of the ancient scribe being a male is much greater than being a female and Malachi gives no indication of being written by a female.

15 M. Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1985) 31–2.

and expansion, for instance, will often go hand in hand, just as one text might well be the fruit of both transcription and compilation.”<sup>16</sup>

Third, “scribe” is a term that is useful for both diachronic and synchronic aspects of textual study. As will be demonstrated below, the evaluation of composition involves, at the same time, diachronic and synchronic elements. Using the term “scribe” frees me to identify scribal practices in every layer of a text, without necessarily having to identify whether the text-element(s) were produced by an author or a redactor.

### 1.3 What is Scribal Composition?

The word “composition” is most often used in biblical studies in one of two ways. First, “composition” is used in the sense of “the result of authoring”—creative writing without an oral or textual precursor. Second, “composition” is used in the sense of the result of “the mosaic-like joining of individual parts to form a great whole.”<sup>17</sup> Both these views assume that the resulting text is a new creation—either because of its creative genesis or because of its new juxtaposition with other materials. I will argue that composition involves both activities. As scholarship has shown us, the creation of new, uniform and complete texts can involve many different and possibly combined modes of text formation, including new creative writing as well as compiling. For example, in his essay “The Evolution of the Pentateuchal Narratives in the Light of the Evolution of the Gilgamesh Epic,” Tigay has demonstrated that ancient texts were often the result of the collation and editing of many disparate smaller texts. These texts were artfully placed together and the repeated revision resulted in a text “containing few inconsistencies.”<sup>18</sup> Thus, a new composition was created through the innovation of scribes spanning a long range of time. Similarly, in his article “The Literary History of the Book of Jeremiah in the Light of Its Textual History,” Tov has demonstrated that the MT and the LXX of Jeremiah represent two different editions in the literary history of the book. The two editions are identifiable by the difference in length and order of material. The ancient scribes responsible for both versions of Jeremiah composed through arrangement, editing and addition to older texts.<sup>19</sup> Alternatively, at times, a redactional insertion was so large it would more aptly be

16 Van der Toorn, *Scribal Culture*, 141.

17 G Fohrer, *Introduction to the Old Testament* (London: SPCK, 1976) 116. See also R. G. Kratz, *The Composition of the Narrative Books of the Old Testament* (London: T&T Clark, 2005).

18 J. H. Tigay, “The Evolution of the Pentateuchal Narratives in the Light of the Evolution of the Gilgamesh Epic,” in J. H. Tigay (ed.) *Empirical Models for Biblical Criticism* (Philadelphia: University of Pennsylvania Press, 1985) 21–52, on p. 51.

19 Contrary to the view espoused by Tov described above, in this article he works under the designation of scribe as “copyist,” emphasizing that that it was not a scribe who made changes



called an original composition. This is evident, for example, in Tooman's analysis of the Gog Oracles (Ezek 38–39). Tooman concluded that these oracles were inserted into what is now the book of Ezekiel at a late stage in its literary history.<sup>20</sup>

Another further method used to create texts was through the interpretation and reuse of older texts, which in some senses is a combination of textual compilation and original writing. In his book *Biblical Interpretation in Ancient Israel*, Fishbane demonstrated that this technique of text production can be found throughout the HB. And, as mentioned above, Utzschneider's small monograph *Kunder oder Schreiber?* examines the book of Malachi as an example of *Schriftprophetie*, or original writing.<sup>21</sup> In light of the vast array of methods for creating coherent texts, as well as the undeniable overlap between different methods of text production (e.g. at what point is a redactional insertion considered "original writing"?), it is prudent to define "composition" in broad terms. Thus, scribal composition is the procedures used by the ancient scribes to create communicative texts. Text creation ranged from an individual scribe writing down his own unique composition, to using older material in his new composition, to the compilation of older material into one whole work, to the rearrangement and editing of material.

This broad designation for scribal composition is important to this study for several reasons. First, the term "composition" takes seriously that texts are communicative acts. It implies intentionality on the part of the composer. A scribe had a communicative goal when creating his text. He implemented various compositional mechanics and literary techniques to achieve this goal. Each chapter in this study investigates the act of composition as a communicative act from the viewpoint of either the scribal composer or from the viewpoint of the reader receiving the communication.

The second reason that "scribal composition" is an important designation is that the term "composition" encompasses both the synchronic and diachronic aspects of text production and evaluation. It can accommodate the reality that some texts are composed from older portions of texts but still be part of a coherent whole of a new text.<sup>22</sup> This study is synchronic in that it investigates the

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to the text, but rather an editor. E. Tov, "The Literary History History of the Book of Jeremiah in Light of its Textual History" in J.H. Tigay (ed.) *Empirical Models for Biblical Criticism* (Philadelphia: University of Pennsylvania Press, 1985) 21–52, on p. 216.

20 W.A. Tooman, *Gog of Magog: Reuse of Scripture and Compositional Technique in Ezekiel 38–39* (Forschungen zum Alten Testament 2. Reihe 52; Tübingen: Mohr Siebeck, 2011).

21 Utzschneider, *Kunder oder Schreiber?*

22 Compare Groenewald: "The fact must thus be recognised that Old Testament scholarship, at the beginning of the twenty-first century, is faced methodologically with a fundamental challenge, namely to combine synchronic and diachronic textual reading. It is thus no longer a question of either synchronic or diachronic reading of a specific text. Synchronic reading can no longer regard historical refinement as a redundant endeavour—the same can be postulated for the opposite." A. Groenewald, *Psalms 69: Its Structure, Redaction and Composition* (Altes Testament and Moderne 18; Münster: LIT Verlag, 2003) 9. See also B.M. Levinson, *Deuteron-*

interaction of each text-segment with the whole composition and the responses this interaction evokes in the reader. In particular, this study begins with the final form of MT Malachi and examines it as a finished and complete composition. This study is also diachronic in that it seeks to demonstrate that certain texts were written before Malachi. The scribe who wrote Malachi read these older texts then reused them. This study is further diachronic in that the methods, assumptions and intentions of the ancient scribal composers cannot be assumed to be analogous with those of modern authors—even when I look at the text as a whole, synchronically. The literary techniques employed by the composer might not evoke the same responses in the modern reader as they did in the ancient reader.<sup>23</sup>

Because of this incongruity between the ancient and the modern, the neat division between synchronic and diachronic is not always tenable. In **Chapter 2: Mal 2:10–16**, I will evaluate textual phenomena that are at the same time diachronic and synchronic. For, as noted by James Barr, the study of “synchronic” can itself be profoundly historically conditioned. He writes:

It struck me ... that the synchronic meanings were also the historical meanings, in one sense of the word. If we could say that this was the meaning within (say) New Testament times, seen synchronically, then the same was obviously the historically correct and valid meaning. Historically it meant what it meant synchronically in the relevant biblical time.<sup>24</sup>

The scribe involved in the composition of Malachi utilized historically-conditioned literary mechanisms to build a cohesive and coherent text. In consequence, even when I look at the text synchronically, it is from an historically situated viewpoint. This paradox is perhaps even more evident in **Chapter 4: Phinehas, he is Elijah**, where I argue that rabbinical authors responded to subtle literary clues that link to the story of Phinehas and of Elijah. These clues were deliberately placed by the composer to facilitate this link.<sup>25</sup> Modern day

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*omy and the Hermeneutics of Legal Innovation* (New York: Oxford University Press, 1997) 26–7. J. Schaper, “Rereading the Law: Inner-Biblical Exegesis of Divine Oracles in Ezekiel 44 and Isaiah 56”, in B. M. Levinson/E. Otto/W. Diedrich (ed.), *Recht und Ethik im Alten Testament: Beiträge des Symposiums “Das Alte Testament und die Kultur der Moderne” anlässlich des 100. Geburtstags Gerhard von Rads (1901–1971), Heidelberg, 18.–21. Oktober 2001* (Münster: LIT Verlag, 2004) 125–44, on p. 136.

23 Schaper, “Re-reading the Law”, 136.

24 J. Barr, “The Synchronic, the Diachronic and the Historical: A Triangular Relationship?” in J. C. de Moor (ed.) *Synchronic or Diachronic? A Debate on Method in Old Testament Exegesis* (Leiden: Brill, 1995) 1–14, on p. 2.

25 See Barr’s note of the irony for those who espouse a form of the ‘intentional fallacy’: “Incidentally, at a time when we are being told that authors as such are quite insignificant, it is odd that we are being urged to admire the incredible skill of these same authors in their placing chiasmus and such things.” Barr, “The Synchronic”, 10 n. 12.

readers miss these same literary devices because of a break in shared literary and hermeneutical assumptions.<sup>26</sup>

The third reason that the broad designation “scribal composition” is important is because the person who was educated enough to be responsible for the different forms of text production could, usefully, be called the scribe. To be able to speak about the scribe and the composition without specifically designating the exact functional activity of the scribe (editor vs. copyists, etc.) opens the door for inquiry into common scribal compositional practices and hermeneutical assumptions found in all forms of textual production. This study will thus throughout refer to the “scribe” as the active literary producer. This does not mean it is unimportant to differentiate between the different scribal activities (redaction vs. copying, etc.), but it enables the inquiry to cross boundaries in order to detect literary techniques and hermeneutic assumptions common in all forms of literary production.

Thus, as noted by Sailhamer, the evaluation of composition “attempts to describe the literary strategy of a book ... [and it] seeks to explain the types and ways the biblical writers fashioned literary units into a complete literary whole.”<sup>27</sup> I will examine Malachi as a product of scribal activity, shaped by the hermeneutic and literary skill of the ancient scribe. I will assess the composition of Malachi in two different facets: the mechanics employed by ancient scribes to create texts and the techniques used to evoke meaning in their readers.<sup>28</sup> This will be done with an eye simultaneously to the diachronic and the synchronic aspects of text production and reception. In both facets of inquiry, a level of creativity and flexibility is essential. Although a certain compositional mechanism might be identified, as Alter noted “very few literary conventions are treated by writers as invariable and hence obligatory without exception.”<sup>29</sup> Thus, one must evaluate the employment and function of each individual instantiation of any mechanical procedure or technical practice. Through this inquiry, I hope to demonstrate how attention to all features of composition can help enlighten various aspects of our own engagement with these ancient texts.

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26 These observations supports Steck’s criteria of seeking in historically closely-situated interpretations of the text for support of one’s own historically oriented synchronic reading of the text. See O. H. Steck, *The Prophetic Books and Their Theological Witness* (St. Louis: Chalice Press, 2000) 16.

27 J. Sailhamer, *Introduction to Old Testament Theology: a Canonical Approach* (Grand Rapids: Zondervan, 1995) 98. See also G. Fohrer, *Exegese des Alten Testaments: Einführung in die Methodik* (Heidelberg: Quelle & Meyer, 1973) 142.

28 When I say “evoke meaning in the reader” I understand reading as outlined by Wolfgang Iser. He argues that in the act of reading, meaning is formed within the reader. The formation of meaning in the reader is not haphazard, but rather is guided by the ‘read’ composition. Thus, each new clause and sentence read by the reader serves to form a sharper image of meaning within the reader. W. Iser, *The Act of Reading: A Theory of Aesthetic Response* (London: Routledge & Kegan Paul, 1978).

29 R. Alter, *The Art of Biblical Narrative* (New York: Basic Books, 1981) 103.

## 1.4 Why Malachi?

I chose the book of Malachi as a test-case primarily because of the widespread consensus amongst scholars that Malachi is foremost a written work as opposed to a record of an oral presentation. As Kessler has noted:

The opinion that the text of Malachi was a written composition from the outset can, in my estimation, already be deduced from the analysis of the *Hauptgattung* and of the overall structure of the book. Above all else, the new point of view was triggered through the observation that in Malachi there are countless intertextual references to other texts of the Hebrew Bible. Indeed, this affirms in the highest degree the theory of the writtenness of the text of Malachi.<sup>30</sup>

It is exactly this literary rather than oral genesis that makes Malachi an ideal locus for studying scribal composition. Plus, as observed by Kessler, the book is known to be full of reused material from older texts which, as Van der Toorn correctly noted, is a major compositional technique.<sup>31</sup>

I also chose the book of Malachi because it is a generally under-appreciated book. In 1987, Beth Glazier-MacDonald noted that “in the plethora of commentaries and articles that have appeared [on the book of Malachi] ... old material [has been] simply garbed in new language with few new insights offered.” She cited “indifference” as the cause of this “unanimity.”<sup>32</sup> The outlook has become a little less bleak since her observation. In 1989, Helmut Utzschneider wrote a short monograph using Malachi as a test-case to support the notion of *Schriftprophetie*. He makes several observations concerning the composer of Malachi’s reuse of older texts in Mal 1:6–2:9. In 1998 Andrew Hill produced the Anchor Bible Commentary on Malachi. His work is particularly helpful as a repository of information on previous Malachi scholarship.<sup>33</sup> Karl William Weyde produced a book on Malachi entitled *Prophecy and Teaching: Prophetic Authority, Form Prob-*

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30 “Die Auffassung, dass die Maleachi-Schrift von vorneherein schriftlich konzipiert ist, lässt sich nach meinem Dafürhalten bereits aus der Analyse der Hauptgattung und des Gesamtaufbaus herleiten. Ausgelöst wurde die neue Betrachtungsweise allerdings vor allem durch die Beobachtung, dass es in Maleachi zahllose intertextuelle Bezüge zu anderen Schriften der Hebräischen Bibel gibt. In der Tat bestätigt dies in hohem Maß die These der Schriftlichkeit der Maleachi-Schrift” R. Kessler, *Maleachi: Übersetzt und ausgelegt* (Herders Theologischer Kommentar zum Alten Testament; Freiburg: Herder, 2011) 55. See also Utzschneider, *Künder oder Schreiber?* J. Wellhausen, *Die kleinen Propheten: übersetzt und erklärt* (Berlin: Walter de Gruyter), 203–4. For a survey of earlier views on the composition of Malachi see: Kessler, *Maleachi*, 54.

31 Van der Toorn, *Scribal Culture*, 117.

32 B. Glazier-MacDonald, *Malachi: The Divine Messenger* (Atlanta: Scholars Press, 1987) 1.

33 A. Hill, *Malachi: A New Translation and Commentary* (The Anchor Bible 25D; New York: Doubleday, 1998).

*lems and the Use of Traditions in the Book of Malachi* in 2000.<sup>34</sup> He also sought to uncover the reuse of older traditions in Malachi. He differentiated himself from Utzschneider (and Fishbane) in that his analysis covered the whole book of Malachi and that he also inquired into the reuse of forms. Most recently, in 2011, Rainer Kessler produced the *Herders Theologischer Kommentar* on Malachi. Kessler does an excellent job of including observations on textual reuse as well as paying attention to verbal cues within the book of Malachi. All of these more recent studies have explored extensively the scribal compositional technique of reuse, and I will make frequent recourse to their observations throughout this study.

The last reason that the book of Malachi was an ideal test-case is that the book presents a difficult text, full of grammatical, lexical, and exegetical difficulties.<sup>35</sup> These difficulties are rarely solved but tend to be glossed over by commentators and translators. Part of this inquiry is to see if attention to compositional techniques employed in the book of Malachi can help solve textual difficulties.

## 1.5 Thesis

The purpose of this study is to provide a preliminary investigation into the benefits of examining the text as a scribal composition. The text will be evaluated as the product of scribal composers who shaped the text into its final form. Whether there were one or more scribes will not be addressed (although the possibility/probability of multiple hands involved in the composition of Malachi will not be forgotten). The study will start with a synchronic reading of MT Malachi and evaluate how this initial reading can supplement our understanding of the diachronic aspects of composition. I will demonstrate that these two viewpoints should not be separated as often as they are. The synchronic viewpoint can help explain diachronic features of the text and a diachronic viewpoint can explain synchronic features of the text. The three chapters will each focus on different aspects of scribal composition.

The first chapter focuses on a particularly difficult portion of Malachi (2:10–16). Through detailed evaluation of the reuse of older texts in this pericope, patterns emerge that not only evidence the composer's communicative goal for his text but also reveal his hermeneutic—how he understood older texts to relate to each other. This chapter interacts with issues of poetics, reuse, and textual-criticism.

34 K. W. Weyde, *Prophecy and Teaching: Prophetic Authority, Form Problems, and the Use of Traditions in the Book of Malachi* (BZAW 288; Berlin: Walter de Gruyter, 2000).

35 See for example Petersen who notes “In Malachi, I have found it necessary to formulate a reading other than the MT in the following verses: Mal 1:1, 9, 11, 12; 2:2, 3, 11, 12, 13, 16, 17; 3:5, 13.” D. L. Petersen, *Zechariah 9–14 and Malachi: A Commentary* (OTL; Louisville: Westminster John Knox Press, 1995) 34.

The second chapter surveys Malachi for different instances and types of wordplay. The chapter is broken up into three sections: semantic wordplay, visual wordplay and phonological wordplay. It demonstrates how a poetic feature such as wordplay, generally treated as a synchronic element, can also have diachronic implications. I demonstrate how wordplay at times was influential in the shaping of the text, how wordplay was the result of textual dependence, and how wordplay was used in the interpretation and incorporation of older texts. This chapter further demonstrates that similar assumptions about semantics can be seen throughout a large range of scribal activities (copying, editing, and authoring).

The third chapter investigates the reception of Malachi as a finished text. The tradition that “Phinehas is Elijah” is found throughout rabbinic literature. This rabbinic tradition is the result of the reception of the book of Malachi. The chapter explores the affect that of the literary device of textual reuse has on readers. I argue that these instances of reuse act as “allusions,” serving to evoke the characters of Phinehas and Elijah. The chapter demonstrates that the composition of Malachi was successfully communicative to the rabbinic audience.

### Excursus: The Reuse of Antecedent Texts

Because each chapter deals extensively with the reuse of older texts in composition, it is prudent to make a few explanatory remarks concerning textual reuse from the outset. To evaluate the likelihood of dependence between two texts and to determine the direction of this dependence I have relied heavily upon Tooman’s systematization of criteria for this purpose in his book *Gog of Magog: Reuse of Scripture and Compositional Technique in Ezekiel 38–39*. As Tooman argues: “Implicit reuse of Scripture is marked by demonstrable repetition of some element or elements of an antecedent text. An ‘element’ can be a word, phrase, clause, paragraph, topos, or form. The key is that its origin is ‘demonstrable.’ There must be some verification that the element originated from an identifiable source.”<sup>36</sup> Tooman then lists five “principles” by which reuse can be demonstrated which I have marked in italics below:

1. *Uniqueness*: When a certain element only occurs in one other text (besides the borrowing text) it makes it likely that the element is a borrowed one. The infrequency of the word indicates the element is an ideal element for a composer to cite in order to evoke that specific text.

2. *Distinctiveness* is when an element occurs throughout the HB, but appears predominantly or with a specific semantic value in a particular text. The element can be said to be distinctive of that text. Thus, when that element is used, it immediately evokes the text where that element is distinctive.

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<sup>36</sup> Tooman, *Gog of Magog*, 27.

3. *Multiplicity* indicates the amount of elements two texts share. When there is extensive correlation between two texts, it increases the likelihood that there is some sort of dependence between the two texts.

4. To define *Thematic Correspondence* Tooman wrote: “Second Temple authors also show a remarkable penchant for drawing on texts that share a similar subject, theme, or argument with the text they are composing.”<sup>37</sup> This phenomenon is particularly relevant in **Chapter 2: Mal 2:10–16**.

5. *Inversion* relates to Seidel’s Law. This is when a locution in one text is found in inverted order in a borrowing text. It is a way ancient scribes consciously marked literary dependence.<sup>38</sup>

Of course none of these criteria are foolproof. When a combination of two or more of these criteria are found between texts, the likelihood that one of these texts has reused the other text is increased.

Though these criteria are helpful in determining textual dependence between two texts, they do not help one to evaluate which text is older and which is newer. To determine direction of dependence, Tooman again lists five criteria or “clues” (highlighted through italics):

1. The *Volume of Use* of a certain element in different texts can help determine direction of dependence. If an element occurs frequently in one text as opposed to only one time in another text it is most likely that the single occurrence is part of the newer text. Tooman is careful to note that there have been cases where the opposite has been proven true and the text with the single occurrence of an element was grossly influential on another text in which the element is found multiple times. Thus, as warned by Tooman, caution and careful reflection must be taken when applying this criteria.

2. The *Modification* of elements from one text to suit better a new context can also indicate which text is the new text. This criteria is particularly pertinent in **Chapter 3: Wordplay, Semantics** where I identify reused texts where the composer has replaced words in the reused locution drawn from the older texts with synonyms to suit better the context of his own composition. Sometimes the modification takes place to clarify perceived difficulties in an older text. For example, in **Chapter 4: Phinehas, he is Elijah** I argue that when reusing an older text, the scribe of Malachi reproduced difficult syntax found in the older text but expanded it to clarify the difficulty found in the original text—resulting in a clearer text.

3. In contrast to the last example, poor *Integration* of older materials can also be an indication of the direction of dependence. As Tooman notes “[d]angling pronouns may appear, poetic images may appear without identifiable referent,

<sup>37</sup> Tooman, *Gog of Magog*, 29.

<sup>38</sup> For further detail on each of these criteria see Tooman, *Gog of Magog*, 27–31. See also J. M. Leonard, “Identifying Inner-Biblical Allusions: Psalm 78 as a ‘Test Case’” *JBL* 127 (2008) 241–65.

syntax may be disrupted, and so forth.”<sup>39</sup> In other words, the scribe transfers the elements into his new text “as is” without effort to smooth over the reused portion to integrate it better into its new context.

4. *Conceptual Dependence* is when the newer text depends on the older text to provide meaning for itself. In other words, the new text with the reused elements does not make sense without importing some semantic freight from the text from which the elements are borrowed.

5. The last criteria listed by Tooman, *Known Scribal Practices of Reuse*, is a list of criteria established by Carr in his analysis of “4QpaleoExod<sup>m</sup>, the Samaritan Pentateuch, 4QReworked Pentateuch (4QRP), and the Temple Scroll (11QT).”<sup>40</sup> Carr (and Tooman) writes:

A text tends to be later than its ‘parallel’ when it:

1. Verbally parallels that text and yet includes substantial pluses vis-à-vis that text.
2. Appears to enrich its parallel (fairly fully preserved) with fragments from various locations in the Bible (less completely preserved).
3. Includes a plus that fills what could have been perceived as an apparent gap in its parallel.
4. Included expansive material in character speeches, particularly theophanic speech.
5. Has an element which appears to be an adaptation of an element in the other text to shifting circumstances/ideas.
6. Combines linguistic phenomena from disparate strata.<sup>41</sup>

All of these criteria listed by Tooman and Carr are guidelines. There are of course instances (as noted above) where the opposite of the listed criteria is actually the case. Because of this, the interpreter must remain flexible and carefully evaluate all data. In the end, every evaluation of direction of dependence is one of probability. The more data included in one’s evaluation increases the probability of arguments for direction of dependence.

## 1.6 Goals of this Study

Through these chapters I hope to demonstrate first, that my definition of scribal composition is a helpful one to biblical scholarship; second, that the study of scribal composition and the melding of different sub-fields in biblical studies can be helpful in the study of ancient texts. And third, I hope to give new insights into the interpretation and literary development of the book of Malachi.

<sup>39</sup> Tooman, *Gog of Magog*, 33.

<sup>40</sup> Tooman, *Gog of Magog*, 34.

<sup>41</sup> D. Carr, “Method in Determination of Direction of Dependence: An Empirical Test of Criteria Applied to Exodus 34,11–26 and its Parallels”, in M. Köckert/E. Blum (ed.) *Gottes Volk am Sinai. Untersuchungen zu Ex 32–34 und Dtn 9–10* (Gütersloh: Gütersloher Verlag, 2001) 107–41, on p. 126. Tooman, *Gog of Magog*, 34.



The three chapters in this study are in many respects preliminary inquiries into scribal composition in general and the composition of Malachi in specific. Each topic was chosen for two different reasons. First, the topics were chosen to demonstrate the various aspects of scribal composition described above. Second, they were chosen because they explore important initial questions that can serve as a basis for even further study of scribal composition. The chapters examine the work of the scribe as a generic producer of texts. They investigate composition from both the viewpoint of the scribal composer and the reader. All three chapters interact with both synchronic and diachronic observations as interlocking and mutually dependent perspectives. They examine the text as a shaped communication designed for a (historically conditioned) reader. Further research into scribal composition and the book of Malachi as the result of scribal composition are still in order.

## Chapter 2: Malachi 2:10–16

Do not intermarry with them ... for they will turn your sons from me and they will serve other gods. Then the anger of the Lord will be kindled against you and he will destroy you quickly.—Deut 7:3a, 4

### 2.1 Introduction<sup>1</sup>

Malachi 2:10–16 is probably the most debated pericope in the book of Malachi. Part of this fascination is most likely due to its perceived subject matter, marriage and divorce, a topic that the HB does not often address.<sup>2</sup> Another possible factor for interest is due to the cryptic and seeming unintelligible character of parts of the text.<sup>3</sup> The seeming confusion of the text led Torrey to argue that “The text of the passage is, unfortunately, very corrupt (in vs. 15.16, beyond all remedy).”<sup>4</sup> Because of the difficulty, a plethora of theories and solutions have been suggested in attempt to elucidate the text. Many besides Torrey have suggested that the text is corrupt and they have proposed emendations to the MT, either through repointing or through the adding, subtracting or replacement of consonants. Others have argued that the text’s confusion is due to redactions. I will demonstrate that the difficulty of the text is due not to scribal accidents or later changes (at least not only), but rather to the compositional techniques employed by the scribal composer. The scribal composer created Mal 2:10–16 as a tapestry of interwoven material—both verbal and thematic—borrowed from older texts. The borrowing, or “reuse,” is demonstrably a result of the scribe’s interpretation of antecedent texts. This distinction is important for this chapter. Unless otherwise

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1 The format and goal of this chapter is similar to that of Karl William Weyde’s book *Prophecy and Teaching*. In the places where our opinions overlap I make careful note. I differ from Weyde in my understanding of how older material was incorporated into new texts and because I do not argue that Malachi was influenced by “traditions.”

2 See for example G. P. Hugenberger, *Marriage as a Covenant: A Study of Biblical Law and Ethics Governing Marriage Developed from the Perspective of Malachi* (Supplements to Vetus Testamentum LII; Leiden: E. J. Brill, 1994) 1. Hugenberger presents an excellent overview of previous scholarship on these verses throughout his book and I recommended it for a more rigorous survey of grammatical and referential difficulties.

3 See for example Hvidberg who notes: “But nothing definite can be said about Verses 15 and 16, the text being completely unintelligible in these.” F. F. Hvidberg, *Weeping and Laughter in the Old Testament: A Study of Canaanite-Israelite Religion* (Leiden: E. J. Brill, 1962) 123.

4 C. C. Torrey, “The Prophecy of ‘Malachi’”, *JBL* 17 (1898) 1–15, on p. 9.