

THE DECALOGUE IN PSEUDO-PHO CYLIDES AND SYRIAC MENANDER:
'UNWRITTEN LAWS' OR DECALOGUE RECEPTION?

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1 *Introduction*

1.1 *The Issue at Stake*

What we know as the second table of the Decalogue and what we know as wisdom literature both deal with universal wisdom. A formula such as 'you shall not kill' can emerge in either corpus without interdependence—and we have numerous examples.¹ Human life is a universal value, and the simplest means of expressing the defence of life is this apodictic prohibition on killing.² The other Commandments of the second table may be viewed similarly.

Many of the Commandments in the second table also occur in what are known as unwritten laws in classical Greek writings. When we read early Jewish wisdom literature and surmise that the Decalogue is quoted or alluded to, we must always ask whether this is really the case. The allusion may well be to a Greek unwritten law. Or possibly the author wants to refer to both corpuses, thus satisfying Jews and non-Jews or Hellenized Jews.

For the first table of the Decalogue, with its more particularistic commandments, distinguishing echoes in other texts is not so problematic. However, the first table is hardly referred to in early Jewish literature—or, incidentally, in the New Testament, which has more echoes of the second table. However, compared to the bulk of Jewish Second Temple literature, echoes of the Decalogue in early Jewish literature are rather marginal.³

¹ See, for example, Aristotle, *Rhet.* 1.13.1373b2, where he deals with general or unwritten law and refers to Empedocles (*Aristotle, On Rhetoric: A Theory of Civic Discourse* [trans. George Alexander Kennedy, New York: Oxford University Press, 2nd edn, 2007]): 'And, as Empedocles says about not killing a living thing,

'Tis not just for some and unjust for others,
but the law for all, it extends without a break
Through the wide-ruling ether and the boundless light.'

² See, on the prohibition against killing, Hermut Löhr and J. Cornelis de Vos (eds.), *'You Shall Not Kill': The Prohibition to Kill as a Norm in Ancient Cultures and Religions* (Supplements to the Journal of Ancient Judaism; Göttingen: Vandenhoeck & Ruprecht [forthcoming]).

³ Ulrich Kellermann invented the term 'Dekalogschweigen' (Decalogue silence) for this; see his 'Der Dekalog in den Schriften des Frühjudentums: Ein Überblick', in Henning Graf Reventlow (ed.), *Weisheit, Ethos und Gebot: Weisheits- und Dekalogtraditionen in der Bibel und im frühen Judentum* (Biblich-theologische Studien, 43; Neukirchen-Vluyn: Neukirchener, 2001), pp. 147-

Before considering the principal question of what criteria we have for isolating Decalogue quotations and allusions, we have to deal with the unwritten laws.⁴ What are unwritten laws? Unwritten laws are, simply put, laws that are not written. This statement is, however, misleadingly straightforward. First of all, we know that there was a concept of unwritten laws because they are referred to in Greek classical literature, and some have since been written down. Secondly, there are opposing concepts of unwritten laws. Thirdly, what does ‘unwritten’ mean? Does it mean that there is some sort of canon with laws that are deliberately not written down? Or do the unwritten laws simply comprise all the laws that do not happen to have been recorded?⁵

To begin with the second point: Aristotle had two concepts of unwritten laws—although, it must be said, he did not acknowledge this discrepancy.⁶ In ch. 10 of the first book of *Rhetorica* he distinguishes specific law (ἴδιος νόμος) and common law (κοινὸς νόμος), and equates the unwritten law with the latter. The unwritten or general law consists of ‘whatever...seems to be agreed to among all’.⁷ In chap. 13 Aristotle again divides the law into specific and common law. He designates specific law as ‘being what has been defined by each people in reference to themselves’.⁸ However, he then subdivides the specific laws into written and unwritten. Thus he restricts the unwritten laws to

226 (169); cf. Frank-Lothar Hossfeld and Klaus Berger, ‘Dekalog’, in *Neues Bibel-Lexikon* (Zürich: Benziger Verlag, 1991), I, pp. 400-405 (402). This evaluation, however, is too radical—as Kellermann’s very exposition of Decalogue echoes in early Jewish literature shows. There are plenty of Decalogue echoes in the Jewish literature of the Second Temple period—even more than those dealt with by Kellermann. The most obvious one can be found in 4 Macc. 2.5-6: ‘The Law says: “You shall not covet the wife of your neighbour, nor that which belongs to your neighbour ...”.’ Other references can be found in the works of, among others, Philo of Alexandria, Josephus, Pseudo-Philo, Jesus Sirach, Aristobulus, Pseudo-Aristeas, Pseudo-Phocylides, Pseudo-Orpheus (recension C), Pseudo-Menander or Syriac Menander, and Pseudo-Menander in the Dramatist Gnomologion; see, further, the writings *Joseph and Aseneth*, the *Apocalypse of Abraham*, and the so-called *Hellenistic Synagogal Prayers* in the *Constitutiones apostolorum* 7-8; see my forthcoming monograph *Rezeption und Wirkung des Dekalogs bis zum 2. Jahrhundert n. Chr.*

⁴ For a detailed analysis of the concept of ‘unwritten law’ in antiquity, see Martin Ostwald, ‘Was There a Concept of ἄγραφοι νόμοι in Classical Greece?’, in Edward N. Lee, Alexander P.D. Mourelatos and Richard Porty (eds.), *Exegesis and Argument: Studies in Greek Philosophy* (Festschrift Gregory Vlastos; Assen: Van Gorcum, 1973), pp. 70-104.

⁵ Cf. also the discussion in Aristotle, *Rhet.* 1.13.1374a11-14.

⁶ See Ostwald, ἄγραφοι νόμοι, pp. 77-78. Kennedy (*Aristotle, On Rhetoric*, p. 102 n. 227) makes a conjecture in the text of *Rhet.* 1.13.1373b2 in order to avoid the contradiction of 1.10.1368b3.

⁷ Aristotle, *Rhet.* 1.10.1368b3.

⁸ Aristotle, *Rhet.* 1.13.1373b2.

a fraction of the customs and traditions of a state, to that part that is not written down. The common law, in contrast, pertains to ‘that which is based on nature; for there is in nature a common principle of the just and unjust’.⁹ This dichotomy demonstrates that Aristotle had both a more specific and a more universal concept of the unwritten laws;¹⁰ something which can, similarly, be found in early Jewish writings, as I shall show.

1.2 *Criteria for Distinguishing Decalogue Echoes*

The principal question addressed here is whether criteria for distinguishing Decalogue reception in wisdom literature exist. The commonly accepted works on distinguishing scriptural echoes are those by Dietrich-Alex Koch and Richard B. Hays.¹¹ They both deal with the use of Scripture in the writings of Paul, but we can apply their criteria to other scriptural echoes as well.

In *Die Schrift als Zeuge* (‘The Gospel as Testimony’), Koch differentiates four basic forms of scriptural intertextuality:¹² (1) quotation; (2) paraphrase; (3) allusion; and (4) use of biblical language. A quotation is, according to Koch, ‘a conscious transfer of a foreign written (or, more rarely, oral) formulation...that an author has reproduced in his own work, that can be recognized as such’.¹³

Koch helpfully details the various forms of quotation. However, for our topic of Decalogue reception his analysis is less helpful. Where we encounter, for example, the phrase ‘you shall not kill’, it is clear that this is the same wording as in the Decalogue; it is, however, not at all clear that this is a *conscious* adoption of the Decalogue. For the other categories—paraphrase, allusion and biblical language—it is even more difficult to determine if a passage echoes the Decalogue or not. It is also possible for conscious adoption of the Decalogue not to be easily recognizable. The turn of phrase itself does not suffice to associate the passage with the Decalogue.

⁹ Aristotle, *Rhet.* 1.13.1373b2. Further references at Ostwald, ἄγραφος νόμος, p. 72 n. 7.

¹⁰ As Ostwald has demonstrated, there were various concepts of unwritten law in Classical Greece (ἄγραφος νόμος, esp. pp. 99-104).

¹¹ Dietrich-Alex Koch, *Die Schrift als Zeuge des Evangeliums: Untersuchungen zur Verwendung und zum Verständnis der Schrift bei Paulus* (BHT, 69; Tübingen: J.C.B. Mohr [Paul Siebeck], 1986); Richard B. Hays, *Echoes of Scripture in the Letters of Paul* (New Haven: Yale University Press, 1989).

¹² Koch, *Die Schrift als Zeuge*, pp. 10-24.

¹³ ‘[Eine] bewußte Übernahme einer fremden schriftlichen (seltener: mündlichen) Formulierung ... die von einem Verfasser in seiner eigenen Schrift reproduziert wird und als solche erkennbar ist’ (Koch, *Die Schrift als Zeuge*, p. 11).

More useful for the discussion at hand are the seven criteria developed by Hays.¹⁴ They are: (1) *Availability*: ‘Was the proposed source of the echo available to the author and/or original readers?’¹⁵ (2) *Volume*: Hays does not clearly define this concept. He generally uses it to refer to the degree of reception of the pre-text, on the one hand, and to the importance and distinctiveness of the pre-text and its echo in this individual context, on the other. (3) *Recurrence*: how often do words, verses, or longer units from a pre-text recur in the receiving text? (4) *Thematic coherence*: ‘How well does the alleged echo fit into the line of argument...?’¹⁶ (5) *Historical plausibility*: is the intended effect of the echo historically plausible for the one who employs the echo, and could the readers or hearers have understood it? (6) *History of interpretation*: ‘Have other readers, both critical and pre-critical, heard the same echoes?’¹⁷ This requires further discussion, into which I shall not enter here. The last criterion, (7) *Satisfaction*, poses the question: is the intertextual relation satisfactory for the modern reader? This is a rather subjective category, but of no less importance than the others, owing to the difficulty in determining and quantifying intertextual relationships.

2 *The Decalogue in Two Early Jewish Writings*

Everything I have written so far appears to be more or less self-evident. Therefore I would like to give two examples from early Jewish wisdom literature, the sentences of Pseudo-Phocylides and the sentences of Pseudo- or Syriac Menander. In the case of Pseudo-Phocylides it seems to be quite clear that he¹⁸ is alluding to the Decalogue, although the fact that we must go beyond Koch and Hays to prove it makes this a good test case. Isolating echoes of the Decalogue in the sentences of Pseudo-Menander is far more complicated—if it is possible at all. Judging whether or not the Decalogue is rendered can only be done using circumstantial evidence, as if in a court of law. Hays’s criteria help us in that. But, in addition to using his criteria, we have to work through the thoughts and methods of an author of Jewish wisdom whom we suspect may

¹⁴ Hays, *Echoes of Scripture*, pp. 29-32.

¹⁵ Hays, *Echoes of Scripture*, p. 29.

¹⁶ Hays, *Echoes of Scripture*, p. 30.

¹⁷ Hays, *Echoes of Scripture*, p. 31.

¹⁸ Pseudo-Phocylides was a male; see, for example, *Ps.-Phoc.* 2: Φωκυλίδης ἀνδρῶν ὁ σοφώτατος (although ἀνδρῶν instead of ἀνθρώπων could be due to the poetic form of the sentences); besides, teaching wisdom in (early) Judaism was most often reserved to men. Also the Syriac Menander was male; see, for example, v. 246.

have used the Decalogue. If the circumstances speak more for non-dependence than for dependence on the Decalogue, then ‘the accused is discharged’.

2.1 *Pseudo-Phocylides: A Clear Example of Decalogue Reception*

An unknown author has bequeathed to us a compilation of gnomic sentences in hexameters. He pretends to be the famous poet Phocylides of Miletus from the sixth century BCE. In reality, according to the *communis opinio*, the author was a Jew who lived between 50 BCE and 50 CE. The sentences of this Pseudo-Phocylides resemble the traditional biblical wisdom found in Proverbs, Sirach and the Wisdom of Solomon.¹⁹

Immediately after the prologue of his compilation (vv. 1-2), a subsequent section of text reminds us strongly of the Decalogue:

Pseudo-Phocylides 3-8 ²⁰		Exod. 20.2-17; Deut. 5.6-21	
3	Μήτε γαμοκλοπέειν, μήτ' ἄρσενα Κύπριν ὀρίνειν, Commit not adultery nor rouse homosexual passion,	οὐ μοιχεύσεις. You shall not commit adultery.	20.13 5.17
4	μήτε δόλους ῥάπτειν, μήθ' αἵματι χεῖρα μιαίνειν. stitch not wiles together nor stain your hands with blood.	οὐ φονεύσεις. You shall not murder.	20.15 5.18

¹⁹ See, for introductory questions, Pascale Derron (ed.), *Les Sentences du Pseudo-Phocylide: Texte, traduction, commentaire* (Collection des universités de France; Paris: Les Belles lettres, 1986), pp. vii-cxvi; Pieter Willem van der Horst, *The Sentences of Pseudo-Phocylides: With Introduction and Commentary* (SVTP, 4; Leiden: E.J. Brill, 1978), pp. 55-83; *idem*, ‘Pseudo-Phocylides’, in *OTP*, II, pp. 565-82; Max Kähler, *Frühjüdische Weisheitstraditionen: Zum Fortgang weisheitlichen Denkens im Bereich des frühjüdischen Jahweglaubens* (OBO, 26; Freiburg: Universitätsverlag, 1979), pp. 301-18; Johannes Thomas, *Der jüdische Phokylides: Formgeschichtliche Zugänge zu Pseudo-Phokylides und Vergleich mit der neutestamentlichen Paränese* (NTOA, 23; Freiburg: Universitätsverlag, 1992), pp. 1-22; Nikolaus Walter, ‘Poetische Schriften: Pseudepigraphische jüdisch-griechische Dichtung: Pseudo-Phokylides, Pseudo-Orpheus, Gefälschte Verse auf Namen griechischer Dichter’, in Hermann Lichtenberger (ed.), *Jüdische Schriften aus hellenistisch-römischer Zeit*, IV/3 (Gütersloh: Gütersloher Verlagshaus, 1983), pp. 182-96; Walter T. Wilson, *The Sentences of Pseudo-Phocylides* (Commentaries on Early Jewish Literature; Berlin: W. de Gruyter, 2005), pp. 3-41.

²⁰ Text Derron (ed.), *Les Sentences du Pseudo-Phocylide*; trans. van der Horst, *The Sentences of Pseudo-Phocylides*.

5	Μὴ πλουτεῖν ἀδίκως ἀλλ' ἐξ ὀσίων βιοτεύειν.	οὐ κλέψεις.	20.14 5.19
	Do not become unjustly rich, but live from honourable means.	You shall not steal.	
6	Ἄρκεῖσθαι παρ' ἐοῖσι καὶ ἀλλοτρίων ἀπέχεσθαι.	οὐκ ἐπιθυμήσεις τὴν γυναῖκα τοῦ πλησίον σου ...	20.17 5.21
	Be content with what you have and abstain from what is another's.	You shall not covet your neighbour's wife...	
7	ψεύδεα μὴ βᾶειν, τὰ δ' ἐτήτυμα πάντ' ἀγορεύειν.	οὐ ψευδομαρτυρήσεις κατὰ τοῦ πλησίον σου μαρτυρίαν ψευδῆ.	20.16 5.20
	Tell not lies, but speak always the truth.	You shall not bear false witness against your neighbour.	
8	Πρῶτα θεὸν τιμᾶν, μετέπειτα δὲ σεῖο γονῆας.	[20.2-11; 5.6-15] [20.12; 5.16]	
	Honour God first and foremost, and thereafter your parents.		

The thematic similarity to the Decalogue in these verses of Pseudo-Phocylides is clear. It is also obvious that there are a few dissimilarities as well. I begin with the dissimilarities:

- No single word in these verses, apart from conjunctions and prepositions, matches a word from the Decalogue.
- Pseudo-Phocylides uses the stylistic device of the *paralellismus membrorum* for the Decalogue Commandments of the second table.
- The order in Pseudo-Phocylides is different from that in the Decalogue in three cases:
 - o The first three verses (3-5) have the order adultery–murder–theft, deviating from the order in the Hebrew versions of the Decalogue.
 - o The prohibition on coveting appears before the prohibition on lying, which differs from the Decalogue.²¹

²¹ In fact, the Decalogue Commandment is not about lying, but about false witness. On the theme of lying in the Jewish tradition see David Gregory Monaco, *The Sentences of the Syriac Menander: Introduction, Text and Translation, and Commentary* (Gorgias Studies in Classical and Late Antiquity; Piscataway, NJ: Gorgias Press, 2012]), p. 140-41.

- The first table comes after the second. In other words, to honour God appears after the ethical Commandments, and the same applies to the Commandment to honour one's parents.
- In verse 8 the first part of the Decalogue is summarized, whereas in the preceding verses, except for verse 6, every Commandment is dealt with in more detail.
- A closer look at both texts reveals that the themes do not match exactly, or even slightly, and that there are additional items to those found in the Decalogue (prohibitions on homosexuality and on unjust wealth).

Despite the dissimilarities, I consider this text to be a clear allusion to the Decalogue; in Hays's terms, the volume of the echo is very high. All the differences can be explained by the form of the compilation and by its intention. Putting myself in the position of the author of the verses: how would I process the Decalogue?

To begin with the *form*: the sentences of Pseudo-Phocylides are written in hexameters. This explains many deviations from the wording of the Decalogue. How could the author express 'you shall not commit adultery' in his own poetic style? Οὐ μοιχεύσεις did not suffice for a hexameter.²² Therefore he used μήτε γάμοκλόπεϊν, literally 'do not steal matrimony', to fill half of his hexameter. This is a satisfactory and suitable equivalent to 'you shall not commit adultery'. Then he added the phrase μήτ' | ἄρσενᾶ | Κυπρῖν ὀρῖνεῖν in order to complete his hexameter. Considering this, the shape of the remaining verses becomes clear. The author had to expand the short commandments and, conversely, shorten the rather long prohibition on coveting the neighbour's wife, house and so on.

Now to the *themes*: although there is no correspondence between the individual words used, the question is whether there is a thematic correspondence between the sentences of Pseudo-Phocylides and the Decalogue. As already pointed out, γάμοκλόπειν in the first half of v. 3 is a satisfying equivalent for μοιχεύειν. However, the parallel in the second half of the verse, with its prohibition on arousing homosexual passion, expresses a completely different idea: an idea that does not occur in the Decalogue. Why did the author

²² It is too short and has four long syllables. As Pseudo-Phocylides liked the infinitive in order to express a commandment, he could have written μήτε μοιχεύειν or μήτε μοιχεύεειν. For the so-called imperatival infinitive, which occurs throughout in vv. 3-8 and also elsewhere in *Pseudo-Phocylides*, see Küchler, *Frühjüdische Weisheitstraditionen*, pp. 266-70, esp. 270. However, this did not yield enough syllables either and also has too many long syllables.

add this? First of all, more content was needed for his hexameter; it is worth noting that each Commandment of the second table has its own hexameter. Secondly—and now I come to the point of transculturation—there is an obvious intention of placing the arousing of homosexual passion in the same category as adultery for the audience. This audience probably consisted of non-Jews from the Hellenistic–Roman world. In this world homosexuality was more accepted than among Jews, although definitely not by all.²³ For Pseudo-Phocylides, as a Jew, it was a serious problem. He tried to convince his audience by means of transculturation, first by using the name Phocylides and secondly by using the metonym *Κύπρις* from Hellenistic imagery to denounce ‘love’. For Pseudo-Phocylides the only permissible sexual relationship was that between husband and wife and—as becomes clear later in his compilation—the only legitimization of sex was procreation (vv.175-206, esp. 175). Moreover in other early Jewish writings adultery is linked with homosexuality or, in general, with sexual behaviour considered to be abnormal.²⁴ For us it is very interesting that Pseudo-Phocylides—as well as Philo and Josephus²⁵—used the Decalogue to inculcate this additional prohibition.

The syntactical relationship between the two stances, and therefore between the prohibition of adultery and that of homosexual relations, is not directly clear. Is it synonymous, synthetic, antithetic or climactic? In the first two instances we actually have one prohibition; in the two last instances we have two prohibitions. The other hexameters do not help us to determine a scheme in the relationship between the two halves of each verse. Verse 4 seems to consist of synonymic parallels, v. 5 of antithetic parallels and v. 6 of synthetic parallels, while v. 7 returns to antithetic parallels. Another possibility is the relationship of general to specific. It is possible that Pseudo-Phocylides worked just like Philo of Alexandria, who used the Commandments of the Decalogue as general headings and subsumed all the other prescriptions of the Bible as specific laws.²⁶ Pseudo-Phocylides would, then, start with the general prohibition of adultery and add the specific prohibition of homosexuality. This only applies for v. 3a compared to 3b with its additional prohibition. However, all the items in this

²³ See the literature in Wilson, *The Sentences*, pp. 79-80 n. 25.

²⁴ See the references in Wilson, *The Sentences*, 79. See below for the role of Lev. 18–20 in this tradition.

²⁵ Wilson (*The Sentences*, p. 79, n. 23) refers to Philo, *Hypothetica* 7.1; cf. *Abr.* 135-36; *Spec. leg.* 2.50; and Josephus, *Apion* 2.199, 215, cf. 201.

²⁶ See Yehoshua Amir, ‘The Decalogue According to Philo’, in Ben-Zion Segal and Gershon Levi (eds.), *The Ten Commandments in History and Tradition* (Publications of the Perry Foundation for Biblical Research; Jerusalem: Magnes Press, 1990), pp. 121-60.

summary of the Decalogue return in the remaining parts of the compilation.²⁷ *Ps-Phoc.* 3-8 functions as a *propositio* that presents the themes of the consecutive text, functioning as a *probatio*.²⁸ In terms of the status of the Decalogue, and irrespective of the relationship of the parallels in the *parallelismus membrorum*, this means that it is some sort of constitution for all the moral advice that follows.

What about the deviation in order in *Ps.-Phoc.* 3-8? The sequence adultery–murder–theft in the first three verses (3-5) is different from the Masoretic versions of, respectively, Exod. 20.13-15 and Deut. 5.17-19; they both read murder–adultery–theft. However, *Ps.-Phoc.* 3-5 is in alignment with the Septuagint version of Deut. 5.17-19.²⁹ Moreover, it could even be inappropriate to speak about a deviating order, for the sequence of the short commandments seems to be rather fluid in antiquity. Four of the six possible sequences occur in the testimonies.³⁰

That the author should alter the order between the prohibition of lying and of coveting has an inner logic. He connected the Commandment not to steal with the Commandment not to covet, which he altered to make it a Commandment to be self-sufficient ‘and to abstain from what is another’s’. Such a disposition safeguards against the temptation to steal and to covet.³¹ By connecting not lying with honouring God and parents, Pseudo-Phocylides stressed the veracity of this honour.

How to explain the reversal of the tables? To honour God and to honour one’s parents summarizes the first table and appears after the ethical commandments.³² It is likely that in the early Jewish period the Commandment

²⁷ See the list in Wilson, *The Sentences*, p. 77: *Ps.-Phoc.* 3: cf. 67, 177-82, 190-91, 213-14; 4: cf. 32-34, 57-58; 5: cf. 42-47, 61-62; 6: cf. 18, 70-74, 135-36, 154; 7: cf. 12, 16-17, 48-50, 8: cf. 53-54, 106, 111, 179-80, 220-22.

²⁸ For the designations *propositio* and *probatio* see Wilson, *The Sentences*, pp. 76-77.

²⁹ The corresponding text in Exod. 20.13-15 has the order adultery–theft–murder; see note 30 below.

³⁰ (1) *Murder–adultery–theft*: Exod. Masoretic Text (MT), Vetus Latina (VL); Deut. MT, VL; Josephus, *Ant.* 3.92; *Apoc. Abr.* 24.4-6; Mt. 19.18; Mk 10.19; (2) *murder–theft–adultery*: no testimony; (3) *adultery–murder–theft*: Nash Papyrus; Deut. LXX; Philo, *Rer. div. her.* 173; *Dec.* 36, 51; *Ps.-Phoc.* 3-5; Lk. 18.20; Rom. 13.9; cf. *LAB* 11.10-13 and Jas 2.11 which have the order adultery–murder; (4) *adultery–theft–murder*: Exod. LXX; *Ps.-Men.* 9-10; (5) *theft–murder–adultery*: *LAB* 44.6, 7; (6) *theft–adultery–murder*: no testimony.

³¹ See Wilson, *The Sentences*, pp. 80-81 (81).

³² See, for the Commandment to honour one’s parents in the sentences of Pseudo-Phocylides, Harry Jungbauer, ‘Ehre Vater und Mutter’: *Der Weg des Elterngebots in der biblischen Tradition* (WUNT 2/146; Tübingen: Mohr Siebeck, 2002), pp. 212-16.

to honour one's parents was thought to belong to the first table. Philo of Alexandria amply explains that parents recreate God's creation by procreating children (*Dec.* 10-120). In his view, parents are God-like and that is why they belong to the first table.³³ The outline of the summary of the Decalogue in *Pseudo-Phocylides* would also sustain this hypothesis—although it must be noted that this is a circular argument.

The whole compilation begins with the words 'These counsels of God by His holy judgments Phocylides the wisest of men sets forth, gifts of blessing' (*Ps-Phoc.* 1-2). Pseudo-Phocylides aims to give βουλεύματα, 'counsels'. These counsels are as moral in nature as the content of the compilation.³⁴ This is the reason why Pseudo-Phocylides begins immediately—after the prologue—with the counsels.

The author summarized the commandments in relation to God because they are the most specific. Doing otherwise would have betrayed his Jewishness and hindered his intended persuasive effect on non-Jews.³⁵ Incidentally, this could also be the reason that Pseudo-Phocylides did not immediately begin his compilation with a sentence about God. The combination of reverence for God and for parents does not only occur in Jewish wisdom literature but also in the so-called unwritten laws.³⁶ Additionally, it is one of the most frequently

³³ However, as I said, this is likely, but not certain. Philo of Alexandria liked symmetry, and that could have been the reason for his dividing the tables of the Decalogue into two sets of five (*Dec.* 50–51). Whether or not the Commandment to honour one's parents belonged to the first table, the fact remains that the first part of the Decalogue appears after the second part in *Pseudo-Phocylides*; see further Jungbauer, 'Ehre Vater und Mutter', pp. 217-30.

³⁴ Also the last two verses show that the compilation deals with moral issues. They say: 'These are the mysteries of righteousness (δικαιοσύνης μυστήρια); living thus may you live out a good life, right up to the threshold of old age' (*Ps.-Phoc.* 229-30). Verses 1-2 together with 229-30 form the so-called σφραγίς of the composition; see van der Horst, *The Sentences of Pseudo-Phocylides*, pp. 107, 109-10, 260; Walter T. Wilson, *The Mysteries of Righteousness: The Literary Composition and Genre of the Sentences of Pseudo-Phocylides* (Texts and Studies in Ancient Judaism, 40; Tübingen: J.C.B. Mohr [Paul Siebeck], 1994), pp. 146-77, and his *The Sentences*, pp. 68-69.

³⁵ See, among others, Wilson, *The Sentences*, p. 75.

³⁶ See, for the connection between the two Commandments, Klaus Berger, *Die Gesetzesauslegung Jesu: Ihr historischer Hintergrund im Judentum und im Alten Testament*, I, *Markus und Parallelen* (WMANT, 40; Neukirchen-Vluyn: Neukirchener, 1972), pp. 284-87; Jungbauer, 'Ehre Vater und Mutter', pp. 143-51; and Wilson, *The Sentences*, pp. 82-83.

occurring formulations.³⁷ Thus, the Jew Pseudo-Phocylides manages also here to connect with Greek-Hellenistic traditional items.

To turn to the criteria of Hays:

- *Availability*: for Pseudo-Phocylides, as a Jew, the Decalogue was surely available. Whether the same applies to his addressees cannot be confirmed, although it is not likely.
- *Volume*: there is a high degree of volume in the allusions of *Ps.-Phoc.* 3-8. Each verse refers to a Commandment from the Decalogue and the verses appear in a series. This volume, however, is not apparent for people who are not acquainted with the Decalogue.
- *Recurrence*: all the themes from the summary of the Decalogue recur in the compilation. This is not directly a recurrence of echoes; it is rather an unfolding of the themes addressed in and implied by the Decalogue Commandments.
- *Thematic coherence*: there is, certainly, thematic coherence. All the themes of vv. 3-8 that function as *propositio* recur in the remaining work.
- *Historical plausibility*: it is historically plausible that the author tried to inculcate Jewish morality into non-Jewish addressees—we have enough examples of that in the early Jewish literature.³⁸ It was important, however, that the addressees should not (and in all probability they would not) notice that this was a summary of the Jewish Decalogue.
- *Satisfaction*: yes.

Nevertheless, we have to add two further specifications, both relating to the volume criterion. Looking first at the matter of form, we must consider that poetic form introduces its own complications into the question of scriptural echoes. Secondly, we must consider the matter of pseudonymity. How do we appraise the disguising of scriptural references and an extensive degree of transculturation?

2.2 Syriac Menander: A Questionable Example of Decalogue Reception

³⁷ See the examples in Küchler, *Frühjüdische Weisheitstraditionen*, 244-45; Wilson, *The Sentences*, 75-76.

³⁸ Examples would be Josephus, Philo of Alexandria, Aristobulus, Pseudo-Aristeas, *Joseph and Aseneth*. This does not exclude the possibility that the works could also be meant as an internal corroboration for Jews.

Now, I come to my second example. Some verses in the sentences of the Syriac or Pseudo-Menander could be taken as echoes of the Decalogue.³⁹ Before we consider these verses, I would like to say something about the Syriac Menander himself. Just like Pseudo-Phocylides, Syriac Menander offers a compilation of wisdom sentences. Effectively, all we know for sure is that a person under the name of Menander wrote poetic wisdom sentences, and that we have a text in Syriac.⁴⁰ The remaining introductory questions are very hard to answer.

- *Author*: who was Menander? It is agreed that this was not the famous poet Menander from the fourth/third century BCE.⁴¹ About this Pseudo-Menander we know hardly anything. We only know him through his sentences.
- *Date*: wisdom is hard to date, but there are some hints that point to the period between 150 and 400 CE. This is not a very precise dating. Most scholars are in favour of a dating in the third century CE.⁴²
- *Provenance*: actually, we do not know. Egypt or, more specifically, Alexandria could have been the place where the florilegium was composed. If the sentences were originally written in Greek, then a misunderstanding of νομός, '[Egyptian] district', as νόμος, 'law', could have led to the Syriac translation *pwsqnk* in *Syr. Men.* 365.⁴³

³⁹ There is another Pseudo-Menander; see H. Attridge, 'Fragments of Pseudo-Greek Poets', in *OTP*, II, pp. 821-30 (829-30).

⁴⁰ Syriac text in Jan P.N. Land (ed.), *Anecdota Syriaca*, I (Leiden: E.J. Brill, 1862) pp. 64-73; additions and corrections in William Wright, 'Anecdota Syriaca', *Journal of Sacred Literature and Biblical Record* 3 (1863), pp. 115-30; and Jan P.N. Land (ed.), *Anecdota Syriaca*, II (Leiden: E.J. Brill, 1868), pp. 17-19, 25-26. See, on the edition of Land, Kückler, *Frühjüdische Weisheitstraditionen*, pp. 304-305 (cf. 303-18). See also the recent work of Monaco (*The Sentences of the Syriac Menander*). Further introduction to *Syriac Menander* at T. Baarda, 'The Sentences of the Syriac Menander', in *OTP*, II, pp. 583-90 (584-85).

⁴¹ See, for the sentences of the 'classical' Menander, the edition and translation of Carlo Pernigotti (*Menandri Sententiae* [Studi e testi per il Corpus dei papiri filosofici greci e latini, 15; Florence: Olschki, 2008]).

⁴² Kückler, *Frühjüdische Weisheitstraditionen*, p. 316; Baarda, 'The Sentences of the Syriac Menander', pp. 584-85.

⁴³ Thus Jean-Paul Audet, 'La sagesse de Ménandre l'Égyptien', *RB* 59 (1952), pp. 55-81 (73 n. 1). Audet's argument (p. 77) that 'water' in *Syr. Men.* 3 also points to Egypt is rather unconvincing, as Kückler (*Frühjüdische Weisheitstraditionen*, p. 316) and Baarda ('The Sentences of the Syriac Menander', p. 585) rightly comment. For critique on the νομός-νόμος argument see Monaco, *The Sentences of the Syriac Menander*, pp. 16-31, especially p. 28.

- *Original language*: this is also unknown. Was it Syriac, Aramaic, Greek or Hebrew?⁴⁴ The argument above about a possible mistranslation from Greek into Syriac suggests that Greek must have been the original language—this, however, is no more than a possibility, and the argument is obviously circular.

Having said this, there is a relative consensus that the text stems from the third century CE, possibly from Egypt or Alexandria, and that it was originally written in Greek.⁴⁵

One important question remains: was Pseudo-Menander Jewish or non-Jewish?⁴⁶ The answer depends on our judgment of the content of the sentences. And, of course, with respect to a possible allusion to the Decalogue in his work we have—again—a circular argument. If we suppose him to be Jewish, it is more probable that he alluded to the Decalogue than if we think he was not. There are many parallels in the Jewish wisdom books, Proverbs, Sirach and the sentences of Pseudo-Phocylides which make it likely that the Syriac Menander was Jewish as well.⁴⁷ But the parallels could equally refer to pagan wisdom and not to ‘genuine’ Jewish wisdom.⁴⁸ And there are also parallels with the sentences of the authentic Menander.⁴⁹ It holds true that wisdom is, in general, a universal phenomenon. That is why it is hard to attribute wisdom to specific groups or denominations. Throughout his work Pseudo-Menander displays a monotheistic attitude which speaks in favour of his being Jewish. He also often writes about the reverence that humans owe to the one God. However, he could equally have been Christian, a God-fearer, or even a Hellenist who was sympathetic to monotheism. In contrast, *Syr. Men.* 263-64 speaks about gods in the plural, but

⁴⁴ Baarda, ‘The Sentences of the Syriac Menander’, p. 584. Audet (‘La sagesse de Ménandre’, p. 73 n. 1) and Küchler (*Frühjüdische Weisheitstraditionen*, p. 316) opt for Greek as the original language.

⁴⁵ See, however, Monaco (*The Sentences of the Syriac Menander*, pp. 26-42), who defends Edessa as provenance and Syriac as the original language.

⁴⁶ Arguments in Küchler, *Frühjüdische Weisheitstraditionen*, pp. 313-14, 317-18; and Baarda, ‘The Sentences of the Syriac Menander’, pp. 587-89.

⁴⁷ Thus, Monaco, *The Sentences of the Syriac Menander*, pp. 49-57.

⁴⁸ Baarda, ‘The Sentences of the Syriac Menander’, pp. 586-87.

⁴⁹ See the lists with parallels to biblical and so-called pagan literature at Yury Arzhanov, ‘Quellen und Gesamtkonzeption der syrischen Menander-Sentenzen’, *Simvol* 56 (2010), 340-62 [Russian; German translation: http://rub.academia.edu/YuryArzhanov/Papers/1210776/Beobachtungen_zu_den_Menander-Sentenzen_in_syrischen_Spruchsammlungen; accessed 17 September 2012].

this could merely be a reference to a local cult. Nevertheless, taking all the clues provided in the text together, it is more likely that the author was Jewish than that he was not.⁵⁰

In vv. 9 and 10 we encounter the combination ‘Fear God, and honour [your] father and mother’.⁵¹ This combination resembles the one in Pseudo-Phocylides 8.⁵² Just as in Pseudo-Phocylides, this could be a summary of the first table. However, in the lines preceding vv. 9-10, Pseudo-Menander praises productivity and procreation (*Syr. Men.* 2-8). In the lines following our verses, Pseudo-Menander exhorts his addressees to honour those who are before them, that is, people who are older than them (*Syr. Men.* 11-14). Within this context, ‘fear God, and honour [your] father and mother’ means in paraphrase: fear God, who is the cause and at the beginning of all; honour your parents, who are the cause and at the beginning of yourself. *Syr. Men.* 9-10 is concerned with the acknowledgment of all who are prior. In line 13, indeed, Pseudo-Menander says it explicitly: ‘Honour him who is older than you’.⁵³ This is of no concern for the Decalogue in its original meaning. The Commandment to honour one’s parents (Exod. 20.12; Deut. 5.16) related in its initial setting to securing the livelihood of elderly parents by their children.⁵⁴ But, of course, the interpretation of Pseudo-Menander could reflect a contemporaneous understanding of this Commandment. Both references to that which is earlier or those who are older⁵⁵ as well as the combination of reverence for God and parents frequently occur in the unwritten laws, as already stated.

Nevertheless, Pseudo-Menander could be alluding to the Decalogue, or could be *also* alluding to the Decalogue. After the verses about parents, the

⁵⁰ With Baarda, ‘The Sentences of the Syriac Menander’, p. 589.

⁵¹ The verse numbering is from Baarda (‘The Sentences of the Syriac Menander’), who lists divergent numberings in the margin. The translation leans on Baarda and on Friederich Schulthess, ‘Die Sprüche des Menanders’, *ZNW* 32 (1912), pp. 199-224. Schulthess translates *Syr. Men.* 9-10 with ‘Vor allem sollst du Gott fürchten ...’ (p. 202). However, Baarda (‘The Sentences of the Syriac Menander’, p. 592) judges ‘vor allem’ (‘especially’) to belong to the preceding saying.

⁵² The difference from Pseudo-Phocylides is that the latter has the wording ‘honour God’ (θεὸν τιμᾶν; for this combination see Jungbauer, ‘Ehre Vater und Mutter’, pp. 143-51), whereas Pseudo-Menander has ‘fear God’ (*mn ’lw’ lmdhl*). The verb *dhl* has, in collocation with ‘God’, in general the meaning ‘to worship’; see Jessie Payne Smith (ed.), *A Compendious Syriac Dictionary: Founded upon the Thesaurus Syriacus of R. Payne Smith* (Eugene, OR: Wipf & Stock, 1999), pp. 88-89.

⁵³ Cf. also the so-called epitome of Syriac Menander, 2-4.

⁵⁴ Jungbauer, ‘Ehre Vater und Mutter’, pp. 80-87.

⁵⁵ See the parallels at Baarda, ‘The Sentences of the Syriac Menander’, p. 592.

admonition ‘you shall not murder’ appears (*Syr. Men.* 15), following the same order as the Decalogue.⁵⁶ However, after ‘you shall not murder’ there are admonitions to honour one’s parents again (*Syr. Men.* 20-24), which disrupt the order of the Decalogue. There are more reminiscences of Decalogue themes in *Syriac Menander*. To honour God recurs in *Syr. Men.* 123 and 361; to honour one’s parents, in addition to vv. 20-24, in vv. 82-98, 211-12, 359 and 364-67 (cf. 345-46); the theme of adultery in vv. 45-46, 240-47 and 347-51; theft in vv. 51, 145-47, 154-56, 158, 248-49, 295-96; and false witness in v. 144. *Syr. Men.* 145-47, dealing with possessions and theft, could also be an allusion to the last Commandment of the Decalogue.⁵⁷ The theme of murder does not recur after vv. 15-19; however there is a warning against killing in v. 159. It is, thus, likely that all, or almost all, the Commandments of the Decalogue recur in *Syriac Menander*. Just as in the sentences of Pseudo-Phocylides, the first table is summarized by the double Commandment to fear or honour God and one’s parents—the Commandment to honour one’s parents probably belonged to the first table in the Second Temple period, as previously stated. However, it is obvious that there is no clear Decalogue structure.⁵⁸ In contrast with Pseudo-Phocylides, alleged allusions to the Decalogue are scattered all over the work of Pseudo-Menander. Additionally, the themes of adultery and theft reappear more than once.

Let us apply Hays’s criteria to the sentences of the *Syriac Menander* in relation to Decalogue echoes:

- *Availability*: if Pseudo-Menander was a Jew, he was surely acquainted with the Decalogue; if he was not, he could have been acquainted with it.
- *Volume*: there are a couple of possible echoes of the Decalogue; however, there is no *series* of Decalogue echoes, and there is no clear Decalogue structure.
- *Recurrence*: all the themes of the Decalogue echoes recur in the compilation.
- *Thematic coherence*: *Syriac Menander* deals with moral sentences which are more or less clustered. The thematic coherence lies in the morality that connects the second table of the Decalogue with his work.

⁵⁶ Thus Berger, *Die Gesetzesauslegung Jesu*, p. 306. He points to a traditional connection with Gen. 9.6. This means that the punishment for bloodshed is the death penalty (*Syr. Men.* 18-19).

⁵⁷ See especially the list of themes in Pseudo-Menander in Küchler, *Frühjüdische Weisheitstraditionen*, pp. 307-308.

⁵⁸ Berger, *Die Gesetzesauslegung Jesu*, pp. 265-66, simply postulates, without further discussion, that *Syriac Menander* does not allude to the Decalogue.

- *Historical plausibility*: we do not know. As with respect to Pseudo-Phocylides, the hearers/readers would probably not identify Pseudo-Menander as a Jew—if he was a Jew.
- *Satisfaction*: Barely.

We may now change our assumptions and suppose that Pseudo-Menander was a Jew and wanted to capture the Decalogue in his wisdom compilation for non-Jews. As with Pseudo-Phocylides he would not want to betray his Jewishness. If we take the wording ‘fear God and honour [your] father and mother’ as a summary of the first table, then, as already said, all or almost all the Commandments of the Decalogue appear, spread broadly over the whole compilation. Is this likely? No, not really. The echoes of the Decalogue are too faint, and there are too many sections dealing with customary wisdom items such as eating and drinking; behaviour towards spouses, children, neighbours, rich and poor people; and coping with death.

Therefore, my guess is—and it is no more than a guess—that the Decalogue belonged to the cultural memory of Pseudo-Menander and of Jews in general in antiquity. It is very possible that Pseudo-Menander quoted from this tradition without directly pointing to the Decalogue. For him the prescriptions of the Decalogue were just as universal as the prescriptions of the unwritten laws, which is why he was able to merge them.

We know from other sources that the prescriptions of the Decalogue and other texts were conflated in antiquity. I shall go back a little before I return to the work of Pseudo-Menander. Already in the work of Pseudo-Phocylides we can observe a merging of the Decalogue with other traditions. Karl-Willem Niebuhr has shown that almost every verse of *Ps.-Phoc.* 3-8, the text we looked at, has counterparts in Lev. 19; the only exception is v. 3b, which has parallels in Lev. 18 and 20.⁵⁹ It is very possible that the two Decalogue versions coalesced with the Decalogue-like chapter of Lev. 19.⁶⁰ In turn, this amalgamated Decalogue (Exod. 20/Deut. 5/Lev. 19) was, via Lev. 19, connected with Lev. 18 and 20. Both these latter chapters deal with sexual prescriptions, a theme that is very present in early Jewish writings, especially in wisdom literature. In many writings, every form of (what was seen as) abnormal sexual behaviour is condemned. Philo of Alexandria uses the Decalogue prohibitions on adultery

⁵⁹ Karl-Wilhelm Niebuhr, *Gesetz und Paränese: Katechismusartige Weisungsreihen in der frühjüdischen Literatur* (WUNT, 2/28; Tübingen: J.C.B. Mohr [Paul Siebeck], 1987), pp. 15-20.

⁶⁰ Niebuhr, *Gesetz und Paränese*, 20. For Lev. 19 and 18 as a background to various verses in Pseudo-Phocylides, see Thomas, *Der jüdische Phocylides*, 57-102, 161-70.

and coveting one's neighbour's wife as a summary or heading under which to describe such behaviour in detail.⁶¹ If we assume that Pseudo-Phocylides did the same, we can understand why he connected the prohibition on adultery with the prohibition on homosexuality (*Ps.-Phoc.* 3) that can be found in Lev. 18.22 and 20.13. A further prominent theme in Lev. 18–20 is respectful behaviour towards the parents (Lev. 19.3; 20.9), including many rules pertaining to sexual behaviour towards relatives of the father and/or the mother.

Did Pseudo-Menander also depend on this amalgamated Decalogue tradition? This is very possible. If he really was a Jew, the Decalogue belonged to his cultural memory and was at the same time the receptacle for prescriptions judged to be equally normative. That many of these sentences can also be found in the so-called unwritten laws presented a challenge to Jewish writers. They could either show that they, in fact, belonged to the Decalogue tradition (Pseudo-Phocylides, Philo of Alexandria)⁶² or, in the case of Pseudo-Menander, merge the extended Decalogue with the Greek-Hellenistic unwritten laws. Pseudo-Menander used this amalgamated tradition without exactly knowing what came from where. The common denominator is that all the prescriptions were regarded as universal and apprehensible for all humans. Of course, this hypothesis must remain speculative as it cannot be proved, only surmised.

3. *Conclusions*

For Pseudo-Phocylides, and probably also for Pseudo-Menander, the Decalogue was so important that it was used to present Jewish wisdom in a Hellenistic disguise. In the work of Pseudo-Phocylides this is more or less explicit, and he clearly uses the wording of the Decalogue for his transculturation. In the work of Pseudo-Menander, the Decalogue seems to have gained the same status as universally apprehensible unwritten law and seems to belong to the author's cultural memory. In both works the 'written laws' are, in a somewhat Aristotelian way, the law of God for Jews of which the Decalogue is the summary and, at the same time, the unwritten universal law (κοινὸς νόμος) that they wanted to instil into their non-Jewish neighbours.

⁶¹ See, for example, Philo, *Dec.* 121-31, 168-69, and *Spec. leg.* 3.7-82.

⁶² Philo of Alexandria even consciously begins his work *De Decalogo* with a reference to the unwritten laws of which the Decalogue is only the written version (*Dec.* 1).