

Saving Socrates:
A New Socratic Portrait

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ABSTRACT

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In 399 B.C. Socrates was indicted on charges of *asebeia*, or impiety and corrupting the youth. He was brought before a jury of some 500 Athenians in a type of trial known as *agon timetos*, or “trial of assessment”. Casting their votes, the vast majority of the jurors found Socrates guilty of the offenses he was accused of. A week later he drank a cup of hemlock and died in his prison cell.

In what follows I will draw a new portrait of Socrates. This will be constructed from details found in Aristophanes’ *the Clouds*, as well as Socratic dialogues. I will examine the turbulent political climate that Athens and Socrates found themselves in during the time surrounding the trial. Investigating whether Socrates should have been subject to *agon timetos* at all, I will refute the charge of impiety against the philosopher, thus distancing him from the reach of an *agon timetos*. It will be clear that Socrates was undeserving of the fate afforded to him by the Athenian polis. I will argue that in the end it was political fear that brought Socrates to the courtroom that day, and it was fear that forced the votes of those jurors.

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“A heretic is a man who sees with his own eyes.” – Gotthold Ephraim Lessing¹

Introduction

Socrates’ portrait has been drawn and redrawn countless times since his execution in 399 B.C. Some of these depictions are sympathetic, others condemning. Nonetheless, few dispute whether he deserves the gallons of ink spilt on his behalf. He does. An unorthodox thinker, Socrates’ life, and especially his death, symbolize a break from the societal constraints dictating how and what one ought to think. Like most revolutionaries, his heterodox notions were generally scorned by the people of his time. People, and especially those of antiquity, rely on the regurgitated doctrine of those who came before them to understand the reality they find themselves in. One need only look to the power of religious texts, like the Bible to appreciate the impact that such doctrinal compositions wield in molding the way people think and believe. To strip away the stilts upon which a people’s worldview resides is to strip away any justification for the beliefs that comprise it.

Many of Socrates’ contemporaries dismissed his method of questioning as a form of insanity. It sounded nice and seemed to make sense, but it was really nothing more than mindless babble and idle thoughts. Nonetheless the eccentric philosopher soon began to draw in a crowd that wanted to hear his challenges to conventional wisdom. The Socratic dialectic evolved into its own form of doctrine. It gained momentum as others began to see the worth to be found in understanding the world for oneself.

¹ C.D. Warner, et al., comp. The Library of the World’s Best Literature. An Anthology in Thirty Volumes. 1917.

Socrates frequented the Athenian agora. The marketplace and cultural center of Athens was an ideal location for a philosopher to draw unwitting victims into the clutches of reformed thinking. Plato's famous dialogues iterate instances of Socrates engaged in verbal sparring with many famous Athenians. We also hear of a Socrates whose target was not the outstanding men of the polis, but instead its youth. Having Socrates debate with more prominent figures lent credence to his philosophical expertise; there is nothing impressive about a seasoned philosopher outsmarting a young boy. The reality was this: Socrates could argue with Athenian demagogues, but he could not shake their allegiance to traditional Athenian mores.

The Athenian youth, on the other hand, were impressionable. They were in the early stages of becoming "true" Athenians, something accomplished through adherence to the strict dictates of their elders. Open to learning all that they could, these fledglings flocked to Socrates. He represented something rather distinct from the normal curriculum for Athenian boys. What they would learn from the teachers, politicians and poets of the city was in accordance with the traditional Greek views of society and religion. Socrates did not push them away from these cultural norms. More likely, he enabled these young men to evaluate the norms critically and decide for themselves whether or not they ought to take them as absolute. Today, thinking for oneself is generally considered a staple of maturation. This was certainly not the case in fifth century Athens. Blind conformity was idyllic, and dissent was often squelched. Even with a growing audience, the Athenian government did not consider Socrates as much more than a senseless Rambler, catching an ear whenever he could. But other cultural factors would soon come to bear on the sentiments surrounding Socrates, and eventually result in his execution.

A separate group of teachers also became prevalent during this time, the sophists who Plato condemned as philosophers gone rotten. In Plato's mind, sophists engaged in a deceitful enterprise founded on fallacy. Sophists would teach young nobility the art of rhetoric for a hefty fee. The issue was that the rhetoric they were teaching was intentionally subversive; it utilized ambiguity and hairsplitting to trap opponents in undesirable conclusions. It was a means to get out of a sticky situation via argumentation that was fundamentally unsound, or a method to expedite one's journey to statesmanship through persuasive tactics. This called for an appeal to popular opinion and normally sophistry was not concerned with finding truth, but producing results by whatever way possible. The sophists gained popularity, especially in the highly democratic Athens, where exercising free speech in the assembly was nearly equivalent with being a good Athenian, -- as long as that speech seemed to conform to the common conception of "good" Athenian values. The art of persuasion was indispensable, and the sophists taught it best. Socrates was unjustifiably included amongst these fraudulent teachers, and staunchly denied involvement with them.

Socrates would be met with more opposition as sophistry continued to spread throughout Greece. A comedic dramatist and the play he produced twenty-two years before Socrates' trial would securely tether Socrates to the sophistic tradition in the Athenian mind. Aristophanes, the playwright and contemporary of Socrates, composed comedic parodies of Athenian tropes. He was highly lauded and prolifically read, and on multiple occasions won prizes at theatrical festivals, the Lenaia and City Dionysia. One of his earlier works, *Clouds*, directly affected the anti-sophist sentiments that had now become appended to Socrates; a caricature of Socrates serves as a main player in it. This

play is comprised of jabs and jeers at Socrates' expense, displaying him as a nonsensical idiot whose goal is to corrupt the minds of Athenian youth with poisonous sophistry. Aristophanes' association of Socrates with the sophists undeniably impacted the consensual view regarding the philosopher. The parallel Aristophanes draws between philosophy and sophistry is an easy one. Those unversed in either craft would certainly consider the two to be the same, regardless of the very apparent disparities between them. Unfortunately those same people would also serve as the audience at these festivals, and many would subsequently be amongst the dikasts who condemned Socrates to death.

In 399 B.C. Socrates was indicted on charges of *asebeia*, or "impiety" (this literal translation is not nearly comprehensive in regard to the complexity of the term) and corrupting the youth. He was brought before a jury of some 500 Athenians in a type of trial known as *agon timetos*, or "trial of assessment". Casting their votes, the vast majority of the jurors found Socrates guilty. Some days later he was administered a dose of hemlock and died in his cell, surrounded by his companions.

In what follows I will draw two pictures of Socrates: one from the point of view of an Athenian, and one from the point of view of Socrates. The former will be constructed primarily from details found in Aristophanes' *Clouds*. The play contains elements present in myriad ancient sources on Socrates, and gives what I find to be a faithful representation of the anti-Socratic sentiments that had grown rampant in Athens. In addition to the playwright's words, I will examine the turbulent political climate that Athens and Socrates found themselves in during the time immediately preceding the trial. From these two contrasting perspectives, I will examine the actual trial proceedings, investigating whether or not Socrates should have been subject to *agon timetos* at all.

This will include an investigation of other ancients who found themselves in the court on a writ of *asebeia*. It will be evident that the Athenian government utilized *agon timetos* and *asebeia* as extremely efficient tools to oust undesirables. In turn, I will attempt to refute the charge of impiety against the philosopher, thus distancing him from the reach of an *agon timetos*. Once I have demonstrated that Socrates should have never been involved in that specific type of trial, it will be clear that Socrates was undeserving of the fate afforded to him by the Athenian polis. Thereafter, I will explore whether or not Athens had a choice in forcibly removing Socrates from her walls, and even if there was good cause, were the means by which this removal was brought about unjust and undemocratic in themselves. I will argue that in the end it was political fear that brought Socrates to the courtroom that day, and it was fear that forced the votes of those jurors.

Chapter 2: The Aristophanic Socrates

He was a problem. A godless questioner. An enemy to democracy. In the eyes of an Athenian, Socrates represented everything anti-Athenian. His method of inquiry into the truth of Greek paganism, and the conclusions he reached, were heretical. His subscription to the guidance of his personal *daimonion*, or divine signal, undermined the gods of the polis. His choice of an audience comprised mostly of young men jeopardized future peace and the continuity of longstanding ideals upon which Athens was built. If Athens was to survive it had to rid itself of its Socratic problem and prevent the further propagation of Socratic doctrine.

In 423 BCE Aristophanes first produced his work, *Clouds*, at the City *Dionysia*. An architect of the literary form, Old Comedy, Aristophanes made a living writing plays that turned a skeptical eye towards the intellectual movements of his time. Sophistry was one such movement, which was rapidly spreading across Greece. *Clouds* is dedicated to the mockery of sophistry and its practitioners. Aristophanes selected Socrates as his jester in the play and paints a picture of Socrates shaded by his derision of the sophists. The title in itself insinuates something about the production's main player: that Socrates' concern was with things "up above" and that he was not grounded in study of more conventional notions. As David Konstan states in his analysis of the Aristophanic Socrates, "This apotheosis of natural forces may have lent fuel to the accusation, a quarter of a century later, that Socrates introduced new gods. The *Clouds* also suggests the airiness of sophistical reasoning, which can assume any shape, and take either side of a question".²

² Konstan, 2011:78

Before continuing in my construction of this Athenian perspective of Socrates, I should explain why I lend credence to Aristophanes' depiction of him. The customs and ideals of Athens were presumably well known by virtually all Athenians. Aristophanes' work satirizes intellectual trends newly prevalent in Athens. The satire inherent to his work is created by comparing the caricature of Socrates to the cultural standards of Athens. So even if Aristophanes is unfaithful to the real Socrates in his caricature, his play could only be comedic through this comparative function, i.e., while the Socrates of *Clouds* may be fabricated, the Athenian norms from which he deviated were not. Aristophanes needed both creative license *and* factually based plot aspects to attain the desired result, a laugh from the crowd. So even if the aspects of Socrates' character under speculation in *Clouds* were distorted in some way to increase their entertainment value, his comedy reflects something about Athens' ideals. The portions of *Clouds* discussed are those intended to highlight exactly what Athens thought was wrong with Socrates' work, and thus exemplify the anti-Socratic sentiments in fifth century Athens.³ My aim in the following section of the chapter is not to construct a real picture of Socrates from Aristophanes' work, but one that would both exemplify the way he was generally perceived and, thus, one that would be taken as faithful by the vulgus.

³ Konstan, 2011:76 offers a similar conception, "But parody, if it is to be effective, must have some basis in reality..."

Aristophanes' *Clouds*

The play opens with an old man, Strepsiades, looking for a way to escape the mountainous debt he has accrued at the hands of his son, Phidippides. He finds a potential solution in Socrates' teachings. "The Thinkery" is the fictional school of Socrates in the play and Strepsiades describes its curriculum: "That is a Thinkery for sage souls... These people train you, if you give them money, to win any argument whether it's right or wrong".⁴ Phidippides responds, "Yuk! That scum. I know them: you mean the charlatans, the pasty-faced, the unshod, like that miserable Socrates..."⁵ Aristophanes here offers what very well may have been the common sentiment felt towards sophistry and its practitioners during that time.

The concept of loan and repayment is a rather simple one: the agreement to lend money rests firmly on the conviction that the capital will be returned in a specified time. For the money to be lent in the first place, the lender must believe that capital will be repaid. Strepsiades believes his way out of this agreement to be the adoption of sophistry. In his mind the strength of a legal obligation is outweighed by the convention of sophistry, or "the stronger argument will fall to the weaker," a slogan used to characterize sophistry. Loans involve more than money exchanging hands: they are a social agreement entirely contingent on the good faith of their participants. People enter into a loan-repayment contract under the assumption that the other party's word is not only truthful, but also binding. Aristophanes implies two things in his description of Socrates and the Thinkery: Socrates is willing to teach one how to evade responsibility, and the people attracted to learning such a skill are not the most savory of characters. Aristophanes

⁴ Arist. *Clouds* lns. 94-99

⁵ Arist. *Clouds* 102-104

criticism is aimed directly at Socrates, and by extension, those who choose to be in his company. Strepsiades is seeking a means of evading his debt. Socrates' teaching is an extremely useful vehicle for accomplishing this. As Strepsiades describes it,

“I’m told they have both Arguments there, the Better, whatever that may be, and the Worse. And one of these Arguments, the Worse, I’m told, can plead the unjust side of a case and win. So, if you learn this Unjust Argument for me, then I wouldn’t have to pay anyone even a penny of these debts that I now owe on your account”⁶

These considerations certainly weigh on the conviction that both teacher and student are morally bankrupt from the start. As we will see, the application of this teaching later in the play, while effective, is completely backwards and illogical. So Socrates, the man who claims to be concerned with finding truth, does not teach how to be truthful. Rather, his work is predominantly focused on the exploitation of loopholes and not on sound refutation of contrary propositions.

Socrates' vice is not restricted to peddling subversive rhetorical tactics, though. He sinks deeper into corruption by flouting Athenian religion and custom outright. Strepsiades must convince Socrates to undertake him as a student. Strepsiades is nearing bankruptcy as it is, and that does not take into account his mountainous debt. As a result, the most Strepsiades has to offer Socrates is his word. In situations such as this, it was commonplace to invoke or swear upon the gods as a type of surety. If one failed to deliver what was promised, divine wrath lie waiting for them. But for Socrates, money in

⁶ Arist. *Clouds* lns. 316-22, n.b. Aristophanes' capitalization of “Worse”, “Better”, and “Unjust” is meant to personify these types of arguments in terms of the types of people who might utilize them.

hand held more immediate value than trite prayer, as exhibited in this exchange:

Socrates. What do you mean, you'll swear by the gods? First of all, gods aren't legal tender here (the Thinkery).

Strepsiades. So, what do you swear by? Iron coins, as in Byzantium?⁷

Given that Strepsiades is at the Thinkery for the very purpose of learning how to avoid paying what he owes, perhaps Socrates made the right choice in preferring payment upfront. Or perhaps Socrates took notice of the fact that a man intending to evade debt, possibly despite the fact that he may have sworn on the gods in requesting the principal, should not be taken on his word alone. Regardless of Socrates' reasons for denying his offer, he certainly undermined the weight a divine oath should hold in such a situation.

But eventually Socrates does shed some light on the thought process that may have been involved in his decision to reject Strepsiades' promise. Before Strepsiades truly can delve into the sophistic tradition, he must first affirm the new order of divinity that Socrates endorses, the Clouds and their cohorts. Strepsiades was undoubtedly referring to the traditional Greek pantheon when stating that he would swear by the gods. This is trivial to Socrates because those divinities hold no weight with him. As was the case in ancient Athens, proper religious practice functioned through the recognition of the deities specified by the polis. This entailed the rejection of any and all other religious figures. There will be a further discussion of this in a later chapter. For now, it will suffice to say that adequate reverence necessitated focus on the objects of that reverence, with any divinity outside the range of those intended being effectively non-existence to the practitioner. That is, for Strepsiades to begin his tutelage, he would have to renounce

⁷ Arist. Clouds lns. 247-9

the Olympian gods, and redirect his undivided attention and unfaltering devotion to the new deities of Socrates and the Thinkery. Socrates offers a series of criticisms involving the old divine order as well as reasons for their replacement with his own:

Socrates: Would you like to know the truth about matters divine, what they really are?

Strepsiades: I certainly would, if it's actually possible

Socrates: And to have converse with the Clouds, our own deities?⁸

Again in the following passage, this time with Strepsiades fully subscribing to the doctrine Socrates sanctions:

Socrates: "Not at all; they're heavenly Clouds, great goddesses for idle gentlemen, who provide us with judgment and dialectic and intelligence, fantasy and circumlocution, and verbal thrust and parry"

Strepsiades: "So that's why my soul has taken flight at the sound of their voice, and now seeks to split hairs, prattle narrowly about smoke, and meet argument with counterargument, puncturing a point with a pointlet"⁹

And for a third time:

Strepsiades: "Come now, by Earth, doesn't Olympian Zeus count as a god with you people?

Socrates: "What do you mean, Zeus? Do stop driveling. Zeus doesn't even exist!"¹⁰

⁸ Arist. Clouds lns. 250-3

⁹ Arist. Clouds lns. 316-22

¹⁰ Arist. Clouds lns. 366-7

As the foremost deity in traditional Greek religion, to reject the existence of Zeus is to reject the Greek pantheon as a whole. This rejection is required of Strepsiades by Socrates because it loosens him from the moral stronghold imposed on him by divine reverence of the old gods. Their concern, generally, is with just action and word. It is clear from the dialogue above that the Clouds serve the sophistic ends of Socrates and his students more effectively. As we saw before, the Clouds are intended to represent the nature of the sophistic tradition: argumentation whose thrust is drawn from lofty notions.

But, subscription to reverence of the Clouds has a more implicit meaning. When sophistry began gaining prevalence, much of Greek philosophy was interested in natural phenomena, attempting to explain the world and cosmos. Prior to this, these explanations were provided by paganism. A thunderstorm was Zeus, fire was Hephaestus, and the sunrise was Apollo riding his flaming chariot across the sky. There was never a need for more scientific or thoughtful accounts of how things were and came to be. Most Greeks were not philosophers or scientists. For them, accepting what was already established just seemed a more viable and complete rationalization to subscribe to (*mythos*). For most Greeks, religion and reality were one in the same, with the former being the impetus and reason for the latter. To consider any doctrine that sought to explain away the gods was heretical. It effectively would remove the gods from daily life. If the function of religion in ancient Greece was almost entirely contingent on full devotion from its practitioners, then any step off the beaten path was sacrilegious. Just as failure to fulfill an oath to gods could invite their retribution, failure to recognize them as prescribed was doubly daunting. Socrates later gives an account of how Zeus had been booted from his throne in

exchange for Vortex, for which Aristophanes uses the Greek word *dinos*.¹¹ *Dinos* was a staple term of the new movement toward a scientific cosmology. Philosophers such as Anaxagoras placed Vortex as the principal mover in their cosmological doctrine. Coincidentally, Anaxagoras was widely known as impious, and was tried and exiled for it. Socrates, following the steps of his predecessors, was equally impious in his attempts to remove the gods from their long-standing positions, as is evident in the following passage. The first interaction Strepsiades has with his soon-to-be teacher is notable because he finds Socrates in the Thinkery sitting in a basket suspended in the air. When questioned as to what exactly he was doing in the basket, Socrates reveals that his intention is to tread the air and scrutinize the Sun, the Sun being a representation of Apollo who was almost as prominent as Zeus in those times.¹² Strepsiades poses the following inquiry to Socrates on his method of investigation, and is met with a typical sophistic response:

Strepsiades: “So you look down on the gods from a basket? Why not do it from the ground, if that’s what you’re doing?”

Socrates: “Why, for accurate discoveries about meteorological phenomena I had to suspend my mind, to commingle my rarefied thought with its kindred air. If I had been on the ground and from down there contemplated what’s up here, I would have made no discoveries at all...”¹³

These considerations, Socrates’ impiety and willingness to corrupt in exchange for payment, may seem reprehensible enough. Had he kept them to himself, it would

¹¹ Arist. Clouds lns. 825-8

¹² Arist. Clouds ln. 225

¹³ Arist. Clouds lns. 226-32

result in just one deluded old man. The troubling part is that he did not keep his lunacy contained; instead he endeavored to pollute the minds of others, with his ideal victim being the Athenian youth. Strepsiades is old, and Socrates is at first reluctant to accept him as a student. Later in the play Socrates dismisses Strepsiades due to his inability to comprehend Socratic lessons. But his dismissal is mitigated by an invitation from Socrates to have Phidippides take his father's place at the Thinkery. Phidippides is younger, his mind a bit sharper, and if Strepsiades has his way, his tongue will become sharper too. It is here that the reader is introduced to the Better Argument and the Worse Argument. Aristophanes personifies these two arguments in order to illustrate the distinction between traditional Athenian ideals and those now being posed to Phidippides.¹⁴ Konstan writes, "...the Stronger Argument makes a case for traditional education and values, on which the men who repelled the Persians at Marathon were allegedly reared, while the Weaker Argument defends a life of pleasure – eating, drinking, sex, games, and other rascally pursuits. With this, Phidippides is led into the phrontistêrion (Thinkery)".¹⁵ As Konstan points out, there is a vast difference between the Socratic values exhibited in *Clouds* and the values held prior to the new educational movement in Athens. The "men who repelled the Persians at Marathon" are Athenian heroes; their lives were dedicated to the protection of their fatherland and the preservation of Greek custom. This is in stark contrast to the mores of Socrates in *Clouds* and the description Konstan provides of the Worse Argument's motives. The Clouds

¹⁴ C.f. note 5

¹⁵ Konstan, 2011:79

leave Strepsiades with the following: “Don’t worry, you’ll take home a handy sophist...(but) I think you’ll come to regret this”.¹⁶

It is exactly these decadent motives that bait Phidippides into Socrates’ tutelage. It is not hard to imagine that a young man would gravitate towards such things. Strepsiades leaves his son at the Thinkery, and returns to find a changed person in his place. The Thinkery and its lessons are quite efficient. Phidippides is no longer concerned with his past hobbies of horsemanship and spending away his father’s money. Those desires have been replaced with a concerted effort to verbally thwart any opponent. To Strepsiades’ dismay, he himself will soon become the dartboard for Phidippides pointed words.¹⁷ When Strepsiades’ creditors finally do come to collect what they are due, he calls upon his Socratic soldier to meet them on the battlefield. Phidippides successfully beats back the creditors by arguing on the ambiguity of the name given to the day of expected payment. Of course, Strepsiades is quite pleased with the result of Phidippides’ education. But this does not last for long. The next time we see Strepsiades, he is being chased from his house and physically beaten by Phidippides.

Now Aristophanes gives us the grand total of a sophistic education. Phidippides was by no means the exemplar of filial piety before he underwent his study at the Thinkery. But even a spendthrift son is preferable to an abusive and insurgent one. Phidippides no longer believes in the traditional Greek gods, instead embodying the ideals of Socrates and the Clouds. He no longer has any concern for the obligations he should feel towards the father who gave him everything he ever wanted. And, now armed

¹⁶ Arist. Clouds lns. 1111-4

¹⁷ Konstan, 2011:81 refers to the new sophistic logic as a “two-edged sword” that Strepsiades realizes can be turned against himself as well as his creditors.

with sophistry, there is no way of turning him back to the person he once was. That is what Socrates did. He preyed on youth, captured its attentions with fancy arguments, and produced more versions of the moral corruption he had within himself. All of these byproducts are exhibited in the following dialogue between father and son regarding whether or not the latter ought to refrain from harming the former:

Strepsiades: “Oh yes you should: to Zeus of the Fathers tender your respect!”

Phidippides: “Listen to him, ‘Zeus of the Fathers’! How antiquated! Do you think there’s a Zeus?”

Strepsiades: “I do”

Phidippides: “There isn’t, no, because Vortex is king, having kicked out Zeus”¹⁸

Given that Phidippides has renounced any affinity to the traditional Greek pantheon, and the morality prescribed by its constituent deities, it is not surprising that he has no qualms during the assault of his own father. Traditional Greek theology was more or less a pluralistic personification of what was then considered to be right or wrong. The purported actions of the gods were allegorical, with the moral of the story being the real takeaway for practitioners. By severing himself off from what Athenians used as a guide to proper action, Phidippides replaced a long-standing moral compass with one contrived as a means to selfish ends. Without feeling the justified fear of divine retribution or the guiding force of divine precepts, we cannot expect him to heed his filial obligations. For this we have Socrates to thank.

¹⁸ Arist. Clouds Ins. 1468-71

What we have gathered from Aristophanes' Socratic portrait is this: Socrates was a heretic, a corruptor of the youth, and a dissenter from traditional Athenian morality. There is a marked deterioration in the content of both Strepsiades' and Phidippides' moral character from the time they meet Socrates to the comedy's conclusion. Strepsiades was by no means a moral exemplar prior to entering the Thinkery. But there is still hope for him. In fact, the play closes with Strepsiades burning the Thinkery to the ground with many students still inside. When the students finally escape the Thinkery, Strepsiades commands, "Chase them! Hit them! Stone them! They've got it coming many times over, but most of all for wronging the gods".¹⁹ It is unclear why Strepsiades *now* realizes the implications of those Socratic lessons he once sought. Perhaps it was a result of seeing Phidippides in all his dangerously sophistic glory that drove him to incinerate the Thinkery and those who endorse it. But at least Strepsiades was able to come to this realization. Aristophanes does not offer any further information about Phidippides other than his exit after rejecting his father's plea to aid in the burning of the Thinkery on the grounds that he could not harm his teachers. It seems safe to say that Phidippides did not fare as well as Strepsiades did in terms of rectifying his now broken morality.

¹⁹ Arist. Clouds lns. 1506-9; Strepsiades' urge to "stone them" is noteworthy. Stoning was a form of execution, generally carried out by the mob of the city. Aristophanes is, in effect, turning the masses against Socrates by appealing to this type of mob-killing.

Chapter 3: A New Socratic Defense

“Thus, though Socrates denies point by point the general portrait offered of him in the Clouds, his use of rhetoric suggests sophistry, and the very skill of his use confirms the suggestion... In circumstances which call for appearing as an ordinary, domesticated farmyard fowl, he has given himself the character of the fox”- Reginald E. Allen²⁰

Claiming that a comedic play singlehandedly brought about the demise of one of the greatest minds in recorded history may sound farfetched. That is not the claim being made. *Clouds* was not the only reason Socrates was condemned to death; but it was nonetheless integral in the formation of the negative sentiments Socrates will attribute to his Old Accusers in both the Platonic and Xenophonic Apologies. In time these sentiments would transform into the formalized indictments of his accusers. Socrates was well-known to the Athenians of his time, but that is not to say that his ideas were known as well. The audience at the first production of *Clouds* was not necessarily versed in the philosophical topics being satirized. They were, however, familiar with Socrates. They saw this caricature of him being paraded about the stage. They were able to gauge the ways in which that caricature deviated from Athenian values. They laughed, and they took those deviations as faithful parallels to the real Socrates. During the twenty-two years between that first production and Socrates’ trial, the conviction many came to believe was that the Aristophanic Socrates and the historical Socrates were one in the same.²¹ Twenty-two years is a fair amount of time, certainly enough time for some of the younger men in the audience to reach the age at which their service in the Athenian jurors would be required. So in 399 BCE, indoctrinated with the words and opinions of that

²⁰ Allen, 1980:8

²¹ Cf. Woodruff 2011: 94, “But Socrates’ reputation as a teacher of the new learning surely gave him a bad odor. This reputation had been spread far and wide by a popular play produced about twentytwo years earlier”.

great comedian, they marched into the court of the King Archon and sat on the jury that would soon condemn Socrates to death. Socrates was tried and convicted in the public mind long before any formal charges were brought against him.

It was because of *Clouds*, and Aristophanes' unwarranted attribution of the sophistic tradition to Socrates, that Socrates became a sophist in the eyes of many Athenians. Not coincidentally the charges against Socrates written in *Clouds* found themselves written again in the formal indictments filed against him. As we saw before, Aristophanes' Socrates is condemned as a heretic, both rejecting the civic gods and worshipping his own, and as a corruptor of the youth. Xenophon recounts the indictments of 399: "...Socrates came before the jury after his adversaries had charged him with not believing in the gods worshipped by the city and with the introduction of new deities in their stead and with corruption of the young..."²² The similarity extends even to the words used to condemn Socrates' actions; *ou nomizei theous*, translated as "he does not worship or believe (in) the gods" appears in *Clouds*, and the Platonic and Xenophonic apologies.

Further, in *Clouds*, Socrates' philosophical exploration is conflated with that of Anaxagoras. Meletus, the chief accuser in 399, claims that Socrates does not believe in gods at all. Socrates presses Meletus on the matter, saying, "Why do you say this? Do I not even believe that the sun or yet the moon are gods, as the rest of mankind do?" Meletus responds, "No, by Zeus, judges, since he says that the sun is a stone and the moon earth". Socrates rebuts, "Do you think you are accusing Anaxagoras, my dear Meletus, and do you so despise these gentlemen and think they are so unversed in the

²² Xen. Apol. I.10-11

letters as not to know, that the books of Anaxagoras the Clazomenian are full of such utterances?”²³ Despite the fact that Socrates’ philosophy was predominantly focused on ethics and value theory, despite the fact that his reputation as an Athenian annoyance stemmed directly from proving others ignorant in exactly those matters, somehow Meletus made the lucky mistake of biasing the jurors with this amalgamation.

There is a very simple answer to the question of how these conflation came to be accepted; this is exactly what his enemies and accusers wanted Socrates to be. If he had been any one of them, or guilty of any one of those indictments, he would not have lived to see the age of seventy. If Socrates, who conducted his affairs in the public square and public eye, was truly all that he was claimed to be, a writ of impiety or corrupting the youth would have found him much sooner than it had. The subsequent analysis of Socratic dialogues will illuminate what Socrates actually was, as N.G.L. Hammond eloquently writes,

A man [who] surpassed all men in justice, in honesty of thought, and in probity of conduct. As a citizen he obeyed the laws but not the dictates of those in power...In equity Socrates was innocent. In Attic law he was guilty of the charge preferred against him, and he refused stubbornly to accept the mitigation of sentence which the law allowed to him. He died a martyr to his faith, that the individual is to be guided by his own intellect in every field of human life.²⁴

²³ Plat. Apol. 26C-D

²⁴ Hammond 1981: 449, It should be noted that what Hammond means by “In Attic law he was guilty...” is Socrates was guilty insofar as he was found guilty.

Impiety

The first two charges levied against Socrates concerned his lack of worship for Athenian civic gods and the introduction of his own personal divinity. In short, Socrates was being charged with impiety, *asebeia*. The problem Socrates would have in defending himself against this claim, and what would avail Meletus in making it, was that Athenian law did not specify what was impious and what was not. Religion and proper worship were so integral to the foundation of Athens, and in the everyday life of its inhabitants, that the distinction between impious and pious action should have been entirely apparent. It very well may have been apparent to each juror in the courtroom that day. But 501 individual opinions on the nature of impiety does not mean those opinions are in accord with one another. What was considered impious and incriminating in one case might not have been so in the next. The arbitrariness of this was compounded with the randomized selection of jurors. Athenian jurors, or *dikasts*, were elected by lot, with each *deme*, or suburb, of Athens having a certain number of elected *dikasts*. When court would be called to session, X amount of jurors from any of the *demes* could be asked to appear and deliberate on the matter. Usually, one set of jurors called for a given case would be entirely different from that called on another case. So, not only was a definition of impiety different from *dikast* to *dikast*, but it was also different between juries as well. As Manuela Giordano-Zecharya aptly notes,

Although the charge of ‘impiety’ was vaguely understood as wrongdoing against gods, parents and fatherland, the Athenian criminal statutes do not

define the conduct that constitutes impiety, as was the case for most offences 'but rather *assume* a definition which such words would imply.'

In other words, the definition was entirely subject to the evaluation of the judges, who, it should be noted, were private citizens with no legal expertise whatsoever.²⁵

Socrates appeared to be a dissenter of Athenian religion. In some ways he was. But his qualms were not with the civic gods themselves, nor was he in disagreement with the notion that Athenians owed something to those gods through ritual and sacrifice. His problem was with *why* most Athenians fulfilled their religious obligations. Cult worship and ritual functioned as a sort of symbiotic relationship; the practitioner paid reverence in exchange for some type of divine aid or gift. Socrates had no need for any material good, but made do with what he had as is highly attested to in countless ancient sources. There are numerous descriptions of Socrates as wearing the same clothing in both the summer and winter, going about the polis unshod, and living a modest life in general. His ritual and sacrifices were offered because it was just to pay honor to the gods, and his only request from them was guidance in his never-ending search for virtue. Mark McPherran writes, "I think it is clear that Socrates does not reject conventional religious practices *in general*, but only the narrowly self-interested motivations underlying their common observance".²⁶ So Socrates practiced Athenian religion in much the same way all others did, with the customary services due to the gods. The difference is that his aim in doing so was not materially motivated; he did not want divine help in winning the bet he had placed on the horse race that evening, he only wanted to better his soul and guide others

²⁵ Giordano-Zecharya 2005: 341

²⁶ McPherran 2011:120

in that pursuit. In this regard it would seem Socrates is more pious than the average Athenian.

In *Euthyphro*, Socrates is seeking the nature of holiness, and by extension, virtue and justice through the question-answer form he usually employed. The theme throughout his discussion with the young Euthyphro is to pinpoint a universal standard of “the good” applicable to both mortals and gods. Socrates’ thought is that morality ought to mirror divine will. What was holy or just in the gods’ eyes should also serve as the basis for human conceptions of justice and proper action. The implication is that justice or “the good” is something *all* the gods consider as such. A dilemma arises from Socrates’ allusion to the many, many quarrels amongst the gods portrayed in Hesiod’s *Theogony* and *Works and Days*. If the gods quarrel, Socrates claims, then their quarrels must be founded on some disparate notion of what is inherently good. With these opposing accounts of morally just action, a single action could at the same time be holy, or god-loved, and unholy, or god-hated, contingent upon which god passed judgment. Socrates sought to maintain his conviction that justice was pantheonic, that there was a nature of the good on which all the gods could agree. If Socrates is searching for a universal standard of morality, to which the gods themselves are also subject, then for them to quarrel with each other in terms of pious and impious action undermines such a hypothesis. A solution to this is to affirm the gods, affirm the universal moral standard all beings ought to be held to, and then reject the mythologies in which gods fight amongst themselves, thus allowing the reconceptualization of those civic gods as truly just. It is this that leads Socrates to say, “Is not this, Euthyphro, the reason why I am being prosecuted, because when people tell such stories about the gods I find it hard to accept

them? And therefore, probably, people will say I am wrong”.²⁷ We can begin to see from these two notions, how Socrates came to court on a writ of impiety. But these, and other instances will show that while Socrates’ innovations in religion could have been seen as heretical, they were in fact a far more refined notion of Athenian religion and its constituent pantheon. McPherran proffers a more succinct formulation of the Socratic view on divine behavior,

... Socrates is committed to the claims that (i) there is but one universal moral canon for all beings, gods and humans alike, and thus must reject the tradition of a divine double-standard of morality. Socrates’ examination also suggests that (ii) his gods are perfectly just and good, and so (iii) they experience no moral disagreements amongst themselves.²⁸

Socrates’ beliefs regarding religion, thus defined, were in accordance with his philosophical endeavor. Socrates was concerned with the pursuit of virtuosity in all areas of life. The gods, being all-good, would grant their gifts to those who mirrored their conduct in that regard. So, in Socrates’ eyes his movement toward bettering himself and others would be god-loved as just action. Socrates’ deviation from customary Athenian worship undercut the traditionally egocentric concerns of cult worship present in fifth century Athens. It would seem Socrates’ shortcoming was trying to practice religion more piously, for more pious reasons, to more pious divinities.

As for the introduction of new gods into the polis, the second charge lodged against Socrates, the condemnation was an appeal to his personal *daimonion*, or divine

²⁷ Plat. Euthy. 6A

²⁸ McPherran, 2011:117

signal. It is important to understand that personal, here, means Socrates alone was able to hear and act upon the *daimonion*, not that it was by any means a contrivance of his own will. In his mind the *daimonion* was a conduit between himself and the gods. “It (his *daimonion*) is, in short, a species of the faculty of divination, true to Socrates’ description of it as his ‘customary divination’ and himself as a ‘seer’”.²⁹ The *daimonion* would never tell Socrates what he should do, but would instead halt him from doing something unjust and against his principles. It functioned as a sort of ethereal conscience with the knowledge to prevent Socrates in acting where his human foresight fell short. Much in the same way bird-diviners relied on avian occurrences to dictate the gods’ will, or soothsayers utilized dreams and prophecies, Socrates use of his own divine signal to interpret divine will should have seemed quite mundane in Athens at the time.³⁰ But instead this divine monitor was exactly what was implicated by “introducing *kaina daimonia*,” or new deities. McPherran writes, “Meletus’ invocation of the *daimonion* may well have inflamed the prejudices of the jury, leading a good number of them to vote for (Socrates’) conviction on the specification of introducing *kaina daimonia*”.³¹ But Socrates’ conduct throughout his life preceding the trial never necessitated any formal indictments against him, so this divine monitor must not have led him too far astray, and yet it was in service to this god, and another soon to be mentioned, that Socrates ignited the Athenian ire felt towards him.

Socrates proclaimed himself the “social gadfly” that Athens needed. The “lazy horses” that were leading the city, who claimed to be wise in justice and virtue, needed to

²⁹ McPherran 2011:126

³⁰ Cf. Xen. Apol. 1.12-13, Socrates himself offers the very same defense in the Xenophonic account of the trial.

³¹ McPherran 2011:133

be stung into virtuous awareness. Thus the Socratic elenchus came to be. But first a bit of background. Those familiar with either the Platonic or Xenophonic Apologies are also familiar with the story of Chaerephone and the priestess of Apollo at Delphi. Being the impetuous man that he was Chaerephone went to the oracle and asked if any man were wiser than Socrates, to which the priestess responded that no man was wiser. But to Socrates this posed a dilemma. Throughout his life Socrates had openly admitted that the only thing he did know was that he knew nothing. Finding himself surrounded by men of all types, who claimed great wisdom in many things, Socrates naturally thought these men to be much wiser than he. However, had this been true, it would effectively show the oracle's, and by extension Apollo's, words to be false. Socrates could not stand to see the words of a god go invalidated, and so his quest began.

Socrates questioned those "wise men" in an effort to see if they truly were as wise as they, and Athens as a whole, thought. This included the statesmen, the poets, and the craftsman, with the statesmen and poets being held in especially high regard amongst the polis. In proving each to be ignorant in areas they claimed wisdom, Socrates did prove himself wiser than these men. While Socrates never said he was wiser than these men in the ways they thought themselves to be wise, he did prove he was wiser insofar as he was aware of his own ignorance where they were not. His notion of knowing that he knew nothing was a reflection of his thoughts on the limitations of human knowledge.³² The gods were integral to his philosophical pursuit of the abstract answers that escaped mortal investigation. One would not ask the gods for help deciding whether or not one thing is larger than another, instead relying on the human conventional knowledge of metrics.

³² Plat. Apol.

Divine aid was necessary in answering those deeper puzzles where human thought was deficient, such as those regarding the nature of virtue, a common Socratic question. The oracle at Delphi provided Socrates with his mission, and the *daimonion* was his guiding light and bridge to the divine answers he sought.

Corruption of the Youth

The final indictment Socrates faced in 399 was that he was a teacher of the heterodox notions mentioned above. Meletus and his cronies claimed that Socrates voluntarily corrupted the youth by teaching them what was wrong with traditional Athenian religious worship, by speaking about his own *daimonion*, and by professing anti-Democratic sentiments. The last of these three will be addressed in the following chapter. My focus now is on a refutation of the charge that Socrates corrupted the youth with atheistic doctrines.

Socrates conducted his philosophy in the agora of Athens. Just as it was populated with the demagogues Socrates hoped to prod toward spiritual improvement, it was also a place for many Athenian youths to spend their time. Socrates' public philosophic method came at the expense of himself as well as those who engaged with him. While he may have proven the oracle's words by showing every Athenian to be unwise, and thus publicly humiliated Athenians, the process clearly stirred up resentments that would be turned against him at his trial. Virtue and justice were at the core of an Athenian male's value system. To demonstrate publicly that a given man was by no means in as firm of a grasp of these notions as he had thought generated hostility. Of course, the younger members of the audience saw the spectacle Socrates had created at the expense of these men. Attempting to mimic Socrates, these young Athenians began prodding the men of the polis, adopting the Socratic elenchus that had proved so effective.

But Socrates never asked for those young men to follow him, nor was it in his power to prevent these well-off Athenian youths from following the trail he was blazing. He spoke to all that would listen and could not control whose ears his words fell upon.

His philosophical exploration was done as a service to himself and those lucky to be in his company; there was no fee charged because Socrates had no care for money, only leading himself and his companions to bettering themselves. This notion is evident if we consider the *elenchus* itself and the self-professed lack of knowledge Socrates always preached. In *Crito*, when first taking up a discussion with Crito, Socrates says, “So we must examine the question whether we ought to do this or not; for I am not only now but always a man who follows nothing but the reasoning which on consideration seems to me best”.³³ Socrates never claimed to be a teacher, but through his dialogues he will come to be seen as a student in his own regard.

The *elenchus* in all Socratic dialogues functioned on a question-answer basis. We do not hear Socrates purport a definition or explanation, but instead listen to the answers of his interlocutors in hopes that they can shine light on the topic at hand. This is a clear byproduct of Socrates’ ignorance to all but his ignorance; if Socrates knows nothing, then his hope must be to learn something in hashing out an issue with others. When inconsistency or incoherence surfaced, that was when Socrates enacted his gadfly approach. As a man who was dedicated to perfecting the knowledge of himself and all who associated with him, Socrates could not ignore the glaring reality that the professed wisdom of his interlocutor was faulty. To Socrates, the people he engaged with were just opinions on matters that he hoped he himself could be educated from. Meletus claims in the Platonic *Apology* that only those who are qualified to teach should do so.³⁴ Socrates believed the same. When one of the “wise men” Socrates hoped could educate him in matters he was unfamiliar with proved fraudulent, it was his duty to publicly chastise that

³³ Plat. *Crito* 46D

³⁴ Plat. *Apol.* 24D-25C

person. Public shame could have served as the impetus needed to start one down the path to spiritual righteousness. It could have served Socrates' end of aiding others in taking up that same pursuit by preventing them, especially the youth, from being harmed by false knowledge. Above all, his duty was a pious one; Socrates only hope was to spread his gift of moral rectification to all that he could, as per his *daimonion* and the Delphic oracle. Socrates offers an explicit defense against his voluntary corruption of the youth,

For know that the god commands me to do this, and I believe that no greater good ever came to pass in the city than my service to the god. For I go about doing nothing else than urging you, young and old, not to care for your persons or your property more than for the perfection of your souls.³⁵

For being the benefactor that he was, Socrates was put to death. His religious doctrines were formed in a way to lend further credence to Athenian religion and theology. His actions were performed because he believed the gods would approve of them as just, not because they were arbitrarily deemed just by the gods and thus practiced. The divine beings that sprouted from this universally applicable standard of good were in many regards more just and more venerable than those depicted in the tales of their less refined counterparts. Socrates' adherence to the commands of his *daimonion*, while never leading him to vice, always urged him forward toward his goal of spiritual enlightenment. This *daimonion* was no different than the artifices used by others who interpreted the gods' will, yet the jury could not see the comparison. Where birds would suffice as divine, Socrates' divination was heretical. When commanded by Apollo,

³⁵ Plat. Apol. 30A

himself at the forefront of the Athenian civic gods, to pursue philosophy and prove the god infallible, Socrates received hatred and condemnation. And most unfortunately of all, his desire to lead himself and others towards virtue with these newfangled conceptions was seen as corruption. If corruption was to inadvertently cause some deviation from Athenian norms, even if that deviation would ultimately yield a better class of citizens, then Socrates was guilty. Athenian men, stubborn in their perspective and stringent in their ideals, hated Socrates for showing their sons a new way of looking at the world. It was exactly this that drew the young men into his company. The only harm that ever came from Socratic doctrine was the harm Socrates himself endured in leaving his life only partially examined.

Chapter 4: Saving Socrates

“He touched, even in his very speech of defense, the most powerful and terrible of all political motives: fear, whose image is anger” - Reginald E. Allen³⁶

Socrates’ legal guilt is fixed in history; no amount of scholarship on the topic can alter the fact that he was tried and convicted for the accusations proffered against him. However, the attention his life and trial have received posthumously speaks to the fact that there is something deeply unsettling about Socrates’ fate, or at least something worth discussing. If his *actual* guilt had been entirely apparent, then his execution would not be questionable. If Socrates was deserving of the scorn and condemnation he received, then his death would seem deserved as well. This is not the case. Socrates found himself trapped in a perfect storm of circumstances. The turbulent political climate of postwar Athens, his long-standing association with sophistry, and an opportunistic prosecutor were all mixed into the hemlock that killed Socrates. This chapter will begin by briefly outlining those factors in Athens and Athenian law relevant to Socrates’ conviction. This reconstructed view of Athens at the time surrounding the trial will show how these factors came to bear on Socrates’ appearance of guilt. As we have seen, Socrates’ habits created an undercurrent of enmity felt toward him by some Athenians. But it was the particularly volatile backdrop of Athens following the Peloponnesian War that turned enmity into fear.

³⁶ Allen, 1980:21

Peloponnesian War and Thirty Tyrants

Fought between 431-404 BCE, the Peloponnesian War left a Spartan hegemony ruling the city and Athenian democracy in disrepair. The leaders of the pro-Spartan faction, the Thirty Tyrants, wrought havoc, and were driven out in 403. Two prominent Athenians, Alcibiades and Critias, were at the helm of the Thirty and both had been companions to Socrates. Before their rise to notoriety, Alcibiades and Critias had gained reputations as skillful statesmen and orators. They utilized their verbal abilities to influence the ongoing discussions between Sparta and Athens, ultimately defecting from Athens and joining the Sparta-allied Peloponnesian League. The Athenians balked at the idea that two men so seemingly committed to Athenian ideals could suddenly leverage themselves into leading roles of the Spartan tyranny that stole away Athenian democracy.

Konstan writes:

Phidippides is, then, the kind of rich young man of distinguished family who was susceptible to the influence of the sophists and Socrates alike, and whom Plato and Xenophon represent as attracted to their teachings, if not always for the best of motives. When Strepsiades gets a good look at the consequences of such views, he reacts the way the majority of jurors did in Athens in 399.³⁷

Alcibiades and Critias seemed like an all-too-real manifestation of Phidippides from *Clouds*, using subversive rhetorical tactics to forward their own prerogatives. The humor the Athenians saw in Aristophanes' play was turned to panic.

³⁷ Konstan, 2011:81

The Legal Basis of Socrates' Conviction: Agon Timetos and Asebeia

Agon timetos (pl. *agones timetoi*) or “trials of assessment” were court trials in which the penalty imposed were not fixed and could be “whatever [the convicted defendant] must suffer or pay”.³⁸ The penalty issued in *agones timetoi* could, in effect, range from the loss of one’s rights to the loss of one’s life. Crimes falling within the reach of *agones timetoi* pertained to theft, bribery, hubris, and impiety, amongst others. After both the defense and prosecution had given their speeches, the *dikasts* would first vote on conviction or acquittal. If convicted, the parties would each propose a penalty corresponding to the gravity of the crime, and again the *dikasts* would vote. The *dikasts* could not choose any other penalty, but had to deliberate between the two proposed. It is important to note that in public trials, such as *agones timetoi*, the *dikasts* “were given no time to deliberate and no instruction as to which arguments or evidence they were or were not allowed to consider; issues of fact and law were not treated as separate, and jurors were at their own discretion in evaluating both”.³⁹ As Josiah Ober states, it makes sense to think of the *dikasts* as judges, rather than jurors, because “they made substantive decisions about the meaning and applicability of the law itself, rather than merely determining matters of fact”⁴⁰

The legal term *asebeia* encompassed a large scope of crimes. The most commonly prosecuted instances of *asebeia* were blatantly heretical. This included misconduct at religious festivals, defamation of the Eleusinian Mysteries, and defacing religious symbols such as Athena’s sacred olive trees or the statues of Hermes. Athenian law did,

³⁸ Phillips, 2013:41

³⁹ Phillips, 2013:40

⁴⁰ Ober, 2011:139

however, specify the legal action to be taken in the event of a *graphe asebeia*, or “indictment of impiety”: the court would hold *agon timetos*, as the content and degree of the impious action in question would dictate the penalty deserved. As we saw before, and as Ober notes, “The Athenian law on impiety... (detailed) the legal procedure to be followed, but (was) silent on the range of beliefs, behaviors, or acts constituting impiety”.⁴¹ Besides those listed above which were clear transgressions of Athenian religious mores, requiring some form of penal enforcement from the state, there were other less severe forms of conduct that could be construed as *asebeia*. So, an indictment of *asebeia* was discretionary; overtly impious acts would be seen as such and prosecuted without question, but other indiscretions pertaining to impious religious acts might also result in a court appearance on a *graphe asebeia*. Manuela Giordano-Zecharya writes,

Although the charge of ‘impiety’ was vaguely understood as wrongdoing against gods, parents and fatherland, the Athenian criminal statutes do not define the conduct that constitutes impiety, as was the case for most offences ‘but rather *assumed* a definition which such words would imply.’ In other words, the definition was entirely subject to the evaluation of the judges, who, it should be noted, were private citizens with no legal expertise whatsoever.⁴²

So in many regards the Athenian law regarding *asebeia* was arbitrary in its constituent content, and in the way that content would be interpreted by the presiding *dikasts*.

The following is a famous example of the prosecutions of other intellectuals on the basis of *asebeia* in ancient Athens:

⁴¹ Ober, 2011:140

⁴² Zecharya, 2005:341

“Anaxagoras was from Clazomenae, but because the Athenians thought the sun was a god and he said it was a red-hot mass of stone, they came within a few votes of condemning him to death. They announced a reward of a talent for Diagoras of Melos, for anyone who killed him, because he was said to mock their Mysteries.”⁴³

These forms of *asebeia* definitively fell within the bounds of a *graphe asebeia*.

Anaxagoras’ view of the sun as a red hot mass of stone clearly contradicted Athenian theology. Anaxagoras replaced the god- Apollo with hot stones, Selene, the moon goddess with other stones -- and was casting doubt, by extension with all the other naturalistic deities of the Greek pantheon, with science-driven substitutes such as rock and earth. There was no question as to whether or not these crimes fell under *asebeia*. Anaxagoras, with the help of Pericles’ oration in his defense, - was spared from execution, but still endured exile.

Cult religious practice, such as Greek paganism, functioned through the performance of worship of the specified deities at the specified time. Zecharya writes, “in ancient Greece it would be better to speak of a community of performers rather than a community of believers”⁴⁴ McPherran argues similarly, claiming that

What marked out a fifth-century BCE Greek city or individual as pious – that is, as being in accord with the norms governing the relations of humans and gods – was therefore not primarily a matter of belief, but

⁴³ Philips, 2013:446

⁴⁴ Zecharya, 2005:347

rather, correct observance of ancestral tradition. The most central of these activities consisted in the timely performance of prayers and sacrifices.⁴⁵

Piety in the Athenian sense was, then, a citizen's fulfillment of the prescribed modes of worship considered owed to the Greek pantheon and mandated by the city.

⁴⁵ McPherran, 2011:112

The Perfect Storm of 399 BCE

After its defeat by Sparta and the Peloponnesian League in 404 BCE Athens hurriedly retreated back to the democratic and traditional norms that had once allowed the great city to prosper. The Thirty Tyrants, and specifically Alcibiades and Critias, represented a break from those norms and resulted in the destruction of the democracy Athens had worked to foster. Socrates' association with these two traitors was hardly forgotten once the Thirty had been forced from power in 403 BCE. The Athenian conviction that Socrates' companionship was responsible for producing the anti-democratic sentiments that brought about the Spartan upheaval inspired fear amongst the polis. If these two men, who at first had made themselves seem to be benefactors to Athenian political culture, could be turned to such insidious motives under Socrates' tutelage, there was no way of knowing how many more traitors would spring from Socrates' company. It is understandable that Athens had little to no tolerance for anything that might remotely seem counter to Athenian culture. What this meant was that the Athenian tolerance for Socratic teaching had come to its end.

From our discussion of *Clouds*, we have seen that there were already derisive sentiments felt toward sophists, or anyone who could be categorized as such, specifically Socrates. So, many Athenians were already predisposed to misrepresent Socrates as part of the sophistic tradition. One staple of sophistic tutelage, receiving the most scorn of all areas of education in their repertoire, was the effective use of words and arguments for not necessarily the best causes. Paul Woodruff writes similarly,

Athenians singled out forensic argument from this catalogue of offerings because of its role in the people's court of Athens. Prominent citizens

feared being prosecuted by someone who had mastered the art- any citizen could prosecute- and ordinary people were afraid that criminals who had mastered the art could talk their way to freedom, no matter how guilty they were. Both fears were summed up in the expression, supposed to capture the Sophists' principal teaching, 'to make the weaker argument stronger' ...⁴⁶

The Athenian belief was that because Socrates had "taught" Alcibiades and Critias, what they had learned from him enabled them to make their rise to the forefront of Athenian politics, and then to become the traitors who doomed their fatherland. If the Aristophanic Socrates given to us in *Clouds* was a parodied fiction at first, it was now verified and real in the Athenian mind. Alcibiades and Critias' actions caused the anti-sophistic sentiments of Athens to boil over, and the deluge was headed for Socrates.

Socrates defense speech itself even further coalesced his philosophy with sophistry to the *dikasts*. Both Socrates and the sophists were skilled in rhetoric and the effective use of words. Despite Socrates' disclaimer at the start of his speech, warning the jurors that he would take up his elenctic style because it has been his way throughout life and because, as a first-time offender in the court, he was unfamiliar with the legalese rhetoric usually present there, the *dikasts* felt confirmed in their conviction that Socrates was attempting to manipulate the court with his words. Socrates is already anticipating the reception his defense will receive from the presiding jurors: a confounding of his dialectic with that of the sophists. "In the *Apology*, Socrates practices an art of persuasion

⁴⁶ Woodruff, 2011:93

founded on truth, and ignorance, not surprisingly, mistakes it for a form of base rhetoric”.⁴⁷

The Peloponnesian War left Athenians scrambling to restore the “glory days” of Old Athens in hopes that a reversion to the traditions of that past time would bring about similar results for the future. They assumed an “if it worked for our predecessors, then it will work for us” attitude toward most aspects of life, religion and politics included. Socrates novel conceptions were, it seemed to them, not in accord with the postwar Athenian vision. For Meletus, and the Athenian faction looking to rid the city of any ostensible malefactors, the time had come to do so. Ober writes, “The Athenian willingness to tolerate potentially dangerous behavior and apparently irresponsible public attitudes reached a low point. And so, for Meletus the time was ripe...”.⁴⁸

Even though Socrates demonstrates Meletus to be one of those public men so often the victim of Socrates’ examinations, claiming to be wise although not, Meletus still undoubtedly knew the consequences of indicting someone for impiety, invoking *graphe asebeia: agones timetoi*. Fully aware of the legal consequences and of the newly enflamed Athenian sentiment against any form of dissent, he indicted Socrates for not worshipping the gods of the city, for introducing new deities in their place, and for corrupting the youth. Giordano-Zecharya asserts, “The indictment expresses the need for continuity by attempting to exorcise a perceived threat to the connection between future and past: religious innovation was considered to undermine the link with the past and corruption of the young to sabotage the future”.⁴⁹ Meletus indictment encapsulates what

⁴⁷ Allen, 1980:12

⁴⁸ Ober, 2011:174

⁴⁹ Giordano-Zecharya, 2005: 342

many Athenians perceived as the cause of their destruction at the hands of the Peloponnesian League, and an obstacle to the restoration of their city and its democracy. These specific indictments hijacked the jurors' emotions; they kindled a fear within those jurors that acquittal was equivalent with willingly opening the door for the next annihilation of everything Athens stood for. Reginald Allen writes, "To leave impiety unpunished was to invite divine retribution, and in the year 399 B.C., five years after ruinous defeat in war and the rise of a murderous oligarchy, the Thirty Tyrants, Athens must have felt the hand of God already heavy upon her".⁵⁰ The Old Accusers Socrates addresses in his defense speech represented the constantly growing animosity toward Socrates that started long before he was tried. These old sentiments, when coupled with the newly hostile environment of Athens, were confirmed in the minds of the Athenians, and especially in the minds of the *dikasts*.

Meletus choice in accusations was calculated; he knew that an indictment of *asebeia* would bring about an *agon timetos*. He knew that within that type of trial, the penalty issued could be execution if Socrates were convicted. He knew that the jurors at the trial were common citizens, with no particular legal expertise- as customary for the Athenian system. Their vote for conviction or acquittal would be influenced by the political climate of Athens and the already existing misconceptions most Athenian held regarding Socrates. He knew the jurors were unbound in their interpretation of trial information on which they based their votes. He knew that there was a precedent of successful prosecutions of intellectuals such as Socrates for *asebeia*. He knew there was nothing in the juror instructions for *agones timetoi* that precluded them from bringing

⁵⁰ Allen, 1980:17

their bias against Socrates into the courtroom; jury selection was by lot and there was no jury selection process removing potentially prejudiced *dikasts* from the court. He knew that Socrates' rhetorical defense would, again, confirm the preconceived notion that Socrates was a sophist. Meletus knew the things being discussed here, that the perfect storm of circumstances would drown Socrates in guilt, and rid Athens of its "Socratic problem". That is why he succeeded.⁵¹

⁵¹ cf. Ober, 2011:117, "... Meletus certainly must have counted on political factors to tilt the decision in his favor"

How Athens Failed

In 399 BCE the indictments were issued, charged with every anti-Socratic notion that had recently erupted into Athens. While these considerations certainly weighed on the jurors' decision to convict, and blinded them from seeing Socrates as he truly was, they contributed *only* to Socrates' appearance of guilt. This is an attempt to exculpate Socrates; the definitions and relevant concepts detailed above show that Socrates met an untimely, unwarranted death. Socrates was in accord with Athenian piety thus defined; his conception of Athenian theology was not impious; his philosophy was entirely distinct from sophistry; his association with Alcibiades and Critias did not definitively identify him as a corruptor of the youth. But as we will see, it was the last of these accusations that most influenced the jurors in their decision to convict, and was at the heart of the trial.

From the analysis of Athenian piety above, it can be understood as one's fulfillment of their religious obligations through worship. The scholars concur, "Impiety, in short, normally lay for definite kinds of acts... Impiety did not in general lie for unorthodoxy in belief..."⁵² So, Socrates' rejection of moral dispute amongst deities could be considered as a form of unorthodox belief. But, this refinement of Athenian mythology was not as heterodox as it may seem at first glance. The Greek pantheon was imagined and constructed nearly 300 years prior to Socrates birth by poets such as Hesiod and through the Homeric tradition. By Socrates' time, the Athenian view on the divine works detailed in those more ancient compositions had changed. While the pantheon and its constituent gods remained paramount as they always were, some stories about their

⁵² Allen, 1980:17-18

actions had lost traction. McPherran writes, “but for most Athenians at the end of the fifth-century, it would have been no great shock to hear expressions of doubt or outright denial concerning poets’ talks of divine capriciousness, enmity, immorality, and lack of response to sacrifice”.⁵³ Socrates view may have been different from the original iteration of Greek paganism, but it was not an uncommon view to be held in fifth century Athens.

This new formulation of theology was aimed at restructuring the pantheon into a collection of morally just deities. Socrates’ disbelief in divine dispute allowed for a single moral canon applicable to the gods. With the gods, or the concepts they represented, also came a moral framework in which Greeks ought to act. In *Euthyphro*, Socrates and Euthyphro come to the agreement that gods quarrel because of their individual interpretations of good or bad action: what one god may love could, at the same time, be hated by another.⁵⁴ By removing this moral dispute from the picture, Socrates has attempted to establish a moral canon that extends to mortals as well. Woodruff claims, “He joined in the general displacement of the gods, but not through natural or social science; he displaced them as moral arbiters, and put in their place a kind of moral knowledge that he believed the gods have in an exemplary way”.⁵⁵ If there was a uniform pantheonic conception of what was good, pious, or moral, then that uniformity would be built into Greek theology and followed by its disciples. Socrates’, like other intellectuals of the time, hoped to posit a refined moral compass, and this was entirely conducive to guiding him in his own quest for understanding the nature of that god given sense of “the good”. This notion of morally beneficent deities led Socrates to what was mentioned

⁵³ McPherran 2011:131

⁵⁴ Plat. Euth. 9B

⁵⁵ Woodruff, 2011:108

earlier, opposing worship with the goal of tangible benefits from the gods, in exchange for the simple request of guidance towards virtue. McPherran notes,

“It appears, then, that with the perfectly wise and just deities of Socrates we have few specific, materially rewarding imprecations to make: beyond the sincere, general prayer that one be aided in pursuing virtue, there are few requests or sacrifices to which all-wise deities can be counted on to respond”⁵⁶

Socrates’ religiosity was a refinement of the pantheon, but in no way did he reject the pantheon in itself.

But Meletus’ accusation explicitly states that Socrates did not worship the Athenian gods. From the sources we can see this to not be the case. Plato’s *Republic I* opens with Socrates saying, “I went down to the Piraeus yesterday...to offer my prayers to the goddess and...when we had made our prayers...we started back to town”⁵⁷ The Piraeus was the setting of a religious festival celebrating the Thracian goddess Bendis, but to the Athenians this festivity represented an opportunity for reverence of Athena, who was Bendis’ Athenian counterpart. Athena, as her name suggests was the patron saint of Athens, and lent the city her name. Socrates attendance at the festival celebrating a prominent civic deity is quite clearly confuting Meletus’ claim.

The reiteration of Chaerephone’s visit to the Delphic oracle in either *Apology* is just another instance of Socrates’ adherence to the Athenian norms of worship. His original doubt regarding the validity of the god’s forecast might seem impious, as a god’s word is absolute to the Athenians. However, his method of philosophizing was dedicated

⁵⁶ McPherran

⁵⁷ Plat. Rep. 327A-B

to the vindication of the Pythian's prophecy on that point; he could not allow himself to harbor doubt regarding divine will without a concerted effort to prove the god infallible. In *Phaedo*, Socrates's "said—and these were his last words—Crito, we owe a cock to Aesculapius. Pay it and do not neglect it."⁵⁸ The last thing Socrates' had to say to his followers before succumbing to the hemlock was a reminder that sacrifice was owed to Asclepius. While these last words are surrounded in ambiguity, this discussion will not go into the reason Socrates felt a rooster was owed, just the fact that his dying breath was expelled in reverence to the god, Asclepius.

That final invocation in itself should disprove Meletus' claim that Socrates *ouk nomizei tous theous*, "does not worship the gods". The famous David portrait, *The Death of Socrates*, depicts the events recounted in *Phaedo*: Socrates surrounded by devoted companions, all of whom would have heard his final, pious request. David's representation has Socrates, cup in hand, pointing a single finger up. Perhaps this was a final gesture to the gods he dutifully served, or to that transcendent principle up above that his life was committed to understanding. Either way, David must have seen something in Socrates to depict him in such a way. There must be good reason that so much of the work done on Socrates paints him in that same sympathetic light.

Socrates' piety extends even to the actual hemlock that would kill him, treating it as a libation offered to the gods. He says he must pray to the gods as he drinks the poison as to ensure a safe departure from his corporeal life.⁵⁹ His companions could serve witness not only to Socrates' claim that he did in fact customarily worship the gods of the polis, but to the fact that he did so in the face of a death he knew was undeserved. In his

⁵⁸ Plat. *Phaedo*, 118E

⁵⁹ Plat. *Phaedo*, 117C

very speech of defense Socrates claims “One thing I marvel at in Meletus, gentlemen, is the basis of his assertion that I do not believe in the gods worshipped by the city, for all have seen me sacrificing at the communal festivals and on the public altars if they happened to be present, including Meletus himself if he so desired”.⁶⁰ Contrary to Meletus’ accusation, Socrates’ devotion and piety in the specifically Athenian way are entirely evident through the sources, and should have been evident to the *dikasts* at his trial.

The introduction of new divinities was the indictment closest to the truth about Socrates, and may have been the most likely to be interpreted as impious, but that does not mean Socrates’ *daimonion* was equivalent with *asebeia*. There was nothing heretical or novel about a *daimonion*, such forms of divination were the primary method of communication between gods and men in ancient Greek religion. There were as many oracles and priests as there were deities, and then some. McPherran remarks, “... The attention of the jurors who voted for conviction was most likely to have been drawn to (Socrates’) apparent introduction of a new dispensation ...*that* will have been his most obvious and glaring violation of accepted norms”.⁶¹ Socrates’ *daimonion* only seemed glaring because the eyes of the *dikasts* were oversensitized by the circumstances during that post-war period surrounding the trial. Nevertheless, the characteristics Socrates attributes to his divine signal should remove his adherence to it from the reach of *graphe asebeia*. The *daimonion* was a form of divination Socrates utilized to keep himself in check; that is, the signal would not tell Socrates what to do, but instead would steer him away from potentially blasphemous conduct before the gods. Here again, we see that

⁶⁰ Xen. Apol. 11-12

⁶¹ McPherran, 2011:133

what the accusers and jurors labeled *asebeia*, was a serious effort by Socrates to be exactly the opposite of impious or heretical and was in complete accord with existing Athenian religious norms.

This notion of introducing a new form of divinity was closely tied with the charge that Socrates corrupted the youth. If his *daimonion* was responsible for leading Socrates down the peculiar path he had led, causing him to form his seemingly anti-Athenian theology, and he urged others to follow that *daimonion* as well, then Meletus might have a case for Socrates' corrupting the youth. As is evident in almost every source in which Socrates mentions the signal, it is always qualified as his *personal daimonion*. It was a voice he alone heard, his own form of divination equal to the gods' voices only oracles and prophets could hear and interpret. Yet, when hearing the tale of Chaerephone and the Delphic oracle, the *dikasts* were silent; they saw nothing wrong with the priestess' use of divination. But when Socrates initially made the claim that he too had been given a form of communication with the divine, the crowd was incredulous.

Even more to the point, while those more traditional forms of divination urged others toward certain actions, Socrates' only urged him away from impious activities harmful to the soul and detrimental to the fulfillment of his mission. How could such divination be considered the corruption of others when its only objective was to lead a single, individual man, searching for justice and virtue, towards that goal? This alone seems, if not just as pious and customary as those other forms of divination, at least immune to misrepresentation as *asebeia*. For seventy years, Socrates allowed his divine inner voice to permeate his thought, and guide his action. In those seventy years, despite Socrates' frequent public allusions to his *daimonion*, he never found himself on trial; not

for *asebeia*, not for corrupting the youth, nor for any reason at all. If this *daimonion* was as corrupting as Meletus and his cohorts claimed it to be, then it would have certainly led Socrates to do something for which his appearance in court would be mandated. But it did not. If Socrates corrupted the youth by some appeal to his *daimonion*, then their appearance in court would, at one time or another, be required as well. But it was not.

From this analysis, we can see that Meletus' accusation of Socrates not worshipping the gods of the city is unfounded. Socrates worshipped as devoutly as any other Athenian would. His unorthodox beliefs regarding the gods, while different from the archaic traditions of those before him, were only heretical insofar as they were slightly different. That difference did not replace the gods from the place they held, neither mythological on Mount Olympus nor from their household practical use as divine benefactors aiding in human affairs. As we have seen, difference in belief is not equivalent with *asebeia*. Socrates reconstruction of the pantheon only removed the aspects of divine action that were not befitting of the deities around which Greek morality was based. His appeal to his personal *daimonion* was no different than any of the other artifices Greeks used to decipher the will of the gods. In short, the charge of *asebeia*, during the distinctly conservative Athens following the loss of its culture after the Peloponnesian War, struck a chord to the tune that all could follow: Socrates' doctrines were anti-Athenian, and for this he must die. But that public sentiment was in stark contrast with the reality that none of these things listed actually were impious to the degree warranting execution, not even if the jumbled mob of partially-educated jurors did consider them *asebeia*. So, if *graphe asebeia* was inapplicable, because Socrates was not impious, then he should not have been hauled to court to stand trial in *agon timetos*. If he

had not been involved in *agon timetos*, then there is a much better chance that he would have lived to continue his work and life.

It is clear that Socrates' trial was politically driven; there was certainly a group of Athenian leaders commandeering the anti-Socratic campaign.⁶² While it seems that *agon timetos* was the perfect situation for these men to accomplish their goal, Socrates may have very well earned his acquittal, or at least had his life spared. But because of the efficacy with which Socrates brought his case before the court, employing his usual *elechus* and vehemently adhering to his life-long principles, it was nearly impossible for the *dikasts* to have seen him as anything other than what Meletus claimed him to be. Socrates' character, the man he was and had always been, made conviction inevitable. However, when it came time to propose a counter-penalty, Socrates thumbed his nose at the court, proposing first the "penalty" of meals in the Prytaneum, and then a fine of thirty *drachmas*.⁶³ Socrates surely knew these suggested punishments would not be accepted by the court, and that is why he proposed them. The Athens he had always served turned its back on him. As much of an annoyance as he may have seemed to them, Socrates only sought to guide the Athenians in their own pursuit of virtue and justice.

Maybe these men, who condemned him both before and during his trial, did not want to be "guided" anymore. Socrates would not acquiesce on their account; he knew he was being persecuted for his ideas, not for his actions. If the Athenians could not relinquish their hold on the preconceived notions of Socrates that brought about the trial

⁶² The use of hemlock was reserved for political adversaries, execution resulting from a conviction of impiety was usually less humane; most offenders were thrown from the Barathron.

⁶³ The Prytaneum was central in the Athenian polis, and meals provided there were generally for heroes in war or athletic champions.

in the first place, then Socrates was certainly unwilling to concede and relinquish the principles he spent nearly seventy years nurturing. When Socrates died, Athens knew it had erred. In death, Socrates was closer to his goal than he had ever been. His execution was a stain on Athens' reputation, and perhaps was a final, lasting "sting" from the social gadfly.

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