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### The Trial of Socrates

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# The Trial of Socrates

By Doug Linder (2002)

The trial and execution of Socrates in Athens in 399 B.C.E. puzzles historians. Why, in a society enjoying more freedom and democracy than any the world had ever seen, would a seventy-year-old philosopher be put to death for what he was teaching? The puzzle is all the greater because Socrates had taught--without molestation--all of his adult life. What could Socrates have said or done that prompted a jury of 500 Athenians to send him to his death just a few years before he would have died naturally?

Finding an answer to the mystery of the trial of Socrates is complicated by the fact that the two surviving accounts of the defense (or apology) of Socrates both come from disciples of his, Plato and Xenophon. Historians suspect that Plato and Xenophon, intent on showing their master in a favorable light, failed to present in their accounts the most damning evidence against Socrates.

What appears almost certain is that the decisions to prosecute and ultimately convict Socrates had a lot to do with the turbulent history of Athens in the several years preceding his trial. An examination of that history may not provide final answers, but it does provide important clues.

## BACKGROUND

Socrates, the son of a sculptor (or stonecutter) and a midwife, was a young boy when the rise to power of Pericles brought on the dawning of the "Golden Age of Greece." As a young man, Socrates saw a fundamental power shift, as Pericles--perhaps history's first liberal politician--acted on his belief that the masses, and not just property-owning aristocrats, deserved liberty. Pericles created the people's courts and used the public treasury to promote the arts. He pushed ahead with an unprecedented building program designed not only to demonstrate the glory that was Greece, but also to ensure full employment and provide opportunities for wealth creation among the unpropertied class. The rebuilding of the Acropolis and the construction of the Parthenon were the two best known of Pericles' many ambitious building projects.

Growing to adulthood in this bastion of liberalism and democracy, Socrates somehow developed a set of values and beliefs that would put him at odds with most of his fellow Athenians. Socrates was not a democrat or an egalitarian. To him, the people should not be self-governing; they were like a herd of sheep that needed the direction of a wise shepherd. He denied that citizens had basic virtue necessary to nurture a good society, instead equating virtue with knowledge unattainable by ordinary people. Striking at the heart of Athenian democracy, he contemptuously criticized the right of every citizen to speak in the Athenian assembly.

Writing in the third-century C.E. in his *The Lives of Eminent Philosophers*, Diogenes Laertius reported that Socrates "discussed moral questions in the workshops and the marketplace." Often his unpopular views, expressed disdainfully and with an air of condescension, provoked his listeners to anger. Laertius wrote that "men set upon him with their fists or tore his hair out," but that Socrates "bore all this ill-usage patiently."

We get one contemporary view of Socrates from playwright Aristophanes. In his play *Clouds*, first produced in 423 B.C.E., Aristophanes presents Socrates as an eccentric and comic headmaster of a "thinkery" (or "thoughtery"). He is portrayed "stalking the streets" of Athens barefoot, "rolling his eyes" at remarks he found unintelligent, and "gazing up" at the clouds. Socrates at the time of *Clouds* must have been perceived more as a harmless town character than as a serious threat to Athenian values and democracy. Socrates himself, apparently, took no offense at his portrayal in *Clouds*. Plutarch, in his *Moralia*, quoted Socrates as saying, "When they break a jest upon me in the theatre, I feel as if I were at a big party of good friends." Plato, in his *Symposium*, describes Socrates and Aristophanes engaged in friendly conversation.

Other plays of the time offer additional clues as to the reputation of Socrates in Athens. Comic poet Eupolis has one of his characters say: "Yes, and I loathe that poverty-stricken windbag Socrates who contemplates everything in the world but does not know where his next meal is coming from." *Birds*, a play of Aristophanes written six years after his *Clouds*, contains a revealing reference. Aristophanes labels a gang of pro-Sparta aristocratic youths as "Socratified." Sparta--the model of a closed society--and Athens were enemies: the remark suggests Socrates' teaching may have started to be seen as subversive by 417 B.C.E.

The standing of Socrates among his fellow citizens suffered mightily during two periods in which Athenian democracy was temporarily overthrown, one four-month period in 411-410 and another slightly longer period in 404-403. The prime movers in both of the anti-democratic movements were former pupils of Socrates, Alcibiades and Critias. Athenians undoubtedly considered the teachings of Socrates--especially his expressions of disdain for the established constitution--partially responsible for the resulting death and suffering. Alcibiades, perhaps Socrates' favorite Athenian politician, masterminded the first overthrow. (Alcibiades had other strikes against him: four years earlier, Alcibiades had fled to Sparta to avoid facing trial for mutilating religious pillars--statues of Hermes--and while in Sparta had proposed to that state's leaders that he help them defeat Athens.) Critias, first among an oligarchy known as the "Thirty Tyrants," led the second bloody revolt against the restored Athenian democracy in 404. The revolt sent many of Athens' leading democratic citizens (including Anytus, later the driving force behind the prosecution of Socrates) into exile, where they organized a resistance movement.

Critias, without question, was the more frightening of the two former pupils of Socrates. I.F. Stone, in his *The Trial of Socrates*, describes Critias (a cousin of Plato's) as "the first Robespierre," a cruel and inhumane man "determined to remake the city to his own antidemocratic mold whatever the human cost." The oligarchy confiscated the estates of

Athenian aristocrats, banished 5,000 women, children, and slaves, and summarily executed about 1,500 of Athen's most prominent democrats.

One incident involving Socrates and the Thirty Tyrants would later become an issue at his trial. Although the Thirty normally used their own gang of thugs for such duties, the oligarchy asked Socrates to arrest Leon of Salamis so that he might be executed and his assets appropriated. Socrates refused to do so. Socrates would point to his resistance to the order as evidence of his good conduct. On the other hand, Socrates neither protested the decision nor took steps to warn Leon of Salamis of the order for his arrest--he just went home. While good citizens of Athens were being liquidated right and left, Socrates--so far as we know--did or said nothing to stop the violence.

The horrors brought on by the Thirty Tyrants caused Athenians to look at Socrates in a new light. His teachings no longer seemed so harmless. He was no longer a lovable town eccentric. Socrates--and his icy logic--came to be seen as a dangerous and corrupting influence, a breeder of tyrants and enemy of the common man.

### THE TRIAL

A general amnesty issued in 403 meant that Socrates could not be prosecuted for any of his actions during or before the reign of the Thirty Tyrants. He could only be charged for his actions during the four years preceding his trial in 399 B.C.E. It appears that Socrates, unchastened by the antidemocratic revolts and their aftermaths, resumed his teachings and once again began attracting a similar band of youthful followers. The final straw may well have been another antidemocratic uprising--this one unsuccessful--in 401. Athens finally had enough of "Socratified" youth.

In Athens, criminal proceedings could be initiated by any citizen. In the case of Socrates, the proceedings began when Meletus, a poet, delivered an oral summons to Socrates in the presence of witnesses. The summons required Socrates to appear before the legal magistrate, or King Archon, in a colonnaded building in central Athens called the Royal Stoa to answer charges of impiety and corrupting the youth. The Archon determined--after listening to Socrates and Meletus (and perhaps the other two accusers, Anytus and Lycon)--that the lawsuit was permissible under Athenian law, set a date for the "preliminary hearing" (anakrisis), and posted a public notice at the Royal Stoa.

The preliminary hearing before the magistrate at the Royal Stoa began with the reading of the written charge by Meletus. Socrates answered the charge. The magistrate questioned both Meletus and Socrates, then gave both the accuser and defendant an opportunity to question each other. Having found merit in the accusation against Socrates, the magistrate drew up formal charges. The document containing the charges against Socrates survived until at least the second century C.E. Diogenes Laertius reports the charges as recorded in the now-lost document:

This indictment and affidavit is sworn by Meletus, the son of Meletus of Pitthos, against Socrates, the son of Sophroniscus of Alopece: Socrates is guilty of refusing to recognize

the gods recognized by the state, and of introducing new divinities. He is also guilty of corrupting the youth. The penalty demanded is death.

The trial of Socrates took place over a nine-to-ten hour period in the People's Court, located in the agora, the civic center of Athens. The jury consisted of 500 male citizens over the age of thirty, chosen by lot. Most of the jurors were probably farmers. The jurors sat on wooden benches separated from the large crowd of spectators--including a twenty-seven-year-old pupil of Socrates named Plato--by some sort of barrier or railing.

### Guilt Phase of Trial

The trial began in the morning with the reading of the formal charges against Socrates by a herald. The prosecution presented its case first. The three accusers, Meletus, Anytus, and Lycon, had a total of three hours, measured by a waterclock, to present from an elevated stage their argument for guilt. No record of the prosecution's argument against Socrates survives.

Easily the best known and most influential of the three accusers, Anytus, is widely believed to have been the driving force behind the prosecution of Socrates. Plato's *Meno* offers a possible clue as to the animosity between Anytus, a politician coming from a family of tanners, and Socrates. In the *Meno*, Plato reports that Socrates' argument that the great statesmen of Athenian history have nothing to offer in terms of an understanding of virtue enrages Anytus. Plato quotes Anytus as warning Socrates: "Socrates, I think that you are too ready to speak evil of men: and, if you will take my advice, I would recommend you to be careful." Anytus had an additional personal gripe concerning the relationship Socrates had with his son. Plato quotes Socrates as saying, "I have a brief association with the son of Anytus, and I found him not lacking in spirit." It is not known whether the relationship included sex, but Socrates--as were many men of the time in Athens--was bisexual and slept with some of his younger students. Anytus almost certainly disapproved of his son's relationship with Socrates. Adding to the displeasure of Anytus must have been the advice Socrates gave to his son. According to Xenophon, Socrates urged Anytus's son not to "continue in the servile occupation [tanning hides] that his father has provided for him." Without a "worthy adviser," Socrates predicted, he would "fall into some disgraceful propensity and will surely go far in the career of vice."

It is a matter of dispute among historians whether the accusers focused more attention on the alleged religious crimes, or the alleged political crimes, of Socrates. I. F. Stone attaches far more significance to the political crimes, while other historians such as James A. Colaiaco, author of *Socrates Against Athens*, give more weight to the charge of impiety.

I. F. Stone argues that "Athenians were accustomed to hearing the gods treated disrespectfully in both the comic and tragic theatre." He points out that Aristophanes, in his *Clouds*, had a character speculating that rain was Zeus urinating through a sieve, mistaking it for a chamberpot--and that no one ever bothered to charge Aristophanes with impiety. Stone concludes: "One could in the same city and in the same century worship

Zeus as a promiscuous old rake, henpecked and cuckolded by Juno or as Justice deified. It was the political, not the philosophical or theological, views of Socrates which finally got him into trouble."

Important support for Stone's conclusion comes from the earliest surviving reference to the trial of Socrates that *does not come from one of his disciples*. In 345 B.C.E., the famous orator Aechines told a jury: "Men of Athens, you executed Socrates, the sophist, because he was clearly responsible for the education of Critias, one of the thirty anti-democratic leaders."

James Colaiaco's conclusion that impiety received more prosecutorial attention than did political sins rests on Plato's *Apology*. Colaiaco sees Plato's famous account of the defense of Socrates as being--although far from a verbatim transcription of the words of Socrates--fairly representative of the major points of his defense. He notes that Plato wrote the *Apology* within a few years of the trial and must have expected many of his readers to have firsthand knowledge of the trial. Why, Colaiaco asks, would have Plato misrepresented the arguments of Socrates, or hid key elements of the prosecution's case, when his actions in doing so could so easily be exposed? Since the *Apology* seems to give great weight to the charge of impiety--and relatively little weight to the association of Socrates with the Thirty Tyrants--Colaiaco assumes this must have been a fair reflection of the trial. At the same time, Colaiaco recognizes that because of the association of Socrates with Critias "the prosecution could expect any Athenian jury to harbor hostile feelings toward the city's gadfly."

Piety had, for Athenians, a broad meaning. It included not just respect for the gods, but also for the dead and ancestors. The impious individual was seen as a contaminant who, if not controlled or punished, might bring upon the city the wrath of the gods--Athena, Zeus, or Apollo--in the form of plague or sterility. The ritualistic religion of Athens included no scripture, church, or priesthood. Rather, it required--in addition to belief in the gods-- observance of rites, prayers, and the offering of sacrifices.

Any number of words and actions of Socrates may have contributed to his impiety charge. Preoccupied with his moral instruction, he probably failed to attend important religious festivals. He may have stirred additional resentment by offering arguments against the collective, ritualistic view of religion shared by most Athenians or by contending that gods could not, as Athenians believed, behave immorally or whimsically. Xenophon indicates that the impiety charge stemmed primarily from the contention of Socrates that he received divine communications (a "voice" or a "sign") directing him to avoid politics and concentrate on his philosophic mission. A vague charge such as impiety invited jurors to project their many and varied grievances against Socrates.

Dozens of accounts of the three-hour speech (apologia) by Socrates in his defense existed at one time. Only Plato's and Xenophon's accounts survive. The two accounts agree on a key point. Socrates gave a defiant--decidedly *unapologetic*--speech. He seemed to invite condemnation and death.

Plato's apology describes Socrates questioning his accuser, Meletus, about the impiety charge. Meletus accuses Socrates of believing the sun and moon not to be gods, but merely masses of stone. Socrates responds not by specifically denying the charge of atheism, but by attacking Meletus for inconsistency: the charge against him accused him of believing in other gods, not in believing in no gods. If Plato's account is accurate, Socrates could have been seen by jurors offering a smokescreen rather than a refutation of the charge of impiety.

Plato's Socrates provocatively tells his jury that he is a hero. He reminds them of his exemplary service as a hoplite in three battles. More importantly, he contends, he has battled for decades to save the souls of Athenians--pointing them in the direction of an examined, ethical life. He reportedly says to his jurors if his teaching about the nature of virtue "corrupts the youth, I am a mischievous person." He tells the jury, according to Plato, he would rather be put to death than give up his soul-saving: "Men of Athens, I honor and love you; but I shall obey God rather than you, and while I have life and strength I shall never cease from the practice and teaching of philosophy." If Plato's account is accurate, the jury knew that the only way to stop Socrates from lecturing about the moral weaknesses of Athenians was to kill him.

If I. F. Stone is right, the most damaging accusation against Socrates concerned his association with Critias, the cruel leader of the Thirty Tyrants. Socrates, in Plato's account, points to his refusal to comply with the Tyrants' order that he bring in Leon of Salamis for summary execution. He argues this act of disobedience--which might have led to his own execution, had not the Tyrants fallen from power--demonstrates his service as a good citizen of Athens. Stone notes, however, that a good citizen might have done more than simply go home to bed--he might have warned Leon of Salamis. In Stone's critical view, the central fact remained that in the city's darkest hour, Socrates "never shed a tear for Athens." As for the charge that his moral instruction provided intellectual cover for the anti-democratic revolt of Critias and his cohorts, Socrates denies responsibility. He argues that he never presumed to be a teacher, just a figure who roamed Athens answering the questions that were put to him. He points to his pupils in the crowd and observes that none of them accused him. Moreover, Socrates suggests to the jury, if Critias really understood his words, he never would have gone on the bloody rampage that he did in 404-403. Hannah Arendt notes that Critias apparently concluded, from the message of Socrates that piety cannot be defined, that it is permissible to be impious--"pretty much the opposite of what Socrates had hoped to achieve by talking about piety."

What is strikingly absent from the defense of Socrates, if Plato's and Xenophon's accounts are to be believed, is the plea for mercy typically made to Athenian juries. It was common practice to appeal to the sympathies of jurors by introducing wives and children. Socrates, however, did no more than remind the jury that he had a family. Neither his wife Xanthippe nor any of his three sons made a personal appearance. On the contrary, Socrates--according to Plato--contends that the unmanly and pathetic practice of pleading for clemency disgraces the justice system of Athens.

When the three-hour defense of Socrates came to an end, the court herald asked the jurors to render their decision by putting their ballot disks in one of two marked urns, one for guilty votes and one for votes for acquittal. With no judge to offer them instructions as to how to interpret the charges or the law, each juror struggled for himself to come to an understanding of the case and the guilt or innocence of Socrates. When the ballots were counted, 280 jurors had voted to find Socrates guilty, 220 jurors for acquittal.

### Penalty Phase of Trial

After the conviction of Socrates by a relatively close vote, the trial entered its penalty phase. Each side, the accusers and the defendant, was given an opportunity to propose a punishment. After listening to arguments, the jurors would choose which of the two proposed punishments to adopt.

The accusers of Socrates proposed the punishment of death. In proposing death, the accusers might well have expected to counter with a proposal for exile--a punishment that probably would have satisfied both them and the jury. Instead, Socrates audaciously proposes to the jury that he be rewarded, not punished. According to Plato, Socrates asks the jury for free meals in the Prytaneum, a public dining hall in the center of Athens. Socrates must have known that his proposed "punishment" would infuriate the jury. I. F. Stone noted that "Socrates acts more like a picador trying to enrage a bull than a defendant trying to mollify a jury." Why, then, propose a punishment guaranteed to be rejected? The only answer, Stone and others conclude, is that Socrates was ready to die.

To comply with the demand that a genuine punishment be proposed, Socrates reluctantly suggested a fine of one mina of silver--about one-fifth of his modest net worth, according to Xenophon. Plato and other supporters of Socrates upped the offer to thirty minae by agreeing to come up with silver of their own. Most jurors likely believed even the heftier fine to be far too slight of a punishment for the unrepentant defendant.

In the final vote, a larger majority of jurors favored a punishment of death than voted in the first instance for conviction. According to Diogenes Laertius, 360 jurors voted for death, 140 for the fine. Under Athenian law, execution was accomplished by drinking a cup of poisoned hemlock.

In Plato's *Apology*, the trial concludes with Socrates offering a few memorable words as court officials finished their necessary work. He tells the crowd that his conviction resulted from his unwillingness to "address you as you would have liked me to do." He predicts that history will come to see his conviction as "shameful for Athens," though he professes to have no ill will for the jurors who convict him. Finally, as he is being led off to jail, Socrates utters the memorable line: "The hour of departure has arrived, and we go our ways--I to die, and you to live. Which to the better fate is known only to God." It is likely that this last burst of eloquence comes from Plato, not Socrates. There are no records suggesting that Athenian practice allowed defendants to speak after sentencing.



Socrates spent his final hours in a cell in the Athens jail. The ruins of the jail remain today. The hemlock that ended his life did not do so quickly or painlessly, but rather by producing a gradual paralysis of the central nervous system.

Most scholars see the conviction and execution of Socrates as a deliberate choice made by the famous philosopher himself. If the accounts of Plato and Xenophon are reasonably accurate, Socrates sought not to persuade jurors, but rather to lecture and provoke them.

The trial of Socrates, the most interesting suicide the world has ever seen, produced the first martyr for free speech. As I. F. Stone observed, just as Jesus needed the cross to fulfill his mission, Socrates needed his hemlock to fulfill his.

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