

XAPIZOMENOS 'HPΩΔHI: JOSEPHUS' NICOLAUS OF DAMASCUS IN THE *JUDAEAN ANTIQUITIES**

Abstract: Approaching Nicolaus of Damascus in Josephus' *Judaean Antiquities* as first and foremost Josephus' literary creation rather than merely his historical source, this paper explores the complexity of Josephus' representation of Nicolaus both as an historical source and as an historical actor in the *AJ*, and argues that it is largely determined by Josephus' political aims (pro-Judaean apologetic and ethical protreptic) and rhetorical techniques. This results in a discrepancy between Josephus' tone toward Nicolaus in the earlier portion of the *AJ* and in the account of Herod, in which the actor and historian are unified in their negative characterisation as defender and advocate of Herod's interests.

Nicolaus of Damascus, historiographer, philosopher, and ambassador from Herod the Great to Augustus, appears in Josephus' *Judaean Antiquities* (*AJ*) in two distinct capacities: (1) as Josephus' historiographical predecessor and historical source; and (2) as an historical actor and character in Josephus' account of Herod.¹ Most scholarship on Nicolaus in the *AJ* has aimed at reconstructing his fragmentary historical texts and/or understanding Josephus' use of source material, but has rarely investigated Nicolaus' curious double role. The notable exception is Mark Toher's examination of the perceived disparity in tone toward Josephus' two representations of Nicolaus in the *AJ*. Toher argues that Josephus presents Nicolaus as historian negatively, but as actor positively,² and that the apparent disparity results from Josephus' conventional use of historiographical polemic and

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¹ On the dates of Nicolaus' life and works, see Wacholder (1962) 25–6 and Toher (1987) and (2009). In addition to his philosophical writings, he produced a universal history (see Toher (1989) and Alonso-Núñez (1995)), an autobiography (see esp. Toher (2009)), and a life of Augustus (see Bellemore (1984)). The most extensive treatments of Nicolaus' works are Jacoby at *FGrHist* 90 and Wacholder (1962) 14–36. See also Alonso-Núñez (2002) and Parmentier and Barone (2011). For the texts of Josephus' collected works, I have used Niese (1887–95) throughout; all translations are my own.

² Toher (2003).

from his reliance on Nicolaus' history, which he argues via the evidence of the extant fragments was not composed for Herod as a panegyric. I, however, argue that the discrepancy in Josephus' tone toward Nicolaus within the *AJ* is found rather in the narrative context than in the particular mantle that Nicolaus has assumed at a given juncture. Josephus' Nicolaus, whether historian or historical actor, is negatively portrayed in the account of Herod (*AJ* Books 14–17); with reference to non-Herodian material, Nicolaus is presented positively.³ I argue that the disjuncture is explained by Josephus' political aims and historiographical techniques in the *AJ*.

This study aims to move beyond the prevailing scholarly focus on the relationship of Nicolaus to the works of Josephus as exclusively one of source material.⁴ This is by no means to deny the importance of Josephus' works as a point of access to the fragmentary texts of Nicolaus, but rather to explore a different set of questions. Thus I do not here ask what content Josephus has culled from Nicolaus' writings, or in what way he has edited or revised it, but rather I ask how Josephus, who controls his own narrative, chooses to employ a representation of Nicolaus, and for which purposes and to what effect. In this vein, I proceed on the assumption that, regardless of its relationship to any source material, the *AJ* is first and foremost Josephus' own creation. Thus, Josephus' choices of language, narrative structure, and content are his own, necessarily including all manifestations of Nicolaus. I thus analyze the 'where', 'what', and 'how' of Nicolaus with the aim of creating a picture of Josephus' choices, rather than Nicolaus'.

I have organised this study into two parts, the first of which examines Nicolaus in his role as historian in the *AJ*, the second, as actor. Josephus does not explicitly distinguish between Nicolaus' roles as historian and actor; indeed, as my analysis will show, they are not wholly separate. The difference is found, rather, in Josephus' engagement with each representation. Regarding Nicolaus as historian, Josephus is concerned with the reported claims and alleged gaps in Nicolaus' historical writing, and with the author's alleged motivations for those claims and gaps.⁵ Josephus presents Nicolaus'

³ Toher (2009) 66 observes the discrepancy in Josephus' treatment of Nicolaus as historian but reiterates his argument that Josephus depicts Nicolaus as actor in a positive light (*ibid.* 72).

⁴ In the once-dominant source-critical view, Josephus was merely the copyist and compiler of his sources. To cite only a few of the important exponents of this view: Destignon (1882), Hölcher (1904), Laqueur (1920), and Bloch (1879). More recently, D. Schwartz has attempted to revive a source-critical approach (for instance, D. Schwartz (1983a), (1983b), (1987), and (1990), esp. xi–xv). See Mason (2009) 103–37 for a discussion and critique of scholarly approaches to reading Josephus in the past century.

⁵ Josephus only ever directly refers to Nicolaus' history at *AJ* 1.94, 1.159, 7.101, and 12.126–7. This does not entirely rule out the possibility that he had access to either Nico-

historical writing as an entity external to the *AJ*, to which the immediate audience might have some degree of access. Nicolaus, as author, is subject to Josephus' praise or criticism concerning his authorial choices. Indeed, Josephus engages in historical polemic against Nicolaus on two occasions,⁶ an important generic convention by which ancient historians engage with and single out their predecessors.⁷ Josephus also uses Nicolaus to corroborate his own account on various points, thus presenting Nicolaus as an external authority. Even within the framework of historiographical conventions of polemic and citation, Josephus' representation of Nicolaus as historian on all occasions serves Josephus' specific authorial agenda in the *AJ* (see my analysis below). Despite Josephus' presentation of Nicolaus' historical writing as an extra-textual entity, and despite its clear existence, to which other ancient sources testify,⁸ Nicolaus the historian, as we encounter him in the *AJ*, is the product of Josephus' artistic license.

By contrast, in his engagement with Nicolaus as historical actor, Josephus is concerned with showing Nicolaus' participation in history rather than his reporting or interpretation of history. Josephus purports to present his reader with an account of a real historical person, albeit a person who no longer exists and is therefore not even theoretically available to the same degree of independent audience scrutiny as the historian's writing. While Josephus does not, of course, engage in historiographical polemic against Nicolaus the actor, in an important contrast between the two representations, neither does he directly offer any overt judgements of the actor, despite the fact that he frequently does so with other characters in the *AJ*.⁹

laus' autobiography or his *Life* of Augustus, the former of which may have overlapped to some degree with the history in material concerning Herod. Toher (2009) argues that it is likely that Nicolaus' account of Herod in fact occurred in his autobiography and/or in a later addition of his history. Thus, the ambiguity as to which text(s) Josephus has in mind when he does not specify is reflected in my phrase 'Nicolaus' historical writing', or, elsewhere, 'Nicolaus' text'.

⁶ At 14.9 and 16.183–6, discussed below, pp. 94–9.

⁷ On polemic in ancient historiography, see e.g. Marincola (1997) 217–57 with further bibliography. That polemic is a standard feature of ancient historical texts accounts both for its presence in Josephus' representation of Nicolaus as historian and for its absence in the representation of Nicolaus as actor. See also Toher (2003) 434–5 and (2009) for arguments against a literal interpretation of Josephus' critique of Nicolaus.

⁸ Among the other ancient sources on Nicolaus are Plutarch, Athenaeus, the *Suda*, and the Byzantine compilations of Constantinus Porphyrogenitus. See Jacoby, *FGrHist* 90; Wacholder (1962); Lemerle (1986); and Parmentier and Barone (2011).

⁹ Josephus offers frequent commentary on Herod throughout Books 14–17.

While all of Nicolaus' manifestations in the *AJ* pointedly serve Josephus' aims of pro-Judaean apology and ethical protreptic,¹⁰ the execution of these aims produces an apparent disparity in Josephus' tone toward Nicolaus: Josephus gives a positive depiction of Nicolaus as historian on pre-Herodian Judaean history, but once Herod steps upon the stage of history, Josephus presents Nicolaus negatively, now unifying the historian and the actor into a single advocate and defender of Herod's interests, whether through historical writing or historical deed. Josephus achieves this unification by levelling explicit criticisms at Nicolaus as historian while offering a characterisation of Nicolaus as actor congruous with the criticisms of the historian.

1. Nicolaus as Historian

I begin my discussion of Nicolaus as historian by describing two of Josephus' authorial aims in the *AJ*.¹¹ In the service of a sustained apologetic of Judaean customs and traditions, Josephus asserts the validity of Nicolaus' writing on material not pertaining to Herod, with the effect of corroborating and legitimating Josephus' own claims.¹² On the other hand, Josephus uses the strategy of exemplarity (see below) as a means of promoting an ethical imperative in his history. As part of his broader thesis that transgressing Judaean ancestral customs brings disaster, in which Herod is the primary historical *exemplum*, Josephus criticises Nicolaus' allegedly flattering account of Herod. In this section, I argue that Josephus' presentation of Nicolaus as historian is determined by his use of Nicolaus to promote his apologetic and ethical agendas in the *AJ*, which has ramifications for our understanding of Nicolaus' actual historical writing. I use the term 'reference' throughout to indicate any passage in which Josephus directly mentions Nicolaus in his capacity as historian. There are a total of eleven such references in the *AJ*.¹³

¹⁰ See my discussion of Josephus' authorial aims below, §1.1.

¹¹ This is by no means an exhaustive account of the aims of the *AJ*. See especially Feldman (1988) and Mason (1998) and (2012) for a more thorough analysis and for bibliography. In this section, when I refer to 'Nicolaus', I am referring to Nicolaus in his representation as historian, unless otherwise specified.

¹² See Mason (2009) 166–83 for a discussion of the appropriateness of using the term 'Judaean' to translate the Greek *Ἰουδαῖος* in favor of 'Jew' or 'Jewish'.

¹³ These are found at 1.94–5 (*FGrHist* 90 F 72), 1.108 (F 141), 1.158–60 (F 19), 7.101 (F 20), 12.126–7 (F 81), 13.249–52 (F 92), 13.347 (F 93), 14.9 (F 96), 14.68 (F 98), 14.104 (F 97), 16.183–7 (T 12 + F 102). Four of these (1.94–5, 1.158–60, 7.101, and 13.250–2) contain what may be considered direct quotations (that is, on these four occasions, Josephus uses a phrase such as λέγει οὕτως followed by direct speech); I will refer to these as 'quotations' where appropriate.

1.1 Josephus' Authorial Aims

The first of the two authorial aims in the *AJ* that are pertinent to my analysis is an ethical imperative, a standard feature of Graeco-Roman historical texts.¹⁴ Josephus articulates his distinctly protreptic agenda in his proem at 1.14:

τὸ σύνολον δὲ μάλιστά τις ἂν ἐκ ταύτης μάθοι τῆς ἱστορίας ἐθελήσας αὐτὴν διελθεῖν, ὅτι τοῖς μὲν θεοῦ γνώμη κατακολουθοῦσι καὶ τὰ καλῶς νομοθετηθέντα μὴ τολμῶσι παραβαίνειν πάντα κατορθοῦται πέρα πίστεως καὶ γέρας εὐδαιμονία πρόκειται παρὰ θεοῦ· καθ' ὅσον δ' ἂν ἀποστῶσι τῆς τούτων ἀκριβοῦς ἐπιμελείας, ἄπορα μὲν γίνεται τὰ πόριμα, τρέπεται δὲ εἰς συμφορὰς ἀνηκέστους ὅ τι ποτ' ἂν ὡς ἀγαθὸν δρᾶν σπουδάσωσιν.

On the whole, anyone who particularly cares to peruse this history would learn that for those who imitate the purpose of God and do not dare to transgress laws that were so well made, everything turns out unbelievably well, and God-given happiness awaits them as a reward. But, on the other hand, to the extent that they step aside from the thorough observance of these laws, profitable things become difficult and whatever they are eager to do, thinking it good, is turned to incurable misfortune.

Josephus here presents his readers with a principle that governs his history: those who observe Judaeian ancestral laws prosper, but those who do not meet with disaster.¹⁵ He claims that this principle will be evident throughout his history as the prime lesson (μάλιστά τις ... ἂν μάθοι) of the history as a whole (τὸ σύνολον).¹⁶

Josephus' phrases τοῖς ... κατακολουθοῦσι and καθ' ὅσον δ' ἂν ἀποστῶσι imply that Josephus' historical characters will serve as *exempla*, as their deeds and the outcomes of those deeds illustrate the principle that God rewards

¹⁴ This feature is evident already at Thuc. 1.22 and is explicit at Pol. 1.1.2 and Livy, *praef.* 9.

¹⁵ Livy's Camillus expresses a remarkably similar historical principle at Livy 5.51.5, which shows that Josephus' understanding of causation in history has precedent in the Graeco-Roman historiographical tradition.

¹⁶ S. Schwartz (1990) 176 remarks that 1.14 articulates the main theme of the *AJ*. Mason (1998) 80–7 and (2012) holds that presenting and promoting the Judaeian constitution/laws is the primary aim of the *AJ*.

piety and punishes transgression.¹⁷ In none of Josephus' characters is this principle so evident as in Herod the Great, Josephus' ultimate negative *exemplum*, whose flagrant and persistent impieties wreak devastation on both Herod's private affairs and on Judaeen public life, according to Josephus' view. Herod's lawlessness is perhaps his most consistent trait throughout the *AJ*, and Josephus frequently draws out what he claims to be the consequences of Herod's behaviour.¹⁸ Josephus indeed calls Herod a negative *exemplum* in a scene in Book 17 in which a group of Judaeen envoys, speaking before Augustus, accuse Herod (now deceased) of the most extreme degree of atrocity against his own people. They recite a lengthy catalogue of Herod's offenses (17.304–11), ending with the striking claim that, though the Judaeen people had many times been subjected to deportation and exile in the past, no misfortune had ever come upon them so great as Herod himself, whom they call the 'exemplum of oppression' (παράδειγμα ... κακώσεως). The boldness of this accusation, put into the mouth of representatives of the people of Judaea, is readily apparent: Josephus has thus far spent nearly 17 Books narrating the history of the Judaeans, including their various misfortunes, but worst of all, he writes, was Herod himself.¹⁹ The rhetorical strategy of exemplarity has considerable bearing on how we ought to understand Josephus' treatment of Nicolaus' allegedly biased account of Herod.

The second authorial aim that I will discuss is pro-Judaeen apologetic.²⁰ While Josephus does not make such explicit statements about the apologetic purposes of the *AJ* as he does for the *Judaeen War* (*BJ*) and *Against Apion* (*CA*),²¹ the *AJ* is nevertheless written as persuasive argument, and in this vein apologetic strategies are in evidence throughout.²² Josephus' Roman and primarily non-Judaeen audience (see §1.4 below), though characterised in the proem as favourably inclined toward learning about the history and sa-

¹⁷ On the use of *paradeigmata* and *exempla* as a common feature in Graeco-Roman historiography, see Chaplin (2000) 5–11 and Dillery (1995) 127–30.

¹⁸ For instance, at 15.267, Josephus describes how Herod introduced athletic contests in honour of Augustus, which was not customary in Judaea, bringing misfortune upon the entire Judaeen people as a direct result of the transgression.

¹⁹ I demonstrate below, pp. 121–3, that Josephus' authorial voice ultimately endorses the arguments of these envoys against Archelaus, implying that it also endorses the envoys' claims about Herod as well.

²⁰ Feldman (1988) 481 takes apologetic to be the primary aim of the *AJ*.

²¹ Josephus describes the apologetic aim of the *CA* throughout, and of the *BJ* at *BJ* 1.1–8 and *AJ* 1.4.

²² See esp. Feldman (1988) 481–503. Apologetic on behalf of the people-group whose sacred records are recounted is also a distinctive feature of the genre of Greek-language Near Eastern national histories, with which the *AJ* has close affinities. See Momigliano (1975); Sterling (1992) 103–35, 226–310; Rajak (2001) 241–55; and Dillery (2007) and (2011).

cred scriptures of the Judaeans, nevertheless inhabited an intellectual sphere in which there also existed anti-Judaean currents of various stripes.²³ Thus, though the *AJ* is not overtly aimed at countering such discourses, it is nevertheless appropriate for Josephus to write a history that defends against some of the standard anti-Judaean claims with which his audience would likely be familiar. As my analysis will show, one of Josephus' strategies for defending the Judaeans and their way of life is consistently to emphasise their piety. Another strategy is to refer to other intellectuals of the Graeco-Roman historiographical tradition to corroborate, and thereby validate, various elements of Judaean history.²⁴ Several of Josephus' references to Nicolaus function in this capacity.

1.2 Josephus' Criticism of Nicolaus

In keeping with the convention of historiographical polemic, Josephus' accusation of Nicolaus' bias has the specific effect of implying that his own account, by contrast, is unbiased: polemic is an element of historiographical self-definition.²⁵ This section will explore the specific effects and apparatus of Josephus' polemic against Nicolaus and show how they serve Josephus' strategy of exemplarity. Josephus criticises Nicolaus in two passages in the Herod narrative. In each passage, Josephus disputes Nicolaus' presentation of historical fact on the grounds of perceived bias; likewise in each, Josephus' criticism is aimed more directly at Herod himself than at Nicolaus. That both instances of criticism function in the service of Josephus' strategy of exemplarity, as I will show, casts doubt on the veracity of Josephus' claims about Nicolaus' historical writing.

The first polemical passage is found at 14.9, where Josephus first introduces Herod's father Antipater:

Νικόλαος μέντοι φησὶν ὁ Δαμασκηνὸς τοῦτον εἶναι γένος ἐκ τῶν πρώτων Ἰουδαίων τῶν ἐκ Βαβυλῶνος εἰς τὴν Ἰουδαίαν ἀφικομένων. ταῦτα δὲ

²³ The bibliography on anti-Judaean sentiment or anti-Semitism in the Graeco-Roman world is extensive. To cite just a few representatives, see Sevenster (1975), Feldman (1993) 123–87, Schäfer (1997), and Gruen (2002) 41–52. On the relationship of these discourses to Josephus, see esp. Feldman (1988) 494–6 and, for further bibliography, Feldman (1986).

²⁴ As Rajak (2001) 248 observes, it is rare for historians in the Graeco-Roman tradition to cite their predecessors for non-polemical purposes; Josephus' doing so is an inherently apologetic strategy.

²⁵ Marincola (1997) 221–36 on historiography in general, Toher (2003) 434–5 on Nicolaus in the *AJ*.

λέγει χαριζόμενος Ἡρώδη τῷ παιδὶ αὐτοῦ βασιλεῖ τῶν Ἰουδαίων ἐκ τύχης τινὸς γενομένῳ, περὶ οὗ κατὰ καιρὸν δηλώσομεν.

Nicolaus of Damascus, however, says that this man [Antipater] was descended from the first Judaeans who arrived in Judaea from Babylon. But he says these things as a favour to Herod, Antipater's son, who became king of the Judaeans by some chance; I shall explain about him at the proper time.

The word *χαριζόμενος*, with its implication of deliberate flattery, is Josephus' explanation for why Nicolaus allegedly misrepresented the 'facts' of Herod's ancestry and forms the core of Josephus' criticism. Although Josephus is claiming that Nicolaus falsified the particulars of Antipater's lineage, *χαριζόμενος* indicates that he does not frame this alleged falsification as a matter of mere truth-telling versus lying, but as a matter of bias.²⁶ To Josephus, what Nicolaus presents as fact is a function of Nicolaus' own rhetorical aims. Thus, it is Nicolaus' bias that is the object of criticism.

Herod, however, receives the brunt of Josephus' criticism in this passage. Josephus is highly motivated to demonstrate that Herod's life and deeds constitute a full-scale violation of everything Josephus represents as proper adherence to Judaeans customs and laws. The claim that Herod was not a true ethnic Judaeans has the effect of reinforcing this view: Herod violated ancestral customs not only in his atrocities and his so-called Hellenising tendencies but also in the fact that he did not have the proper ancestry required by Judaeans custom to assume the throne.²⁷ Nicolaus' misdeed, in Josephus' view, was merely covering up Herod's violation of ancestral custom, itself the more serious offense. Thus, Herod comes off worse in this passage than does Nicolaus; Josephus' reference to Nicolaus is a means of highlighting Herod's illegitimacy and thus bolstering his presentation of Herod as negative *exemplum*.

That Josephus' criticism of Nicolaus is a springboard for denigrating Herod is even more evident in the second passage. Josephus' criticism here involves Nicolaus' alleged glossing-over of Herod's sacrilegious looting of the

²⁶ This is consistent with the broader Graeco-Roman historiographical tradition, in which the claim to historical truth is understood as a lack of bias, as opposed to the modern concept of historical truth as objective and reflective of reality, as argued by Woodman (1988), Kraus and Woodman (1997) 1–8, and, on Josephus specifically, Mason (2009) 7–15.

²⁷ Deuteronomy 17.14ff. states that only an Israelite may become king. See Stern (1974) 242.

tomb of David and Solomon, which Herod sought to atone for by building a monument at the tomb's entrance. The passage (16.183–6) runs thus:

τούτου καὶ Νικόλαος ὁ κατ' αὐτὸν ἱστοριογράφος μέμνηται τοῦ κατασκευάσματος, οὐ μὴν ὅτι καὶ κατήλθεν, οὐκ εὐπρεπῆ τὴν πράξιν ἐπιστάμενος. διατελεῖ δὲ καὶ τὰλλα τοῦτον τὸν τρόπον χρώμενος τῇ γραφῇ· ζῶντι γὰρ ἐν τῇ βασιλείᾳ καὶ σὺν αὐτῷ κεχαρισμένως ἐκείνῳ καὶ καθ' ὑπηρεσίαν ἀνέγραφεν, μόνων ἀπτόμενος τῶν εὐκλειαν αὐτῷ φερόντων, πολλὰ δὲ καὶ τῶν ἐμφανῶς ἀδίκων ἀντικατασκευάζων καὶ μετὰ πάσης σπουδῆς ἐπικρυπτόμενος, ὅς γε καὶ τὸν Μαρίας θάνατον καὶ τῶν παίδων αὐτῆς οὕτως ὡμῶς τῷ βασιλεῖ πεπραγμένον εἰς εὐπρέπειαν ἀνάγειν βουλόμενος ἐκείνης τε ἀσέλγειαν καὶ τῶν νεανίσκων ἐπιβουλὰς καταψεύδεται, καὶ διατετέλεκεν τῇ γραφῇ τὰ μὲν πεπραγμένα δικαίως τῷ βασιλεῖ περιττότερον ἐγκωμιάζων, ὑπὲρ δὲ τῶν παρανομηθέντων ἐσπουδασμένως ἀπολογούμενος. ἐκείνῳ μὲν οὖν πολλὴν ἄν τις, ὡς ἔφην, ἔχοι τὴν συγγνώμην· οὐ γὰρ ἱστορίαν τοῖς ἄλλοις, ἀλλὰ ὑπουργίαν τῷ βασιλεῖ ταύτην ἐποιεῖτο.

Nicolaus, Herod's historiographer, also mentions this monument, but, because he understood that the deed was unseemly, he does not mention that Herod also entered the tomb. Indeed, he continues to employ this habit in his writing for other things as well. For as he wrote in Herod's kingdom and during his lifetime, so he wrote in a way that was acceptable to Herod and as a service to him. He touched upon only that which brought Herod glory, but obscured many of his egregiously unjust deeds and concealed them with utmost zeal. Because he wished to elevate the death of Mariamne and her children (which Herod so cruelly carried out) to something acceptable, Nicolaus falsely accused her of licentiousness, and the youths of treachery. He continued to praise Herod's just deeds excessively in his writing and to defend his law-breaking zealously. However, one might readily pardon him, as I said, because he did not compose a history for others but a service rendered to the king.

Josephus gives considerably more detail in his characterisation of Nicolaus' account of Herod in this passage than he did at 14.9: he claims that Nicolaus' writing displayed a distinct pattern of covering up for Herod; the verb *διατελεῖν* occurs twice in this context, and Nicolaus' omission of damning historical fact is called a *τρόπος*. He also claims that Nicolaus manifestly employed considerable zeal (*μετὰ πάσης σπουδῆς, ἐσπουδασμένως*) in accomplishing this cover-up. As at 14.9, Josephus quarrels with Nicolaus' description of facts (why Mariamne and her children were executed), and

again Nicolaus' falsifications are explained in terms of his bias (*κεχαρισμένως ἐκείνω ... εἰς εὐπρέπειαν ἀνάγειν βουλόμενος*). It is particularly evident in his use of the terms *ἐγκωμιάζων* and *ἀπολογούμενος* that Josephus understands Nicolaus' account of Herod as rhetorically determined: encomium and apology are categories of rhetoric; thus it is clear that, for Josephus, Nicolaus' decisions about what counts as historical fact are sufficiently explained by these rhetorical aims. Josephus also rationalises Nicolaus' motivations for having such aims: he presents Nicolaus' bias as the logical and necessary consequence of both his location within Herod's kingdom and the fact of his being Herod's contemporary.²⁸ This leads Josephus to the conclusion that Nicolaus ought to be forgiven his bias, because the true culprit, the one who made it a necessity, is Herod. Josephus thus presents Nicolaus as one of Herod's subjects: someone who was oppressed by and vulnerable to Herod's dangerous temperament and therefore incapable of writing *real* history. Thus, Josephus' final verdict on Nicolaus' narrative implicates Herod, which has the effect of furthering Josephus' construction of Herod as negative *exemplum*.

Josephus, however, undermines his criticism of Nicolaus' allegedly too positive account of Herod by tacitly alerting his readers to the possibility that his own presentation of the 'facts' of Herod's life and deeds are equally a function of his own bias or rhetorical aims in writing the *AJ*. This is particularly the case in Josephus' vignette of Herod's desecration of the tomb of David and Solomon at 16.182, which Nicolaus allegedly omitted: while Herod's men are breaking into the tomb, a mysterious fire suddenly engulfs two of them. Josephus qualifies this claim by adding, *ὡς ἐλέγετο*, but the qualification only draws attention to the incredible nature of this event—and so also to the irony that Josephus criticises Nicolaus for failing to report it. Rather, the fire and the death of the guards reinforce Josephus' main theme that God punishes transgressors of piety, and thus Josephus' inclusion of this episode is no less motivated on Josephus' part than Nicolaus' alleged omission of it.

²⁸ There is some textual trouble on this point in 16.184: the above reading—*ζῶντι γὰρ ἐν τῇ βασιλείᾳ καὶ σὺν αὐτῷ*—is Niese's (1887–95) IV.32. Wikgren (1963) 282, on the other hand, has *ζῶν τε γὰρ ἐν τῇ βασιλείᾳ καὶ συνὼν αὐτῷ* ('For as he lived in Herod's kingdom and was his associate'); the Latin version (Niese (1887–95) IV.32 n. 1) has *nam vivente rege et cum eo degens* ('For as the king was still alive and as Nicolaus was his associate'). Both the Latin and Wikgren's reading have Josephus present Nicolaus' bias as the result of his close relationship to Herod, a relationship of either direct association and/or shared residency. In all of these readings, Herod is implicated as responsible for requiring such an attitude from his subjects and associates. Toher (1987), (2003) 446, and (2009), however, argues that Nicolaus in fact composed his account of Herod posthumously.

There are also instances of Josephus' selectively omitting or smoothing over evidence contradicting his presentation of Herod. One example occurs at 19.328–9, where Josephus contrasts Herod's character with that of Agrippa I, Herod's grandson, claiming that Herod lavished money on the temples of foreign cities, whereas concerning his own people 'he did not think a single city of the Judaeans worthy of even the smallest restoration or a gift worth mentioning' (Ἰουδαίων οὐδεμίαν πόλιν οὐδ' ὀλίγης ἐπισκευῆς ἠξίωσεν οὐδὲ δόσεως ἀξίας μνημονευθῆναι). Yet Josephus describes in considerable detail Herod's massive restoration of the temple of Jerusalem at 15.380–402. Herod is indeed known from other ancient evidence, including the archaeological record, to have pursued an ambitious building programme within Judaea, to such an extent that he can be said to have transformed its visual landscape.²⁹

Aside from Toher, scholars have generally tended to reproduce Josephus' accusations of Nicolaus' bias,³⁰ but since Josephus tailors his presentation of particular facts pertaining to Herod to suit his authorial aims, we have grounds for calling into question his presentation of Nicolaus in these two passages. Josephus is willing to contradict himself by describing Herod's restoration of the Jerusalem temple in detail and elsewhere to ignore it completely in order to construct a stark contrast between Herod and Agrippa I. This makes it plausible that he would present Nicolaus' attitude toward Herod in a manner that would not bear scrutiny if we were able to compare it to Nicolaus' actual writing.³¹ Instead, what is clear is that some (at least) of Josephus' historical claims are determined by his rhetorical strategies, and his strategy of turning Herod into the ultimate *exemplum* of transgression and violation of Judaeian customs determines his presentation of material pertaining to Herod, including his claims about Nicolaus' account of Herod.

A look at the generic conventions surrounding historians' relationships to elite rulers gives further insight into Josephus' criticism of Nicolaus. John Marincola has established that some ancient historians, particularly imperial historians, flaunted their proximity to powerful figures in their writing as a

²⁹ On Herod's building projects both within Judaea and without, see in particular, with further bibliography, Roller (1998) and Rocca (2008).

³⁰ This is evident in Wacholder (1962), Schalit (1969), Stern (1974) 242, Richardson (1999) 13, Alonso-Núñez (1995) and (2002) 98–100, and Yarrow (2006) 72. Toher (2003) and (2009) argues against a literal understanding of Josephus' criticism on the grounds that polemic is standard historiographical procedure: see pp. 88–9 above.

³¹ Toher (2009) 73–4 argues that Nicolaus' account of Herod was likely originally composed as part of Nicolaus' autobiography, which both the extant fragments and the subsequent development of the genre suggest was distinctly apologetic on behalf of the author. He suggests that Josephus accordingly mistook the apologetic as directed at Herod himself.

means of asserting their reliability in reporting details of the doings of the powerful.³² This strategy carried with it the danger of being thought biased, and thus some historians (including Josephus) selectively avoided discussing their relationships to the powerful. Josephus' criticism of Nicolaus illustrates Marincola's point quite well, with one important caveat: we know from the fragments of his autobiography that Nicolaus included at least some discussion of his proximity to Herod,³³ but we do not know how or whether he treated this relationship in his history; if he treated the topic at all, he certainly could have treated it differently between the two works.³⁴ It is thus possible that either (1) Nicolaus did discuss his relationship to Herod in the history to further his historiographical authority or that (2) he avoided the topic in the history, but because he discussed it in the autobiography, Josephus was nonetheless able to level the charge of bias.³⁵ Stressing one's proximity to power as a means of claiming historiographical authority was, says Marincola, one means of coping with the constraints of being an historian under an autocratic regime, in which the classical models of autopsy and inquiry were not open to historians because political and military decisions were no longer public but belonged to an elite minority. If Nicolaus did in fact flaunt his relationship to Herod, we are not required to side with Josephus and call Nicolaus' treatment of Herod the necessary result of bias, but rather we can understand that Nicolaus availed himself of one of the strategies open to him to establish his authority as an historian.³⁶

1.3 Josephus on Nicolaus' Non-Herodian Material

Because Josephus' references to Nicolaus for non-Herodian material have no bearing on the representation of Herod as negative *exemplum*, it is not surprising that Josephus describes them in a markedly different tone. These references serve a different purpose, that of corroborating Josephus' account of various elements of Judaean history; accusations of bias are here predictably absent. A discussion of two of the eight such instances in the *AJ* will

³² Marincola (1997) 86–95.

³³ See esp. *FGrHist* 90 FF 134–6.

³⁴ Josephus himself treated his relationship to Vespasian, Titus, and Herod Agrippa very differently between the *BJ* and the *Life*: in the *Life*, he stresses the approval of these powerful men of his account in the *BJ* as a testimony to the *BJ*'s accuracy, but in the *BJ* itself, he avoids the topic altogether (Marincola (1997) 90). It is possible that Josephus' selective appeal to his proximity to power had precedent in Nicolaus' works.

³⁵ Assuming, of course, that Josephus is criticising Nicolaus' account in the history, which, though likely, is not the sole possibility (as discussed at n. 5 above).

³⁶ These two possibilities are by no means mutually exclusive; placing emphasis on the latter, however, affords a more charitable reading of Nicolaus.

show that Josephus maintains a favourable attitude toward Nicolaus when the representation of Herod is not at stake.³⁷

At 13.250–2, Josephus describes Nicolaus’ testimony regarding how the Hellenistic Judaeian priest Hyrcanus became the first Judaeian ruler to lend support to foreign troops when he made an alliance with Antiochus Sidetes and joined his expedition against the Parthians in 130 BCE:

*μάρτυς δὲ τούτων ἡμῖν ἐστὶν καὶ Νικόλαος ὁ Δαμασκηνὸς οὕτως ἱστορῶν·
‘τρόπαιον δὲ στήσας Ἀντίοχος ἐπὶ τῷ Λύκῳ ποταμῷ νικήσας Ἰνδάτην τὸν
Πάρθων στρατηγὸν αὐτόθι ἔμεινεν ἡμέρας δύο δεηθέντος Ὑρκανοῦ τοῦ
Ἰουδαίου διὰ τινὰ ἐορτὴν πάτριον, ἐν ἣ τοῖς Ἰουδαίοις οὐκ ἦν
νόμιμον ἐξοδεύειν.’ καὶ ταῦτα μὲν οὐ ψεύδεται λέγων.*

Nicolaus of Damascus is our witness of these matters, giving this account: ‘Antiochus set up a trophy at the River Lycus after his defeat of Indates, commander of the Parthians, and remained in that place for two days, since Hyrcanus the Judaeian had requested this because of an ancestral festival in which it is not customary for the Judaeians to go on campaign.’ And he is not lying when he says this.

In marked contrast to the two passages from the Herod narrative, no element of criticism of Nicolaus appears here. Instead, with the expressions *οὐ ψεύδεται* and *μάρτυς δὲ τούτων ἡμῖν* Josephus affirms Nicolaus’ account and, at the same time, corroborates his own.

Though Josephus levels no accusations of bias in this passage, the phrase *οὐ ψεύδεται* draws attention to the possibility of bias on Nicolaus’ part. As I indicated in my analysis above of Nicolaus’ references to Herod, Josephus’ language of truth and falsehood is best understood as expressing bias and impartiality.³⁸ Thus, when Josephus asserts in this instance that Nicolaus did not falsify his account of Hyrcanus’ pious action, we are to understand that Josephus is saying that Nicolaus did not base his claims on any inappropriate bias, but was, according to Josephus, sufficiently impartial. Of course, we are unable to assess Nicolaus’ text itself for evidence of bias or its absence. As with the Herodian material, Josephus’ evaluations of Nicolaus in these

³⁷ This attitude is consistent throughout the eight references; 1.158–60 and 13.250–2 were selected to show variety, as one pertains to ‘Biblical’ material, the other to ‘recent history’. The other six references to non-Herodian material are 1.94–5, 1.108, 7.101, 13.347, 14.68, and 14.104.

³⁸ Another of the non-Herodian references expresses language of truth and falsehood: after a quotation from Nicolaus’ Book 4 regarding one Adados, legendary king of Syria, Josephus writes: *οὐ διήμαρτε δὲ τῆς ἀληθείας* (7.103).

non-Herodian passages give us access to how Josephus directs his reader to understand Nicolaus, and how the references to Nicolaus function in the service of Josephus' authorial aims. The emphasis on Judaean piety is an apologetic strategy Josephus uses throughout the *AJ*, which sufficiently explains Josephus' inclusion and approbation of Nicolaus' reported description of Hyrcanus' piety.

Another Josephan apologetic strategy is the use of references to Graeco-Roman authors to corroborate details of Judaean history, as is apparent in the second example, 1.158–60, a passage which follows Josephus' account of Abraham's migration to Canaan:

μνημονεύει δὲ τοῦ πατρὸς ἡμῶν Ἀβράμου Βηρωσός, οὐκ ὀνομάζων, λέγων δ' οὕτως· ἔμετὰ δὲ τὸν κατακλυσμὸν δεκάτῃ γενεᾷ παρὰ Χαλδαίοις τις ἦν δίκαιος ἀνὴρ καὶ μέγας καὶ τὰ οὐράνια ἔμπειρος· Ἐκαταῖος δὲ καὶ τοῦ μνησθῆναι πλέον τι πεποίηκε· βιβλίον γὰρ περὶ αὐτοῦ συνταξάμενος κατέλιπε. Νικόλαος δὲ ὁ Δαμασκηνὸς ἐν τῇ τετάρτῃ τῶν ἱστοριῶν λέγει οὕτως· Ἀβράμης ἐβασίλευσεν ἔπηλυσ σὺν στρατῶ ἀφιγμένος ἐκ τῆς γῆς τῆς ὑπὲρ Βαβυλῶνος Χαλδαίων λεγομένης. μετ' οὐ πολὺν δὲ χρόνον μεταναστὰς καὶ ἀπὸ ταύτης τῆς χώρας σὺν τῷ σφετέρῳ λαῶ εἰς τὴν τότε μὲν Χαναναίαν λεγομένην νῦν δὲ Ἰουδαίαν μετώκησε καὶ οἱ ἀπ' ἐκείνου πληθύσαντες, περὶ ὧν ἐν ἑτέρῳ λόγῳ διέξειμι τὰ ἱστορούμενα. τοῦ δὲ Ἀβράμου ἔτι καὶ νῦν ἐν τῇ Δαμασκηνῇ τὸ ὄνομα δοξάζεται καὶ κώμη δείκνυται ἀπ' αὐτοῦ Ἀβράμου οἴκησις λεγομένη·

Berossus recalls our father Abram, though he does not name him, when he says, 'In the tenth generation after the flood, there was a certain just man among the Chaldeans, who was great and had knowledge of divine things.' Hecataeus has done something more than recall him: he left behind a book he wrote about him. Nicolaus of Damascus, in the fourth Book of his histories, says the following: 'Abram, a foreigner who had come with his army from the land beyond Babylon called Chaldea, was ruler. After a short time, he and his people left this land and, along with his multiplying descendants, settled in what was then called Canaan and is now called Judaea. I shall relate in full the story of this people in another account. The name of Abram is still glorified today in Damascus and a village, called "Abram's Dwelling" after him, displays this.'

In order to explain the function of this reference to Nicolaus, we must explain the effect of referring to him in such curious company as Berossus of Babylon and Hecataeus of Abdera. Josephus indeed has a pattern of referring to Nicolaus alongside various Greek and Latin historians (and one

poet). Of the eight references to Nicolaus on non-Herodian material, all of which Josephus uses to corroborate his own historical claims, six occur alongside references to other authors.³⁹

The most obvious explanation for the grouping of Berossus, Hecataeus, and Nicolaus at 1.158–60 is that these three are the Greek sources on Abraham with whom Josephus is familiar. Of course, it is likely that Berossus never wrote about Abraham, since Josephus himself reports that Berossus did not name him. Rather, Josephus simply may have found the description *τις ἦν δίκαιος ἀνὴρ καὶ μέγας καὶ τὰ οὐράνια ἔμπειρος* suitable to his notions of Abraham. There are no other extant attestations of Abrahamic material to Berossus.⁴⁰ The large majority of the many references to Hecataeus found throughout Josephus' literary corpus are aimed at countering anti-Judaean polemic.⁴¹ Most of these, however, refer to (pseudo-)Hecataeus' ethnographic treatise *On the Judaeans*. *AJ* 1.158–60 is Josephus' only reference to the work on Abraham, which is widely believed to be spurious,⁴² although it is also attested by Clement (a late and possibly derivative source).⁴³

The *CA*, written later than the *AJ*, can be understood as, among other things, a treatise on the historian's role and methods,⁴⁴ and as such may help shed some light on Josephus' use of Nicolaus and company at 1.158–60. In the *CA*, Josephus is in the difficult position of trying to prove the antiquity and superiority of ancient Judaean record-keeping over and against Greek historical records to an audience that privileges the Greek tradition. Thus, Josephus needs to rely on the authority of the Graeco-Roman intellectual tradition to gain credence in his attempt to dismantle that same authority. One of his strategies in this fraught endeavour is to invoke non-Greek Hellenophone authors such as Berossus, Manetho, and indeed Nicolaus to corroborate Judaean claims.⁴⁵ Thus, Josephus has an apologetic purpose in his

³⁹ In addition to 1.58, at 1.94, on the account of the flood, Nicolaus' name occurs along with Berossus, Hieronymus the Egyptian, and Mnaseas of Patara. At 1.108, on the longevity of the ancients, Josephus lists, in addition to Nicolaus, Manetho, Berossus, Mochus, Hestiaeus, Hieronymus, 'Phoenician historians', Hesiod, Hecataeus, Hellanicus, Acusilaus, and Ephorus; at 13.347, on the cannibalism of Ptolemy Lathyrus' army, Strabo; at 14.68, on the piety of the Judaeans during Pompey's siege of Jerusalem, Strabo and Livy; and at 14.104, on Pompey and Gabinius' expeditions in Judaea, Strabo.

⁴⁰ For the extant fragments of Berossus see *FGrHist* 680.

⁴¹ Bar Kochva (1996) 1.

⁴² *Ibid.* 2–3 with further bibliography.

⁴³ *Stromata* 5.14.133.

⁴⁴ Cohen (1988).

⁴⁵ Though Josephus does devote more of the *CA* to refuting many of the non-Greek authors than to affirming Judaean scripture. See especially Cohen (1988) with further bibliography. Berossus is referred to and quoted in the *CA* at 1.129–42; Hecataeus is re-

use of these Hellenophone authors. It is unwise to retroject this strategy *in toto* from the *CA* onto the *AJ* without explicit grounds for doing so, but because Josephus begins the *CA* by stating that he is writing it in response to critics of the *AJ* (*CA* 1.1–3), it is at least possible that he had some version of this effect in mind in the *AJ* itself in the service of pro-Judaean apologetic. To understand why Josephus believes such a strategy to be effective, we must consider briefly the issue of the *AJ*'s immediate audience.

1.4 The Question of Audience

The identity of the intended readership of the *AJ* is a difficult line of inquiry. Extrapolating information about the thoughts of the historical audience from the text itself is methodologically fraught. The text is, to use Steve Mason's expression, a 'middle term' between two parties, a medium by which one party communicates something to the other.⁴⁶ Because Josephus is attempting successful communication, we assume that he has factored various aspects of his audience's identity into the structure, tone, language, and selection of content of the *AJ*, and that his choices within these categories to some extent reflect his perception of what his audience would understand and even find persuasive. Attempting to read from the text to the audience, rather than to the author, risks circularity, as well as the problematic assumption that Josephus' expectations of his projected audience, as we deduce them from the text, have a transparent relationship to the real identity of his historical audience. We can, however, analyze whom Josephus envisions as his audience from within the text. This is the more pertinent line of inquiry, given that we are investigating the function of these references to Nicolaus within the broader aims of the text, regardless of how they were actually received by a real audience.

Josephus makes explicit statements about his projected readers, for instance in the proem at 1.5: he wrote the *AJ*, he says, 'thinking that it would appear to all the Greeks to be worthy of their effort' (*νομίζων ἅπασιν φανεῖσθαι τοῖς Ἑλλήσιν ἀξίαν σπουδῆς*). The meaning of *ἅπασιν τοῖς Ἑλλήσιν* warrants some explanation, as it stands to reason that Josephus is not referring to ethnic Greeks. It is obvious that Josephus envisions his 'Greek' audience as those who could, and would, read Greek-language historiography, and have thus been educated in the Greek intellectual tradition. As many scholars have observed, in contrast to the Septuagint, Josephus translates the Hebrew traditions not merely into Greek but into the Graeco-Roman histo-

ferred to and quoted at 1.183–205, and referred to at 1.214 and 2.43; Nicolaus is referred to at 2.83.

⁴⁶ Mason (2009) 47.

riographical tradition.⁴⁷ Feldman, for instance, notes that Josephus is the most persistent of Hellenistic writers of Greek in using Classical Greek words, especially Thucydidean words, while avoiding the formulations of the Septuagint.⁴⁸ The implication, says Feldman, is that Josephus believes this ‘Greek’ style of historiography, and not the ‘Hebrew’ style of the Septuagint, will appeal to his audience. By locating himself and his history within the Graeco-Roman tradition, Josephus seeks a readership among those who value that tradition. Recent work by Mason examines the question of Josephus’ audience in light of the conventions and necessities of the modes of the production and dissemination of historical texts in first-century-CE Rome.⁴⁹ Ancient publication was a local, social affair among the elite and involved the revision of multiple versions of a text distributed among friends over time.⁵⁰ Given what is known of Josephus’ situation in Rome, Mason concludes that, regardless of its later circulation, Josephus’ immediate audience for the *AJ* must have been located primarily at Rome.

Josephus names one of his audience members, Epaphroditus, as the person who encouraged him to write the *AJ*. Little is known about Epaphroditus’ historical identity,⁵¹ but he is presented as Josephus’ intimate, a lover of learning, particularly of history (1.8). Agrippa II, great-grandson of Herod, who was located in Rome, may also have been among Josephus’ first readers.⁵² Agrippa moved in very high circles (his sister Berenice was Titus’ lover), and thus fits the bill for a Greek-educated elite audience at Rome.

The possibility of a Judaeian audience for the *AJ* has been a matter of considerable scholarly interest.⁵³ In the proem, Josephus certainly implies a

⁴⁷ Major works on Josephus’ ‘Hellenisation’ of Judaeian history in the *AJ* include Feldman (1998), Villalba i Varneda (1986) and Rajak (2001) 241–55.

⁴⁸ Feldman (1988) 457.

⁴⁹ Mason (1998) 64–103, (2009) 45–67, and (2012) 133–4.

⁵⁰ Mason (2009) 51–5.

⁵¹ For a summary of the two prevailing theories, see Mason (2003) 564 n. 24.

⁵² See Mason (2003) 563–4 for a discussion of where and how Josephus mentions Agrippa.

⁵³ For Laqueur (1920) 258–61, Josephus aimed his history at other Judaeians as a form of repentance for his treacherous behaviour in the war. Another hypothesis holds that Josephus directed the *AJ* at the nascent Rabbinic community at Yavneh (see, for instance, Cohen (1979) 145). S. Schwartz (1990) 200 posits that Josephus himself ‘moved toward the Rabbinic movement’, and certainly was writing for Judaeians. Mason (1998) 67 refutes the Yavneh hypothesis on the grounds that it is not feasible given the conditions of ancient publication and on the observation that recent scholarship on the Yavneh coalition now generally rejects the view that the Yavneans held considerable sway even within Judaea. The relationship of the *AJ* to Rabbinic Judaism is a vexed issue given the meagre evidence for the period prior to 135. See S. Schwartz (1990) 101. See also the

contrast between Ἕλληνες, the audience, and Ἰουδαῖοι, the people to whom the author belongs, as Feldman observes.⁵⁴ Indeed, Josephus likens his readers to Ptolemy II, a non-Judaean who commissioned the Septuagint (1.10–12). Aside from explicit statements about the audience, Mason notes that Josephus frequently explains basic elements of Judaean customs, laws, and geography while assuming considerable knowledge of recent Roman history.⁵⁵ While Josephus' immediate audience may have incidentally included Judaeans,⁵⁶ they were not his primary audience.

A Roman audience educated in the Graeco-Roman tradition would potentially find persuasive Josephus' strategy of using Hellenophone and Latin authors to corroborate his claims. But why would Josephus find references to Nicolaus a particularly effective rhetorical strategy? Nicolaus himself, as Toher has argued, likely disseminated his later works (including a version of the history) in Rome to a highly elite audience that may have even included the Princeps.⁵⁷ This is the kind of elite Roman audience Nicolaus appears to envision in a fragment from his autobiography (*FGrHist* 90 F 138), and the audience we would expect given Nicolaus' own elevated rank. If Josephus' audience was more or less a later generation of Nicolaus' audience, it is ideally situated for previous exposure of some kind to Nicolaus' works. As Rome was the epicentre of the original distribution of Nicolaus' writings, it is plausible that copies were still available to the elite of Flavian Rome (as they were to Josephus). In short, Josephus uses Nicolaus because his immediate audience is uniquely positioned to find this strategy persuasive.

2. Nicolaus as Historical Actor

Turning to Josephus' representation of Nicolaus as historical actor (in Books 16 and 17), I will try to show that Nicolaus the actor's advocacy of Herod develops along a progression, as I will outline. Throughout the course of this progression, Josephus' characterisation of Nicolaus as actor bears many

analysis in Rutgers (1995) 203–6 of the difficulties (if not impossibilities) of understanding the relationship of diaspora Judaean communities, namely that at Rome, to the Rabbinic movement in Palestine.

⁵⁴ Feldman (1988) 471.

⁵⁵ Mason (1998) 66–7.

⁵⁶ As Josephus himself imagines possible at 4.197.

⁵⁷ Toher (1987) and (2009) argues that though Nicolaus began his universal history in Herod's court at Jerusalem and had completed a version of it (which did not include the story of Herod) by 12 BCE (*FGrHist* 90 F 135), he completed his account of Herod only after his relocation to Rome after 4 BCE.

points of resemblance to his description of Nicolaus as historian. In each representation, Nicolaus is Herod's defender and eulogist and functions in the service of Josephus' broader authorial aims (these I defined as (1) an ethical imperative, which involved the use of exemplarity and, to this end, the persistent negative depiction of Herod, and (2) pro-Judaeian apologetic). As a result, despite the differences in how Josephus engages with actor and historian, Josephus' presentation of Nicolaus is unified in his account of Herod.

As a character in the *AJ*, Nicolaus invariably performs one of two tasks: he either speaks as an advocate or travels between Rome and Judaea. His travel marks him as an intermediary, a figure who is always 'in between', both literally and figuratively. In his capacity as advocate and speaker, Nicolaus is both highly skilled and largely successful. He delivers a total of seven speeches,⁵⁸ all on behalf of what can readily be understood as Herod's interests, including the fulfilment of Herod's will after his death. These speeches can be grouped into five distinct episodes, each with their respective attendant narratives. I further divide these episodes into the three progressive phases of Nicolaus' advocacy.

The three phases of this progression are as follows: (1) Herod's external political affairs (that is, his affairs outside of Judaea), the subject of the speeches at 16.31–57 and 339–50, in each of which Nicolaus achieves unqualified success. In the former, Josephus uses Nicolaus to further his apologetic aims in the *AJ* and his negative characterisation of Herod. In the latter, Josephus describes Nicolaus acting out of his enthusiasm for Herod's cause. Thus in the first two episodes Josephus presents us with a Nicolaus who shares functions and characteristics with Nicolaus the historian; (2) The speech at 16.371–2 marks a turning point in Nicolaus' role in Herod's affairs, in which Nicolaus' presentation as traveller has significance for our understanding of his relationship to the events of Herod's and his children's lives. Nicolaus here experiences his first (and only) resounding failure to achieve his end; this marks the impossibility of his advocating on behalf of a reasonable course of action when it comes to Herod's private affairs; (3) For the remaining two episodes, Nicolaus intervenes in matters concerning Herod's internal or private affairs, namely concerning his sons: the speeches at 17.99 and 17.106–21 involve Herod's disputes with his son Antipater. While Nicolaus manages to achieve Antipater's condemnation and subsequent execution in accordance with Herod's wishes, this success is intrinsically problematic from Josephus' perspective. For Josephus makes clear in his commen-

⁵⁸ These speeches occur at *AJ* 16.31–57 (*FGrHist* 90 F 142); 339–50; 371–2 (T 6); 17.99 (T 7); 106–121 (F 143); 240–7; 315–6 (T 10). Throughout this section, when I use the name 'Nicolaus', I am referring to Josephus' representation of Nicolaus in his role as an historical actor, except where otherwise specified.

tary on Herod's execution of the sons of Mariamne that, regardless of Antipater's guilt, it is an act of impiety to kill one's son.⁵⁹ Nicolaus now acts wholly on behalf of Herod's will, no matter how impious, and becomes the driving force behind Antipater's execution. He is presented as eager and enthusiastic in this role, which again recalls Josephus' description of Nicolaus the historian. Finally, the speeches at 17.240–7 and 315–6 concern Herod's son Archelaus and his claim to being Herod's successor. Nicolaus achieves immediate partial success, but only by resorting to rhetorical trickery, which once more recalls the accusations of partiality and sleight of hand that Josephus levels at the historian. By the end of Book 17, however, even Nicolaus' partial success has been completely undone by Augustus' decision to remove Archelaus from power and to annex Judaea to the province of Syria. This lends validity to my claim that Nicolaus' advocacy of Archelaus is problematic as Josephus presents it.

2.1. Nicolaus and Herod's External Affairs

2.1.1 The Defence of the Ionian Judaeans

Nicolaus' first and longest speech in the *AJ* (16.31–57; 16.27–65 represents the episode as a whole) is unique among Nicolaus' speeches in that it does not arise out of a personal crisis for Herod. All the same, Nicolaus speaks as the advocate of Herod's interests, in this case the well-being of diaspora Judaeans in Ionia; his eventual success serves to increase Herod's popularity both at home and abroad. To this end, Nicolaus successfully employs his considerable rhetorical skill in a defence of Judaeans and their way of life. The speech thus functions as a further articulation of pro-Judaean apologetic, in the service of which Josephus has Nicolaus make use of one of Josephus' own distinctive apologetic strategies: the citation of Roman decrees on the rights of Judaeans communities. Josephus also uses Nicolaus' speech on this occasion to continue his persistently negative characterisation of Herod, thus furthering his construction of Herod as negative *exemplum*.

Nicolaus' speech occurs while Herod is travelling in the eastern Mediterranean with Marcus Agrippa (16.23ff.). When they reach Ionia, Agrippa is approached by a group of diaspora Judaeans protesting mistreatment at the hands of the Ionian Greeks. They claim that they are being prevented from observing their ancestral custom of sending offerings to Jerusalem and that they are being forced to appear in court and conduct military service on holy days. Herod intercedes and assigns Nicolaus to plead their case before Agrippa. In the ensuing speech, Nicolaus argues for the justice of the Judaeans' petition and defends Judaeans customs at length, saying that they

⁵⁹ As per my discussion of 16.401–4, below, pp. 116–8.

are pious and ancient, do not arouse envy (43–5), and therefore merit the protection he seeks. This argument is distinctly apologetic on behalf of all Judaeans, not only the Ionian community. Nicolaus thus articulates a view that is consistently endorsed by Josephus' narrative voice: emphasising Judaeans' piety, as this speech does so abundantly, is one of Josephus' primary apologetic strategies.⁶⁰

Another Josephan apologetic strategy is represented by Nicolaus' claim at 48 that he could read many decrees of the Roman Senate and tablets stored in the Capitol which grant rights and protection to Judaeans: ἔτι καὶ δυναίμεθ' ἂν πολλὰ δόγματα τῆς συγκλήτου καὶ τὰς ἐν τῷ Καπετωλίῳ κειμένας δέλτους ὑπὲρ τούτων ἀναγινώσκειν. This strategy is one that Josephus has used throughout the *AJ*.⁶¹ For example, at 14.186, Josephus explains that he believes it necessary to cite Roman decrees concerning the Judaeans in response to anti-Judaean polemic. He has chosen to relate these decrees, he continues at 188, because some people refuse to believe the accounts of the Judaeans written by the Persians and Macedonians, whereas the credibility of Roman documents is indisputable: 'The decrees of the Romans are irrefutable, for they are set up in public places in the cities and even now are written on bronze monuments in the Capitol' (πρὸς δὲ τὰ ὑπὸ Ῥωμαίων δόγματα οὐκ ἔστιν ἀντειπεῖν· ἐν τε γὰρ δημοσίοις ἀνάκειται τόποις τῶν πόλεων καὶ ἔτι νῦν ἐν τῷ Καπετωλίῳ χαλκαῖς στήλαις ἐγγέγραπται). The text of these decrees, written as direct quotation, occupies 74 chapters.⁶² Nicolaus' claim at 16.48 is an abbreviated version of Josephus' rhetorical strategy of 14.190ff., but the strategies are distinctly similar given the reference to physical records located in the Roman Capitol. By having both his own authorial persona and Nicolaus' speech share this strategy, Josephus fuses Nicolaus' argument in defence of all Judaeans with that of his own authorial voice. Nicolaus here serves as a mouthpiece of Josephus' broader authorial agenda.

Josephus also uses Nicolaus' speech to further his negative characterisation of Herod by highlighting Herod's friendliness toward the Romans. At first glance, Nicolaus' description of Herod appears entirely positive. Nicolaus argues that the Judaeans deserve the protection of the Romans because of the long-standing friendship that has existed between the two peoples. Herod, says Nicolaus, is himself the prime example of Judaeans' friendliness toward Rome (16.50–1); Herod's father Antipater

⁶⁰ Josephus particularly asserts the piety of Judaeans' customs in the proem of the *AJ* at 1.6 and 14.

⁶¹ Specifically, at 14.190–267, 14.306–323, 16.162–173, and 19.279–291.

⁶² For more on these Roman documents in the *AJ*, see Thackeray (1967) 70–2 and Gruen (2002) 84–104, with further bibliography. Gruen argues for their general authenticity.

likewise displayed great deeds in service to Caesar (52–3). Though Josephus does not directly dispute or critique Nicolaus' positive claims about Herod, these claims connect to a broader criticism of the king. Josephus does indeed present Herod as loyal, thoughtful, and friendly—to the Romans and to non-Judaean cities.⁶³ But to his own family, and at times to his own people, Herod is cruel and hostile.⁶⁴ Because Josephus has Nicolaus praise only Herod's good deeds abroad, this description of Herod in Nicolaus' speech is consistent with Josephus' negative presentation of the king elsewhere. Nicolaus' description of Herod is thus double-edged: it is an important component of the speech, which as a whole accomplishes something positive in Josephus' scheme by securing rights for the Ionian Judaeans and furthering Josephus' apologetic aim. At the same time, however, Nicolaus' praise of Herod's benefactions outside of Judaea alludes to and reinforces the problematic aspects of Herod's character.

In the episode in Ionia, we thus find Josephus employing Nicolaus the actor in ways similar to how he employs Nicolaus the historian throughout the *AJ*. First, by having Nicolaus bear witness to the piety of Judaean customs, Josephus uses the actor for the same end as he uses the historian on material not pertaining to Herod (that is, to corroborate his own narrative and claims about Judaean piety). Second, Josephus employs Nicolaus in the service of his negative characterisation of Herod in a way that is familiar from his treatment of Nicolaus the historian (the criticisms of whom ultimately serve to throw Herod's offenses into heightened relief). In this speech, Josephus achieves a similar effect not by criticising Nicolaus the actor but through Nicolaus' double-edged praise.

2.1.2 The Reconciliation of Herod with Augustus

Herod is facing his worst failure and disgrace in the public arena to date when Nicolaus experiences his second unqualified success in securing Herod's interests. The episode is divided between the initial events involving Syllaeus at 16.271–99, which end with Herod dispatching Nicolaus, and the narrative of Nicolaus' intervention at Rome at 16.335–55. The circumstances surrounding Nicolaus' speech are complicated. Syllaeus, a man who

⁶³ See 15.327–30 on Herod's benefactions to foreign cities and service to Augustus and the most powerful Romans, and how the Judaeans found this problematic. For Josephus' more explicit verdict on Herod, see 19.329: "Ἐλλησι πλέον ἢ Ἰουδαίοις οἰκείως ἔχειν ὁμολογούμενος.

⁶⁴ On his cruelty to the Judaean people, see 15.365–6, discussed below. On his cruelty towards his family, see, in particular, the execution of his wife Mariamne (15.232–6), her mother Alexandra (15.247–52), Mariamne's brother Aristobulus (15.50–6), Mariamne's sons (16.392–4), and Antipater, son of Herod and his first wife, Doris (17.187).

has virtual control over the kingdom of Arabia (first introduced at 220), has been supporting raids into Judaea and Coele-Syria. When Syllaeus refuses to comply with terms set by Saturninus and Volumnius, Roman governors of Syria, for peace between Judaea and Arabia, but instead flees to Rome, Herod leads an army into Arabia to reclaim his property and capture the brigands (with the official sanction of the governors). As a result, twenty-five Arabians are killed in a skirmish (284). The governors, upon investigating the affair, determine that Herod's actions were appropriate (285). When word of the incident reaches Syllaeus in Rome, however, the messengers distort the extent of the damage inflicted upon Arabia. Syllaeus appears before Augustus dressed in mourning and exaggerates the tale even further, reporting that Arabia has been ruined by war and ravaged by Herod's army (287). In tears, Syllaeus reports that 2,500 Arabian nobles have been killed (288). Angered by this account, Augustus asks Herod's representatives in Rome a single question (*αὐτὸ μόνον*), whether Herod has led out an army (289). Given an honest answer but lacking the context, Augustus becomes even angrier with Herod and writes to him (290) that 'though formerly he had treated him as a friend, he would now treat him as a subject' (*ὅτι πάλαι χρώμενος αὐτῷ φίλῳ νῦν ὑπηκόῳ χρήσεται*).

Herod suffers considerably as a result: he loses his freedom of speech (*παρρησία*) with Augustus (293) and becomes depressed when Augustus refuses even to see the embassy Herod sends to defend himself. He is unable to act against the robbers any further and, because Syllaeus is conspiring to claim the Arabian throne, both Judaea and Arabia deteriorate into lawlessness (297). In this powerless state, Herod decides to send another embassy to Rome to see 'whether he might find Caesar more temperate by making the appeal through his friends and in his presence. And so Nicolaus of Damascus set off' (*εἴ τι δύναιτο μετριώτερον εὔρειν διὰ τε τῶν φίλων καὶ πρὸς αὐτὸν Καίσαρα τὴν ἐντυχίαν ποιησάμενος. κάκεῖ μὲν ὁ Δαμασκηνὸς ἀπῆει Νικόλαος, 299*).

Upon his arrival at Rome (336), Nicolaus discovers considerable infighting within the Arabian delegation. Some of the Arabians, having abandoned Syllaeus, go over to Nicolaus. These men have evidence against Syllaeus in the form of letters proving that he murdered the friends of the recently deceased king Obadas. This turn of events allows Nicolaus to formulate a strategy for Herod's defence. As Josephus writes at 338:

ὁ δὲ Νικόλαος εὐτυχίαν τινὰ ταύτην ὁρῶν αὐτῷ προσγεγεννημένην δι' αὐτῆς ἐπραγματεύετο τὸ μέλλον, ἐπιείγων εἰς διαλλαγὰς ἐλθεῖν Ἡρώδη Καίσαρα· σαφῶς γὰρ ἠπίστατο βουλομένῳ μὲν ἀπολογεῖσθαι περὶ ὧν ἔπραξεν οὐκ ἔσεσθαι παρρησίαν, ἐθέλοντι δὲ κατηγορεῖν Συλλαίου γενήσεσθαι καιρὸν ὑπὲρ Ἡρώδου λέγειν.

Nicolaus saw that this stroke of luck had come his way and by means of this busied himself with his plan, since he was eager for Caesar to reconcile with Herod. For he knew clearly that while one who wished to defend what Herod had done would have no right to speak, one who wanted to accuse Syllaeus, however, would have an opportunity to speak about Herod.

Thus Nicolaus contrives to speak before Augustus on behalf of the Arabians to denounce Syllaeus. In the speech that follows, Nicolaus accuses Syllaeus of murdering King Obadas and other prominent Arabians, of illicit sex with Arabian and Roman women, of financial indiscretions, and, worst of all, of willfully deceiving Augustus with false reports about Herod. When Augustus hears this last accusation, he interrupts Nicolaus to ask the truth of what Syllaeus has told him about Herod's campaign in Arabia (341). Nicolaus seizes the opportunity he has thus engineered to relate his version of events, particularly emphasising Herod's restraint in seeking the intervention of the governors of Syria and Syllaeus' gross exaggeration of the casualties. Upon learning the truth, Augustus reconciles with Herod and sentences Syllaeus to death.

It is clear that the account of Herod's actions against Syllaeus in Nicolaus' speech coincides with Josephus' account of these events at 271–99. Josephus describes in no uncertain terms the injustice of Herod's suffering at the hand of Syllaeus, both in his characterisation of Syllaeus throughout the narrative as a liar, murderer, thief, etc., and explicitly at 298, where Josephus says that Herod 'was compelled to endure all of the unlawful deeds committed against himself' (*ἀπάσας τὰς εἰς αὐτὸν παρανομίας φέρειν ἡναγκάζετο*). This characterisation implies that, from Josephus' perspective, Nicolaus' defence of Herod is just. Josephus also presents Nicolaus not only as a skilled speaker but as a clever strategist: he engineers an audience for himself and knows Augustus' temperament well enough to manipulate him into actually soliciting from Nicolaus the account that Nicolaus really wants to give. Acting on behalf of a just cause, Nicolaus uses his considerable skill successfully to reconcile Herod to Augustus.

Josephus, however, in a rare glimpse into Nicolaus' internal processes, describes him at 338 as acting out of eagerness or urgency (*ἐπείγων*) to achieve this reconciliation. This description resembles Josephus' criticism of Nicolaus the historian at 16.183–6, where he uses the terms *μετὰ πάσης σπουδῆς* and *ἐσπουδασμένως* to describe Nicolaus' attitude toward his defence of Herod's wrongdoing in his historical writing.⁶⁵ Eagerness or enthusiasm on Herod's behalf now emerges as a consistent trait of Nicolaus both

⁶⁵ See my discussion of 16.183–6 above, pp. 95–7.

as actor and as historian. There is considerable difference between the circumstances of these two passages, however: at 183–6, Josephus describes the historian Nicolaus' enthusiasm or zeal on Herod's behalf as a necessary function of his circumstances in order to discredit Nicolaus' historical claims. In this episode, by contrast, Josephus is presenting Nicolaus the actor's eagerness for Herod's cause as the catalyst of his considerable cunning and rhetorical talent. Nicolaus' eagerness does not *per se* render suspect the validity of his claims, for Josephus here presents Nicolaus' description of the events as consistent with the narrative elsewhere. Thus, for Josephus, enthusiasm on behalf of Herod does not signify bias or untruthfulness in an absolute sense; if it suited Josephus' purpose at 183–6 to dispute the historian's claims because of a perceived enthusiasm, Josephus has no such motive here. Nicolaus the actor avoids having his enthusiasm understood as a fault—but only just. The potential for Nicolaus' eagerness to appear problematic to the reader, as a result of its affinity to the historian's alleged bias, remains open and will indeed be realised. For in subsequent episodes we continue to find Nicolaus acting with apparent, if unstated, eagerness on behalf of causes of dubious justice.

2.2 Nicolaus in Between

Josephus emphasises Nicolaus' activity as a traveller by thrice referring to the action specifically (at 16.299, quoted above, p. 110, at 16.370–2, and at 17.219), though Nicolaus is a character whose range of activity is otherwise quite limited. Nicolaus also surfaces in the various locations where he delivers speeches, to each of which he must have travelled. Because Nicolaus is an intermediary, there is a metaphorical connection between the state of being in transit between two locations and the act of speaking to one party on behalf of another. Nicolaus the character, in this way, is always 'in between' in the *AJ*.

The meeting of Nicolaus and Herod at Tyre marks a turning point for Nicolaus' role in his advocacy of Herod's interests; their interaction in this episode is itself 'in between' and is marked in its uniqueness. Nicolaus has shifted *en route* from being the advocate of Herod's external affairs to being the advocate of his internal affairs. This episode also marks another shift in the objects of Nicolaus' advocacy: in the prior episodes, Nicolaus has advocated on behalf of Herod's interests, which have thus far been reasonable and just. After the meeting at Tyre, however, Nicolaus will advocate on behalf of Herod's interests in matters that do not, as Josephus presents them, coincide with reason or justice.

Both Nicolaus and Herod are in transit at this point, both literally and metaphorically. The sons of Mariamne have been convicted and sentenced

to death (16.369), though they are alive and with Herod at Tyre. When Nicolaus and Herod meet, Herod asks him what his friends in Rome (οἱ ἐν Ῥώμῃ αὐτοῦ φίλοι) think about his sons (370). Nicolaus responds at 371–2:

κάκεινος εἶπεν, ὅτι δοκεῖ μὲν ἀσεβῆ εἶναι τὰ ἐκείνοις περὶ σέ ἐγνωσμένα, χρῆναι μέντοι αὐτοὺς καθείρξαντα δεσμώτας φυλάττειν, καὶ εἰ μὲν ἑτέρως σοι δοκοίη κολάζειν αὐτούς, μὴ φαίνοιο ὀργῇ τὸ πλεῖον ἢ γνώμῃ κεχρηῆσθαι, εἰ δὲ τάναντία ἀπολύειν, μὴ ἀνεπανόρθωτον εἶη σοι τὸ ἀτύχημα. ταῦτα δοκεῖ καὶ ἐν Ῥώμῃ τοῖς πλείστοις τῶν σῶν φίλων.⁶⁶ καὶ ὅς σιωπήσας ἐν πολλῇ ἐγένετο συννοία κάκεινον ἐκέλευσεν συμπλεῖν αὐτῷ.

He said, 'It seems that that though their [Herod's sons'] thoughts concerning yourself [Herod] are impious, you ought, however, to lock them up and guard them as prisoners, and, if it seems best to you to punish them otherwise, you should not appear to act more from anger than from reason. But if, on the contrary, it seems best to you to let them go, you should not let your misfortune go uncorrected. Most of your friends in Rome think the same.' And Herod was silent and deep in thought; then he told Nicolaus to sail with him.

The uniqueness of this encounter is felt in the fact that it is the only 'speech' which Nicolaus gives in the entire *AJ* that is part of a private conversation and not given as an argument before a court or council. It is also Nicolaus' only utterly unsuccessful appeal: despite his silent and pensive response, Herod wholly neglects Nicolaus' advice.

Because we have become accustomed in the two preceding episodes to seeing Nicolaus' success at persuading powerful people to do what he wishes, his ineffectiveness in this episode requires some explanation. Nicolaus here advises a prudent and moderate course of action. (Though Josephus constructs the scene in such a way that the ideas Nicolaus reports originate elsewhere, the fact that he has Nicolaus speak them attaches these ideas to Nicolaus.) In the case of the sons of Mariamne, Herod does not in fact listen to anyone cautioning prudence, paternal mercy, or reason.⁶⁶ The

⁶⁶ Notably, the soldier Tiro is ultimately executed for his bold speech against Herod's impiety in his treatment of his sons in the scene that follows shortly (379–93). As Josephus remarks at 392: 'But if, at an earlier point, he had any doubt concerning the murder of his children, Herod left neither space nor opportunity in his consciousness for this, but dispensed with everything capable of producing in him the sense of remorse befitting a superior intellect and now made haste to complete his plan' (ὁ δὲ Ἡρώδης οὐδ' εἴ τι πρότερον ἦν αὐτῷ ἐνδοιάσιμον περὶ τὴν τεκνοκτονίαν τούτῳ τόπον ἢ χώραν ἐν τῇ ψυχῇ καταλελοιπώς, ἀλλὰ πᾶν ἐξηρημένος τὸ δυνησόμενον αὐτῷ μετάνοιαν ἀμείνωνος λογισμοῦ παρασχεῖν ἔσπευσεν ἤδη τέλος ἐπιθεῖναι τῇ προαιρέσει).

implication is that all such appeals are doomed to failure, and that Nicolaus must change tack if he wishes to meet with success in the future. This scene, and the literal convergence of Nicolaus' path with Herod's, marks the end of Nicolaus' advocacy for any reasonable courses of action that contradict Herod's will.

Such a change on Nicolaus' part is brought on by the shifting focus in the *AJ* from Herod's external successes to his domestic troubles in his later career. This is Nicolaus' first attempt at intervening in Herod's private affairs in any capacity. From this point onward, Nicolaus will appear in the *AJ* only in connection with matters involving Herod's sons, an arena in which Herod, according to Josephus, was most unfortunate.⁶⁷ There is no reasoning with Josephus' Herod when it comes to his family. Thus, though what constitutes Herod's interests has shifted from his external successes to his desire to prevail over his sons, Nicolaus' success as advocate depends upon his loyalty to Herod's interests, however unreasonable. Josephus by no means claims that Nicolaus made a conscious decision at Tyre to make such a shift, but the progression of Nicolaus' actions suggests such a choice.

2.3. Nicolaus and Herod's Sons

2.3.1 The Trial of Antipater

In the last speeches Nicolaus gives during Herod's lifetime, Josephus presents Nicolaus acting on behalf of Herod's deeply problematic desire to condemn and execute his son Antipater.⁶⁸ Nicolaus gives two speeches (at 17.99 and 106–21) during Antipater's trial for plotting the ruin of the sons of Mariamne (by falsely accusing them of attempted parricide) and for having designs of his own against Herod's life (despite the fact that he is directly in line for the throne and that Herod is by now elderly). Herod begins the trial by presenting the accusations against Antipater and rebuking him fiercely (98), but he is overcome with weeping and is unable to continue his speech, so, as Josephus relates at 99:

καὶ Νικόλαος ὁ Δαμασκηνός, φίλος τε ὢν τοῦ βασιλέως καὶ τὰ πάντα συνδιαιτώμενος ἐκείνῳ καὶ τοῖς πράγμασιν ὃν πραχθεῖεν τρόπον παρατετευχώς, δεηθέντι τῷ βασιλεῖ τὰ λοιπὰ εἰπεῖν ὅποσα ἀποδείξεών τε καὶ ἐλέγχων ἐχόμενα ἦν.

⁶⁷ 17.192: ὅποσα δὲ τὰ κατ' οἶκον περὶ υἱεῖς τοῦ αὐτοῦ, ὅσα μὲν γνώμη τῇ ἐκείνου καὶ πάννυ δεξιᾷ κεκρημένους διὰ τὸ κρίνας ἐχθροὺς κρατεῖν οὐχ ὑστερηῆσαι, δοκεῖν δ' ἐμοὶ καὶ πάννυ δυστυχῆς.

⁶⁸ This Antipater is the son of Herod's first wife, Doris, named at 14.300.

Nicolaus of Damascus, since he was the king's friend and companion in everything, and since he happened to be versed in the manner in which Herod managed his affairs, spoke as many proofs and accusations as remained to be said on behalf of the king, who was in need.

The description of such a close relationship between Nicolaus and Herod recalls an element of Josephus' criticism of Nicolaus as historian at 16.184: his close proximity to Herod (*ζῶντι γὰρ ἐν τῇ βασιλείᾳ καὶ σὺν αὐτῷ*). Of course, at 16.184, Josephus emphasises Nicolaus' location with respect to Herod as a means of explaining the cause of Nicolaus' alleged bias in his writing.⁶⁹ Here at 17.99, Josephus' description of the actor's relationship to Herod likewise explains why Nicolaus speaks on the king's behalf in this emotionally charged setting. Josephus presents Nicolaus as eminently qualified: as an eyewitness, he is acquainted with the situation and, as Herod's companion, with Herod's mode of conduct; as Herod's friend, he is motivated to take his side in the trial. That Nicolaus' intervention is required because Herod is too overcome by emotion again shows Herod's dependence on Nicolaus, in addition to heightening the drama of the scene. This dependence is thrown into sharper relief than in prior episodes by the king's complete loss of the ability to speak (*λέγειν τε ἄπορος ἦν*, 17.99). Nicolaus quite literally becomes the king's voice.

Antipater presents his defence (100–5), denouncing the credibility of the evidence against him that had been obtained by torture; he then offers himself to be tortured to prove his own truthfulness. This statement, coupled with Antipater's weeping and facial contortions, has such a profound effect on the council 'that he brought even his enemies to a state of compassion' (*ὥστε καὶ τοῖς ἐχθροῖς δι' οἴκτου καταστῆναι*) and 'even Herod was now manifestly turning somewhat from his resolve, although he did not wish it to be apparent' (*φανερὸν δὲ ἤδη καὶ Ἡρώδην εἶναι καμπτόμενόν τι τῇ γνώμῃ καίπερ μὴ βουλόμενον ἔκδηλον εἶναι*, 106). As at 99, Nicolaus intervenes when the unchecked emotion of Herod and now of the rest of the council threatens the case against Antipater. Nicolaus thus becomes the sole agent pursuing Antipater's conviction. That Nicolaus should twice check Herod's impulses renders impossible any reconciliation that would have obviated Antipater's death. On the other hand, according to Josephus, Antipater is unambigu-

⁶⁹ As mentioned above (n. 28), the text is corrupt at 16.184: whereas Niese's reading describes Nicolaus and Herod as contemporaries located in the same country, Wikgren's conjecture and the Latin version both refer to the personal relationship between Herod and Nicolaus as the cause of Nicolaus' alleged bias and are thus even more similar to the description at 17.99 than Niese's reading.

ously guilty,⁷⁰ and his speech of defence is entirely perjurious.⁷¹ This creates ambiguity in the colouring of Nicolaus' interventions and of his determination to see Antipater condemned: his actions are at once warranted and problematic.

When Nicolaus intervenes at 106 to stop Herod's wavering, Josephus reports the speech in considerable detail. This time, says Josephus, Nicolaus 'repeats [the earlier charges], exaggerating considerably' (*παλιλλογεῖ μειζόνως ἐκδεινῶν*). This exaggeration, and the fact that Nicolaus has taken charge of the indictment when Herod was perhaps ready to drop it, give the appearance of eagerness and enthusiasm on behalf of Herod's interests, or at least on behalf of what Nicolaus takes to be Herod's interests when in fact Herod might have changed his mind. Indeed, Nicolaus allows Herod no scruples, but pushes the trial to its conclusion. Josephus thus shows how Nicolaus' pursuit of Herod's interests drives him to dishonesty in a way that recalls Josephus' overt criticism of the historian at 16.183–6, namely the criticism of the historian's alleged tendency to distort what really happened.

Nicolaus' speech (106–21) emphasises Antipater's duplicity against his father and brothers (110–4), the unnaturalness of parricide (115), and his hypocrisy in refuting the evidence against him gained by torture while offering himself for torture as proof of the veracity of his claims (119). Nicolaus asks Varus (the Roman governor of Syria and presiding judge) to execute the 'wicked beast' (*πονηρὸν θηρίον*), and asserts that 'he who does not punish [parricide] does injustice to nature' (*ὁ μὴ κολάζων ἀδικεῖ τὴν φύσιν*, 120). Nicolaus is succeeded by a multitude of accusers who give testimony against Antipater (122–6). The net result of these accusations is a complete reversal of the emotions of the concerned parties. It is Antipater's turn to be speechless: 'Nor was he able to summon enough strength of voice to contradict' (*μηδὲ ὅσον ἀπὸ φωνῆς ἐπ' ἀντιλέξει τὴν ἰσχὺν εἰσφέρεισθαι*, 126). Antipater is arrested and kept in prison (133) and, after Herod on his deathbed receives permission from Augustus to punish his son as he sees fit, is executed (187)—the last action Josephus records Herod taking, aside from rewriting his will.

Much of my characterisation of Nicolaus' actions in this episode depends on the understanding that Josephus' authorial voice condemns the

⁷⁰ This is clear throughout Books 16 and 17, but is perhaps most concisely stated in this very scene at 17.129–30, where Josephus describes how Antipater's behaviour at his trial typifies that of everyone who lacks virtue (*πάντες οἷς ἐπιλείπει ἀρετῆς*), who commit their crimes as if there were no God, but call upon God to defend them when they must face the consequences of their actions. Antipater, says Josephus, carried out his plot as if in isolation from God (*ὡς ἐν ἐρημίᾳ τοῦ θεοῦ*). The textual corruption at the end of 130 does not leave this point in doubt.

⁷¹ It is perjurious when compared with Josephus' narrative of the events in question throughout Books 16 and 17.

execution of Antipater, despite that same voice's unequivocal assertion of Antipater's guilt. This condemnation is evident in Josephus' verdict on the death of the sons of Mariamne, which closes Book 16 and looks ahead to the death of Antipater (16.401–4):

ἥρκει γάρ, εἰ καὶ κατέγνω, καὶ ζῶντας ὅμως ἐν δεσμοῖς ἢ ξενιτεύοντας ἀπὸ τῆς ἀρχῆς ἔχειν μεγάλην ἀσφάλειαν αὐτῷ περιβεβλημένῳ τὴν Ῥωμαίων δύναμιν, δι' ἣν οὐδὲν οὐδ' ἐξ ἐφόδου καὶ βίας παθεῖν ἐδύνατο. τὸ δ' ἀποκτεῖναι ταχὺ καὶ πρὸς ἡδονὴν τοῦ νικῶντος αὐτὸν πάθους ἀσεβείας τεκμήριον ἀνυποτιμήτου καὶ τῆς ἡλικίας οὔσης ἐν γῆρα τοσοῦτον ἐξήμαρτεν. ἦ γε μὴν παρολκῆ καὶ τὸ χρονίζον οὐκ ἂν αὐτῷ συγγνώμην τινὰ φέροι. ταχὺ μὲν γὰρ ἐκπλαγέντα καὶ κεκινημένον χωρῆσαι πρὸς τι τῶν ἀτόπων, εἰ καὶ δυσχερές, ἀλλ' ἀεὶ συμβαῖνον, ἐν ἐπιστάσει δὲ καὶ μήκει πολλάκις μὲν ὀρμηθέντα πολλάκις δὲ μελλήσαντα τὸ τελευταῖον ὑποστῆναι καὶ διαπράξασθαι, φονώσης καὶ δυσμετακινήτου ψυχῆς ἀπὸ τῶν χειρόνων. ἐδήλωσεν δὲ καὶ τοῖς αὐτοῖς οὐκ ἀποσχόμενος οὐδὲ τῶν περιλοίπων ὅσους ἐδόκει φιλτάτους, ἐφ' οἷς τὸ μὲν δίκαιον ἔλαττον ἐποίει συμπαθεῖσθαι τοὺς ἀπολλυμένους, τὸ δ' ὠμὸν ὅμοιον ἦν τὸ μηδὲ ἐκείνων φεισάμενον. διέξιμεν δὲ ὑπὲρ αὐτῶν ἐξῆς ἀφηγούμενοι.

For it would have been sufficient for him [Herod], even if he had condemned them [Mariamne's sons], at least to keep them alive either in prison or living in exile away from the kingdom, since he had in his possession the power of Rome as a great source of security, which made it impossible for him to suffer any kind of assault or violence. But the fact that he killed them quickly to gratify his overpowering emotion, and the fact that, despite his time of life, he nevertheless committed so great a sin in his old age are proof of an impiety that cannot adequately be punished. Indeed, his dawdling and hesitation should not bring him any pardon. For it happens frequently, even if it is offensive, that a person who all of a sudden has been driven out of his senses and become disturbed proceeds to do something monstrous. But to submit in the end and carry the deed through after a long delay, and after frequently making a start and then hesitating, is the mark of a murderous soul that cannot be moved from wickedness. But [Herod] revealed hereafter that he did not spare even those of the survivors whom he thought were dearest to him; although propriety made these individuals less pitiable in their destruction, the cruelty was nevertheless equal in his not sparing them. But I will go through these things, relating them in order.

It is quite clear that Josephus here condemns the execution of the sons of Mariamne as an act of extreme impiety (*ἀσεβείας ... ἀνυποτιμήτου*) belonging to a murderous soul (*φονώσης ... ψυχῆς*). Herod's character, says Josephus, is revealed to be evil both by the fact that he killed his sons on the spur of the moment to gratify his enslavement to his passions, but also by the fact that this spur of the moment occurred after a lengthy and drawn-out period of indecision, rather than in an initial moment of rage. Josephus also makes plain that he thinks Herod had other, better options than committing the sin (*ἐξήμαρτεν*) of killing his sons.

In the final two sentences of this passage, Josephus applies this same judgement to Herod's treatment of certain 'survivors' whose description very strongly suggests that Josephus is referring to Antipater. Josephus refers to 'those of the survivors whom he thought were dearest to him' (*τῶν περιλοίπων ὅσους ἐδόκει φιλάτους*). Antipater, before the discovery of his crimes, is frequently described as the son who was closest to Herod both in affection and in counsel.⁷² Josephus also describes these survivors as people whose death 'propriety made ... less pitiable' than the sons of Mariamne (*ἐφ' οἷς τὸ μὲν δίκαιον ἔλαττον ἐποίει συμπαθεῖσθαι τοὺς ἀπολλυμένους*). But despite such a pronouncement, Herod's 'cruelty was nevertheless equal in his not sparing them' (*τὸ δ' ὠμὸν ὅμοιον ἦν τὸ μηδὲ ἐκείνων φεισάμενον*). It is likely that Josephus has Antipater in mind with this description of being justly unpitied, given Josephus' unequivocal assertion of Antipater's guilt. Likewise, the 'equal cruelty' implies an equal fate; Antipater is the only other son of Herod's to be executed by his father.⁷³

Thus, Josephus condemns Herod's execution of Antipater. Nicolaus, by becoming Herod's voice and carrying on the (exaggerated) accusations, brings about this execution. This makes Nicolaus a problematic figure, for he has applied his considerable talent and skill to what is, in Josephus' view, an unjust and unreasonable cause. In Nicolaus' final episode in the *AJ*, he will continue in this vein: pursuing the interests of Herod, no matter how problematic.

⁷² Examples of such presentation abound. See, for instance, 16.85–7, 190–1; 17.3, 32. This is also how Antipater presents himself in his own defence speech at 17.103.

⁷³ The only other candidates for this description would be certain unnamed members of Herod's household who approve of a prophecy against the continuation of Herod's lineage made by a group of dissenting Pharisees whom Herod executes in his anger at 17.44–5. Even if others are meant, it is clear that Josephus' description at the close of Book 16 matches his characterisation of Antipater.

2.3.2 Herod's Succession

Nicolaus' final activity in the *AJ* involves his advocacy of Archelaus, son of Herod and his fourth wife, Malthace, who has claimed to be his father's successor after the king's death. Nicolaus gives speeches on Archelaus' behalf on two separate occasions (17.240–8 and 315–6). Once more, Josephus does not directly pass judgement on Nicolaus' activities on behalf of Herod's interests, represented here by Herod's designated heir, but suggests such judgement through characterisation and narrative technique.

The dispute over Herod's succession has driven Herod's conflict with his sons throughout his life; his suspicion both of the sons of Mariamne and of Antipater of plotting to kill him and seize the throne (only true in the case of the latter) dominates Book 16. The conflict that absorbs Josephus' narrative of Herod's surviving sons begins at 17.188. While on his deathbed, Herod alters his will and appoints his son Archelaus to succeed him as king and demotes Archelaus' older brother, Antipas, Herod's earlier designated successor, to receive instead only the tetrarchy of Galilee and Peraea (188–9). Upon Herod's death, the army declares Archelaus king (195). In his first public address, however, Archelaus declines the title, pending Augustus' confirmation of Herod's will (201–2). Archelaus proceeds to grant favours to petitioners, including the release of those who had been imprisoned by Herod, and a remission of taxes because, says Josephus, 'he was eager to do anything because of his belief that the goodwill of the masses would be of great importance for the preservation of his rule' (205).

This strategic generosity backfires, however, when a group of dissident citizens begins to mourn publicly for men whom Herod had executed for sedition (206). The dissidents approach Archelaus with the demands that, in revenge for the death of these men, Archelaus execute some of Herod's friends and remove the high priest appointed by Herod. Archelaus grants the removal of the high priest, despite his dislike of the request (*καίπερ δεινῶς φέρων*, 208). Fearing unrest, he sends an envoy to reason with the crowd, who argues that their friends had been executed justly and that they should wait to make any more demands until Augustus has confirmed Archelaus' rule (209). The crowd, however, not only refuses to listen to the envoy but threatens his life and does the same to anyone cautioning restraint (210). The situation worsens when Jerusalem is swollen with pilgrims at Passover and the dissenters occupy the temple (214). To prevent the unrest from spreading to the whole crowd, Archelaus sends a company of soldiers to check the dissenters and arrest their leaders (215). The crowd, enraged by the presence of the soldiers, attacks and kills the majority of them by stoning (216). Fearing that the situation would deteriorate rapidly, Archelaus dis-

patches the entire army against the rebels, resulting in the deaths of three thousand (217–8).

Throughout this episode, Josephus goes to great lengths to characterise the rebels negatively. At the outset, Josephus puts forward as their motivation ‘their desire for revolution’ (*νεωτέρων ἐπιθυμία πραγμάτων*, 206). He also describes their motives and characters at 211 thus:

νόμιμόν τε καὶ δίκαιον ἡγούμενοι ὅ τι μελλήσοι ἡδονὴν αὐτοῖς φέρειν, κίνδυνον δὲ τὸν ἀπ’ αὐτοῦ προῖδέσθαι τε ἀμαθεῖς καὶ εἴ τῳ ὑποπτευθείη, ὑπερβολῆς αὐτῷ γενομένης τῆς παραχρῆμα ἡδονῆς ἐκ τοῦ τιμωρήσασθαι τοὺς ἐχθίστους δοκοῦντας αὐτοῖς.

They considered whatever would bring them pleasure to be lawful and just, but they were too ignorant to foresee the danger arising from it. And if they had any suspicion [of danger], the immediate pleasure of taking vengeance on those who seemed most hateful to them was stronger.

This negative characterisation of the dissenters as driven by pleasure, ignorant, and lovers of revolution suggests that Josephus is establishing the justice and necessity of Archelaus’ actions against them. Josephus casts the rebels in a particularly bad light by referring to them as *στασιασταῖς* (214) and *στασιῶται* (216), and to their action as *στασιάζειν* (215), a critical term. The heavy-handed negativity with which Josephus characterises the rebels will be important for our understanding of Nicolaus’ assertion of Archelaus’ innocence in this affair.

By the time Archelaus and Nicolaus arrive in Rome for Augustus’ confirmation of Herod’s will, Archelaus’ older brother Antipas has already made the same journey with the intention of contesting his brother’s claim to the throne. Augustus calls a council to decide the succession, in which Herod’s nephew, Antipater, is first to speak. Antipater attacks Archelaus by accusing him of wronging Augustus by acting as king before gaining consent (230, 232), and of cruelty and impiety because he took military action against citizens and killed within the temple precinct (230, 237). Furthermore, Antipater claims that Herod made Antipas his successor while healthy and in his right mind, and that the older will is thus the more valid (238).

Nicolaus then offers a rebuttal to Antipater’s accusations, arguing that the blame for the incident in the temple precinct should be laid squarely on the rebels as the instigators of violence rather than on Archelaus (240). Nicolaus turns the charge of impiety against the rebels by claiming that these men had acted not only against Archelaus but against Augustus, against God, and against the law of the festival (241). He also asserts the validity of

Herod's last will, which he claims is superior to the earlier will because it stipulates that Augustus would himself decide the succession (244). Given that Josephus makes no mention of Augustus having the final say in Herod's succession when he describes the changes to Herod's will before his death at 188–9, this claim can be read as a further instance of Nicolaus' rhetorical sleight of hand. Nicolaus proclaims his confidence, however, that Augustus will not ignore the last wishes of his late friend and ally, who showed his good judgement by leaving the decision to Caesar (246). Josephus thereby suggests that Nicolaus is supporting his friend Archelaus (219) out of his adherence to his interpretation of Herod's last will, and by extension, Herod's interests.

Upon the conclusion of Nicolaus' speech, Augustus offers the following response (248–9):

Καῖσαρ δὲ Ἀρχέλαον προσπεσόντα αὐτῷ πρὸς τὰ γόνατα φιλοφρόνως τε ἀνίστη φάμενος ἀξιότατον εἶναι τῆς βασιλείας πολλήν τε ἀπέφαινε τροπήν γνώμης τῆς αὐτοῦ οὐκ ἄλλα πράξειν, ἀλλ' ὅποσα αἱ τε διαθήκαι ὑπηγόρευον καὶ Ἀρχελάω συνέφερον. οὐ μέντοι γε ἐκεκύρωτο οὐδέν, ὡς ἂν ἐχεγγύω παραδείγματι χρώμενον ἐπ' ἀδείας Ἀρχέλαον εἶναι.

Caesar affectionately lifted up Archelaus, who had fallen at his knees, and said that he was most worthy of the kingdom. He thus showed a significant change of his own opinion toward not doing anything other than what Herod's will had dictated and that was beneficial to Archelaus. Nothing was officially decreed, however, as if he had proclaimed by secure precedent that Archelaus be without fear.

The result of Nicolaus' speech is thus an ambiguous success, for, though the immediate outcome is the return of Augustus' good opinion of Archelaus, the Princeps does not reach a decision at this council. Instead, he ponders to himself whether to give the kingdom to Archelaus or to divide it among Herod's survivors (249). Though Nicolaus is successful at defeating the accusations of Antipater and rendering Augustus' display of feelings favourable toward Archelaus, Augustus opts to consider whether or not he will redefine the terms of the succession entirely. Nonetheless, at the conclusion of the council, Archelaus comes off looking relatively well positioned, and Nicolaus relatively successful.

But the dispute between Archelaus and Antipater is not merely a family feud that has pitted kinsmen against one another; it is a dispute that threatens the governance of Judaea and all of Herod's former kingdom. Josephus makes this political degeneration quite plain, for before Augustus can reach a decision, a letter arrives from Varus announcing that all Judaea has been

in revolt since Archelaus sailed for Rome. Judaea is then consumed with tumult until 295–8, when Varus is finally able to put an end to the *στάσις*. Archelaus now faces new opposition as a group of newly-arrived Judaeen envoys, joined by diaspora Judaeans in Rome, petitions Augustus for the autonomy of Judaea (300). Augustus allows them to speak at a council, and, as mentioned above (p. 93), they vociferously denounce Herod for his many crimes against the Judaeen people and call him the ‘exemplum of oppression’ (*παράδειγμά τε κακώσεως*). They proceed to denounce Archelaus as a sacrilegious tyrant, echoing the claims of Antipater son of Salome at 230–8, that Archelaus had acted illegally by exercising authority before Augustus had confirmed his rule, and that he had acted impiously by killing Judaeen citizens within the temple precinct (313). The envoys conclude the speech by asking that Judaea be set free from the rule of kings and be joined to the province of Syria (314).

In his final appearance in the *AJ*, Nicolaus responds to the envoys by offering a defence of Herod, asserting that it is inappropriate to hurl accusations at a dead man. He continues in defence of Archelaus’ actions (316):

τὰ δὲ ὑπ’ Ἀρχελάου πραχθέντα ὕβρει τῇ ἐκείνων ἀντίθει, οἱ ὀριγνώμενοι πραγμάτων παρὰ τοὺς νόμους καὶ σφαγῆς ἄρξαντες τῶν κωλύειν ὑβρίζοντας προμηθουμένων ἀμύνης γενομένης ἐγκαλοῦεν. ἐνεκάλει δὲ νεωτεροποιίας αὐτοῖς καὶ τοῦ στασιάζειν ἡδονὴν ἀπαιδευσία τοῦ πείθεσθαι δίκῃ καὶ νομίμοις ὑπὸ τοῦ θέλειν τὰ πάντα νικᾶν.

He laid the deeds of Archelaus on the insolence of those who, having undertaken unlawful actions and having begun the slaughter of those who had the foresight to prevent them from acting outrageously, were now making accusations because of an act of self-defence. He then accused them of pleasure in revolution and factionalism due to their lack of education in obedience to justice and lawfulness, which was a result of their will to prevail in all things.

Nicolaus’ defence of Archelaus is thus a repetition of the argument from 240–1 that Archelaus’ victims in the temple precinct were in fact the instigators and perpetrators. But Nicolaus goes a step further in this final speech by conflating the dead rebels with the Judaeen envoys who have accused Archelaus of brutality: there is a single grammatical subject for the participles *ὀριγνώμενοι* and *ἄρξαντες* and for the verb *ἐγκαλοῦεν*. Nicolaus’ accusation against the envoys mirrors Josephus’ narrative description of the rebels’ motivation. As noted in the above discussion of 211, the rebels are described as having an improper concept of justice and lawfulness, and as being motivated by pleasure. Josephus also calls them ignorant (*ἀμαθεῖς*), recalling the

term ἀπαιδευσία in Nicolaus' speech. Josephus also has Nicolaus at 316 refer to the envoys' actions as *στασιάζειν*, which recalls Josephus' frequent use of variants of the term to describe the rebels at 211–16. The similarity of Nicolaus' accusations against the envoys to Josephus' characterisation of the rebels serves to reinforce their conflation. With this rhetorical trick, Nicolaus dismisses any legitimate complaints the envoys may be making. This puts Nicolaus in a more negative light, as there is no indication elsewhere in the text that the envoys are truly seditious. Once more, by presenting Nicolaus the actor as bending and stretching the truth for the sake of winning something for Herod's interests, Josephus recalls his earlier criticism of the historian at 16.183–6 and puts the reader in mind of the accusations of bias.

A stronger indicator of Josephus' judgement of Nicolaus in this episode is the fact that Nicolaus' success with Archelaus is not only partial but temporary. By the end of Book 17, all of Nicolaus' accomplishments on behalf of Archelaus have been undone. In the tenth year of his rule as ethnarch, the prominent citizens of Judaea charge Archelaus with brutality and tyranny before Augustus, who promptly removes Archelaus from power and banishes him to Gaul (342–4). Archelaus' property is confiscated and his former territory annexed to Syria, providing an ultimate fulfilment and indeed a validation of the requests of the Judaeian envoys from 314. In retrospect, the earlier claims of both Antipas and the Judaeian envoys that Antipater would be a brutal ruler are validated. The clarity of hindsight reveals that Nicolaus was apparently advocating for an unjust cause. Archelaus' ultimate failure, moreover, reflects upon Nicolaus' attempts to secure his rule. Nicolaus, who spent his career in defence of Herod's interests at home and abroad, fails to secure those interests after Herod's death. The end of Book 17 shows Augustus siding with the people of Judaea—with both the envoys at 314 and the prominent citizens at 342—against Herod's legacy as represented in the person of Archelaus, and defended by Nicolaus. Josephus' negative judgement of Nicolaus' activities is further reinforced by the events of the beginning of Book 18, which opens with a description of the political reorganisation of Judaea under its new Roman Syrian governance. The independent kingdom of Judaea, which was Herod's kingdom for nearly four books of the *AJ*, is no more. Archelaus' deposition, the result of Nicolaus' failure to secure his position, marks the end of an era in Judaeian history: no longer will a Herodian rule as king in Judaea with Nicolaus as faithful supporter.

3. Conclusion

Nicolaus the actor's progression in many ways parallels the course of Josephus' presentation of Herod's life and career: Herod, too, is something of an impressive figure in his earlier career, but, as Josephus has it, his ambition (*φιλοτιμία*) eventually proves his downfall.⁷⁴ Nicolaus the actor, it appears, has a common cause for both his successes and his failures: his enthusiasm (*σπουδή*) on Herod's behalf. This parallel shows once more that Josephus' text is best understood as his own creation, regardless of its relationship to its sources. Because Josephus has constructed his account of Herod in accordance with a specific scheme of history (that God rewards those who adhere to Judaeian ancestral customs and punishes those who transgress them),⁷⁵ and because Herod has an exemplary function in this scheme, the various elements of this account cannot simply (i.e. uncritically) be abstracted from their place in the narrative and attributed directly to Nicolaus' historical writings.⁷⁶ For we lack evidence that Nicolaus' actual text was written according to a similar scheme.⁷⁷ Indeed, I have argued in general that Nicolaus, in all of his manifestations in the *AJ*, is largely inextricable from the complexities of the *AJ*. My analysis of Josephus' treatment of Nicolaus brings to light a more nuanced picture of Josephus' literary skill. This picture helps further dispel the lingering (if now dissipating) view, which has its origins in source criticism, that Josephus' literary art is the work of a mere copyist and is unsophisticated, especially when compared with his classical predecessors. Conversely, because Josephus' presentation of Nicolaus is a complex artistic creation, the door is further opened for exploring the other sources for Nicolaus' fragmentary texts free from the assumption that these texts were necessarily pro-Herodian propaganda.

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⁷⁴ Josephus explains that both Herod's successes abroad and misfortunes at home were the result of a common cause: *φιλοτιμία* (16.150–9).

⁷⁵ See 1.14 and my discussion above, pp. 92–3.

⁷⁶ As, indeed, Brunt (1980) argues for historical fragments in general.

⁷⁷ See Toher (2009) on historical themes discernible in the extant fragments of Nicolaus.

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