



The Trial and Death of Socrates John Burnet

The Condemnation

§ 137. In 399 B.C. Sokrates was brought to trial by Anytos, the democratic leader, Meletos, a “youthful and unknown” tragic poet, “with lanky hair, a scanty beard, and a hooked nose,” and Lykon, an even more obscure rhetorician. The indictment stated that he was guilty of not worshipping the gods the State worshipped but introducing other new divinities, and further that he was guilty of corrupting the young by teaching them accordingly. In the *Apology*, Plato gives us what profess to be the speeches delivered by Sokrates at his trial. It is not to be supposed that even here he is a mere reporter. It was usual for speeches to be carefully revised and adapted for publication, and no doubt Plato meant to do for Sokrates what other accused persons either did for themselves or more often had done for them by a professional speech-writer. On the other hand it seems incredible that he should have misrepresented the attitude of Sokrates before the court or the general line of his defence. It is perfectly true, no doubt, that the *Apology* is not a defence at all, but that makes it all the more characteristic of the man. Sokrates treats the accusation with contempt, and even goes out of his way to import things into the case that were hardly of a nature to conciliate the judges. That does not prove the *Apology* to be pure fiction, as it has been supposed to do. Far from it.

§ 138. The actual conduct of the prosecution was entrusted to Meletos, who bungled it, according to Plato. By a skillful cross-examination Sokrates got him to admit that he believed him to be an out-and-out atheist, which was of course inconsistent with the indictment. In any case Sokrates did not stoop to defend himself against either the one charge or the other, though he showed himself more sensitive to the accusation of corrupting the youth, and offered to allow the fathers and elder brothers of his associates to give evidence on the point. He was found guilty, however, in spite of the failure of Meletos to make anything of the principal count in the indictment, which he does not seem to have understood himself. The majority was a considerable one, though Sokrates says he had expected it to be larger. He knew therefore that there was something else against him besides the trumpety charge of introducing new divinities, which he did not for a moment treat seriously.

The penalty proposed by the accusers was death, but there is no reason to suppose Anytos really wished it to be carried out. By a very ingenious provision of the Athenian law, it was ordained that in cases of a certain class the condemned man should be allowed to propose an alternative sentence. The idea was that an adequate punishment would probably be arrived at in this way; for the judges were bound to choose between the two penalties proposed, and could not suggest another themselves. It was, therefore, the interest of the condemned man to propose something the judges would be likely to accept. There can be no doubt that if Sokrates had proposed exile or imprisonment till he had paid a reasonable fine, everyone would have been satisfied, but he refused to do anything of the sort. That, he said, would amount to an acknowledgment of his guilt. If he had really to propose what he

thought he deserved, he would assess the

penalty at free quarters in the Prytaneion at the public expense, an honour sometimes voted to Olympic victors and public benefactors. Ultimately, however, he proposed a fine of one mina, an inconsiderable sum, which his friends induced him to raise to thirty, offering to become surety for the payment. Plato was one of these friends, and this is the only act of his he has seen fit to put on public record.

§ 139. The judges were apparently incensed by this way of treating the court; for they condemned Sokrates to death by a larger majority than that by which they had found him guilty. He then delivered a short address to those judges who had voted for his acquittal. He said that, even if death were the end of all things, it was no more an evil than a dreamless sleep, and few waking days are better than a night of that. He also hinted pretty plainly that, in his own belief, the soul was immortal, and that a good man had nothing to fear in the next life. And so he bade his judges farewell. "It is now time to depart, for me to die and for you to live. Which of us is going to meet the better lot, none knows but God."

The Alleged Offence

§ 140. We have now to ask why Sokrates was charged with irreligion and why he was put to death. We must at once put aside the idea that it was for not believing the stories told about the gods. It is not likely that any educated man believed these, and uneducated people probably knew very little about them. There was no church and no priesthood, and therefore the conception of religious orthodoxy did not exist. So far as mythology was concerned, you might take any liberty. No one appears to have found fault with Aischylos for his Prometheus though, judged by modern standards, it is flat blasphemy. He did get into trouble for inadvertently revealing some Eleusinian formula, and the contrast is instructive. If it had been required of anyone that he should treat the stories about the gods respectfully, Aristophanes would not have survived Sokrates. He does not scruple to make fun of Zeus himself, and he represents Dionysos as a vulgar poltroon in a comedy which was actually part of the service of that very god and was presided over by his priest. In the *Phaedrus* (229 e sqq.) Sokrates is described as totally indifferent to the truth or falsehood of mythology, though he has the good taste to prefer the stories in their traditional form to the versions produced by the "homely wit" of rationalist historians. One thing he does indeed feel strongly, namely, that it is dangerous to repeat stories that ascribe untruthfulness and wickedness and strife to the gods, and in the *Euthyphro* (6 a) he does suggest that it is possibly for this that he is regarded as an innovator in religion. The suggestion is certainly not serious, however, and even Euthyphro is not shocked, though he himself believes these stories and others stranger still. The truth is that belief in narratives of any kind formed no part of ancient religion; anyone might reject or accept such things as he pleased. Mythology was looked on as a creation of the poets, and "poets tell many falsehoods." No one could be prosecuted for what we call religious opinions.

§ 141. Nor is it credible that the divine "voice" should have had anything to do with the prosecution. It is true that Euthyphro is represented as jumping at once to the conclusion that it had; for that is the sort of thing he himself is interested in. At the same time, he makes it quite clear that, in his opinion, Sokrates need have no fear of a charge like that, though he must expect to be laughed at. In the *Apology* Plato makes Sokrates himself say that the divine voice is presumably what Meletos has caricatured and made the ground of the charge in his indictment, but the way he says it makes it quite clear that Meletos meant nothing of the sort and had said nothing about the "voice." The Athenians might and did think Sokrates eccentric because of his voice and his trances, and, as Euthyphro says, such things are "easily misrepresented" and are apt to make people jealous. But the belief in

“possession” was much too firmly established, and cases of it were much too familiar, to allow of a charge of irreligion being based on anything of the kind. The accepted view was that such things were a sort of disease which could be treated by “purifications,” but even madness and epilepsy were supposed to make the sufferer the holy “From the point of view of the ordinary Athenian, the irreligion would be on the side of anyone who treated the “voice” disrespectfully.

§ 142. It must also be remembered that the charge of introducing new divinities was no novelty; for it had been definitely formulated by Aristophanes a generation earlier. In the *Clouds* Sokrates announces that Zeus has been dethroned and Vortex reigned in his stead. He offers prayer to the Clouds and swears by Respiration, Chaos, and Air. It will be remembered that Diogenes of Apollonia held Air to be a “god.” That being so, it is surely very significant that Aristophanes does not make the most distant mention of the only sound one. Sokrates says he supposes (&) that Meletos meant the divine voice when he spoke of Scupovta, in the indictment. It is clear, then, that Meletos said nothing about it in his speech. Allusion to the “voice,” though he must have known all about it, and it would lend itself admirably to comic treatment. The omission is the more striking, as there is an allusion to the trances of Sokrates (150). Xenophon is even more instructive. He says he got his information about the trial from Hermogenes, and we may be sure the religious Xenophon would be anxious to discover all he could about the meaning of this charge. He does not appear, however, to have got any definite explanation of it; for he only gives it as his personal opinion that it must have been the “voice” on which the accusers chiefly relied, and it seems most probable that he is only repeating this from Plato’s *Apology* and *Euthyphro*. At any rate, in his own *Apology* he makes Sokrates speak about the “voice” very much as Plato does, and he makes him say, just like *Euthyphro*, that the Athenians are jealous of it as an exceptional divine favor. In fact, everyone speculates about the meaning of the charge, and the one fact that stands out clearly is that no one not even the prosecutor seems to know it. It surely follows that the charge of introducing new divinities, though stated in the indictment, was neither explained nor justified at the trial. Such things were possible in an Athenian dikastery, which was more like a public meeting than a court of justice. There was no judge to rule the prosecution irrelevant to the indictment.

The Real Offence

§ 143. But, if that is the true account of the matter, it follows further that this accusation was a mere pretext. That would explain why Meletos falls so easily into the trap laid for him by Sokrates, and substitutes the charge of atheism for that of introducing strange divinities. It will also make the conduct of the judges more intelligible. We know that a number of them, after voting for the acquittal of Sokrates on the charge brought against him, turned round and voted for the death sentence. That is partly to be explained, no doubt, by the attitude Sokrates took up in his second speech, but this will not explain it altogether. Death is surely an extreme penalty for contempt of court, and those judges must have believed Sokrates to be guilty of something. Everything becomes clear if we suppose that the real ground of the accusation could not for some reason be stated in the indictment, and that some of the judges thought it unfair to condemn a man for an offence with which he was not formally charged, even though they might believe him guilty of it. The defiant attitude of Sokrates would account for their change of mind in that case.

Now we know that Sokrates had refused to obey the illegal orders of the Thirty, but we also know that he did not leave Athens. He was therefore suspect of incivism but the amnesty made it impossible to charge him with a strictly political offence. Plato indicates in the clearest possible manner that Sokrates really owed his death to his political attitude.

There are two passages in which he is represented as criticising the democratic leaders of the fifth century, including Perikles, in a very severe manner. One of these is in the *Gorgias*, and there Kallikles, who is a democratic statesman, bluntly tells him (521 c) that, if he refuses to flatter the democracy instead of trying to make them see the error of their ways, he is in danger of being dragged into court by some sorry wretch, and then anything may happen to him. The other passage is in the *Meno*, where Anytos himself is brought on the stage to give a similar warning. That is surely meant to be significant. Anytos is not the chief interlocutor, and is apparently introduced solely for this purpose. After listening impatiently to the criticisms of Sokrates on the heroes of the democracy, he says (94 e), "I think, Sokrates, you are rather ready to abuse people, I should advise you, if there was any chance of your taking my advice, to be careful. Even in other cities, I fancy it is easier to do people a mischief than a good turn, and most decidedly it is so in this one." These are very broad hints, and Plato set them down deliberately some time after the event. They can only mean that the real offence of Sokrates was his criticism of the democracy and its leaders. No one in Plato ever gives him a hint that he had better be careful not to talk about unauthorized divinities, as he frequently does, and still less does anyone suggest that the "voice" is a thing he would be wise in keeping to himself.

§ 144. From this point of view one of the most important things in the *Apology* is the statement of Sokrates (39 d) that his countrymen will not be able to rid themselves of criticism even if they put him to death. There are many who will take up the task of exposing them, and they will be more merciless inasmuch as they are younger. That is, to all intents and purposes, a plea of guilty to what the hints of Kallikles and Anytos suggest was the real ground of the accusation, namely, that Sokrates had fostered in young men that antidemocratic spirit which had led to the oligarchical revolutions. About half a century later Aischines put the matter quite bluntly. He says (i. 173) that the Athenians "put the Sophist Sokrates to death because he was believed to have educated Kritias," and less than ten years after his trial the Sophist Polykrates charged him, as we saw, with having educated Alkibiades. In fact, it looks as if Polykrates simply wrote the speech Anytos would have delivered at the trial, if the amnesty had not stood in the way. That the point was actually made by Meletos, a less responsible person, is strongly suggested by the allusion Sokrates makes in the *Apology* (33 a) "to those they say are my disciples." Xenophon also in the *Memorabilia* (i. 2, 12 sqq.) makes a point of saying that Kritias and Alkibiades were not really disciples of Sokrates.

§ 145. It is only fair to say that, from his own point of view, Anytos was not altogether wrong. Xenophon, indeed, attributes merely personal motives to him. He says in his *Apology* (29) that he was angry with Sokrates for telling him he ought to give his son a liberal education instead of bringing him up to his own business as a tanner. It is impossible to say what truth there may be in that, but in any case there were other reasons why Anytos should desire to remove Sokrates from Athens. He had undoubtedly been an uncompromising opponent of the Periklean democracy, the radical vice of which, according to him, was that it denied the need for expert knowledge in politics. It would take the advice of experts on questions of shipbuilding or fortification; but when a vital point of right or wrong in national policy had to be decided, anyone who chose to get up and speak was supposed to be as good a judge as anyone else. According to Plato, he went so far as to deny the title of statesman to the democratic leaders of his time, including Perikles. In the *Republic* we have an account of the democratic State, which is certainly meant to be a description of Athens in the fifth century, not of the humdrum bourgeois democracy of Plato's own time, and the description is by no means flattering. Of course the young men who followed Sokrates about would be far less impressed by his positive teaching than by this destructive criticism of existing institutions. They would be prejudiced against democracy to start with, and they

would relish his attacks on it keenly. It is a fact that many of them became vulgar oligarchs and not statesmen. That is the tragedy of the situation. Sokrates was not responsible for it, but it existed all the same. Now Anytos and his friends were busily engaged in organizing the restored democracy, and they could not afford to leave their work at the mercy of reaction. They had every reason to believe that the teaching of Sokrates was of a kind to imperil the constitution, and it is not surprising that they took steps accordingly. It must be remembered that they had probably no desire to see Sokrates put to death, but it was natural they should wish to drive him into exile. In those circumstances we can easily understand why some of the friends of Sokrates thought it prudent to leave Athens for a time after his death. Even Plato went, though, as we shall see, he had held aloof from the oligarchical revolution in which his kinsmen were implicated, and though he had intended to enter public life under the restored democracy. Fortunately he found something better to do.

The Pretext

§ 146. Even assuming, however, that the charge of irreligion was a mere pretext, it must have been a colorable one; for the accusers ran the risk of being heavily fined if they did not secure a fifth of the votes. We must ask, then, whether there was anything that might be made to appear a justification of the charge, and on which a statesman like Anytos might rely to produce the right kind of prejudice against Sokrates. If we ask that question, we come at once upon the fact that in the very same year as Sokrates was tried Andokides appeared once more before the judges to explain his connexion with the mutilation of the images of Hermes and the profanations of the mysteries sixteen years before. We find also that Anytos spoke in his favour, no doubt because his revelations had been of service to the democratic party. We shall never know the truth about this old scandal, but the speech of Andokides is a precious document for the state of public feeling about it, not only at the time, but under the restored democracy. It is certain that, for the ordinary Athenian, the mutilation of the images was closely bound up with the profanation of the mysteries, and that both were supposed to be somehow/ directed towards the overthrow of the democracy. No doubt this was a mistake. The mutilation had probably nothing to do with the profanations of the mysteries, and the latter were obviously distorted in the popular imagination. It does not seem credible that some of the most gifted and enlightened men in Athens should have found it amusing to parody Eleusinian ritual, not once only or in a single place, though even that would be silly enough, but systematically and in a number of private houses* On the other hand, the evidence that certain proceedings took place which were capable of being represented in that light is far too strong to be rejected, and conveys to a modern reader the idea that there may have been something resembling meetings of masonic lodges, exaggerated by public rumor into blasphemous mummeries of the most sacred rites.

Now many of the judges must have known quite well that some of the most intimate associates of Sokrates were implicated in this business. There is no doubt, for instance, about Axiochos of Skambonidai, the uncle of Alkibiades and of Adeimantos son of Leukolophides. All three were denounced by Agariste, the wife of Alkmeonides, a high-born dame who had been the wife of one Damon before she married her kinsman. This may very well be the same Damon whom Sokrates refers to as an authority on music. If that is correct, it is interesting to notice that one of the accused was called Taureas, and that is the name of the master of the palaistra in which Kritias introduced Charmides to Sokrates. Further, if we remember that the banquet described in the Symposium is supposed to take place the very year the scandals occurred, it is suspicious that we find the names of Akoumenos, Eryximachos, and Phaidros among the persons inculpated. Akoumenos was

a celebrated physician, and he has an unusual name. We do not know of anyone else who bore it. He was not present at the banquet, though his son Eryximachos, who was also a physician, is one of the speakers there. Phaidros is not an uncommon name, and we cannot be sure that Phaidros of Myrrhinous is meant. We are, however, told that he was an “associate” of Eryximachos, and it is at the very least a remarkable coincidence that all three names should occur. In any case, we know that public interest in this old business had just been revived, and that of itself would be sufficient to create the atmosphere of prejudice required. Memories of the *Clouds* would do the rest.

For reasons I have given, I do not think it likely that Sokrates was explicitly charged with this or any other particular offence against religion, but it was in everyone’s mind, and there were circumstances enough in his life to connect him with it. It was certainly believed at Athens that he had taken part in religious rites of a strange kind; for Aristophanes could count on his audience understanding his allusions to them. Aischines wrote a dialogue in which Sokrates is represented as conversing with the Pythagorean Telauges. Plato represents him as full of Orphic ideas, though, as I have said there is always a certain reservation which does not allow us to suppose he accepted them implicitly. I do not think it likely that his Pythagorean friends had much to do with this; for, to all appearance, they had ceased to “practice,” and they had dropped the Orphic theory of the soul, which was just the thing that appealed most to Sokrates. In fact, it is Sokrates who is represented as trying to bring them back to an earlier form of Pythagorean belief. All this can hardly be fictitious. What motive could Plato have had for inventing it? By his time Orphicism had hopelessly degenerated, so far as we can see, and it is not probable that it ever attracted him. In the youth of Sokrates things may well have been different. We know that the doctrine had been able to inspire a Pindar about the time Sokrates was born.

The Death of Sokrates

147. Sokrates was not put to death at once. It was the festival of the Delian Apollo, and the ship the Athenians sent to Delos every year had just been solemnly garlanded the day before the trial. Now it was the law that the city should be kept free from the pollution of death at the hands of the public authority till the ship had gone to Delos and returned, and that sometimes took a long time. So Sokrates had to spend a month in prison before his sentence could be carried out, and he passed that time in discussions with his friends, some of whom came from other parts of Hellas to bid him farewell. It would have been quite easy for him to escape at any time during this month, and his friends were ready to bear any expense that might be needful. But, as we have seen, Sokrates was a firm supporter of law, and he would not stoop to the inconsistency of making an exception in his own case. However unjust the sentence might be, it had been legally pronounced, and a good citizen could only submit. He owed everything to the laws of his country, and it was not for him to call them in question.

In the *Phaedo* Plato has given an account of the last hours of Sokrates on earth. It would be difficult to match this narrative in the whole range of European literature, and it cannot be paraphrased. The last words of it are: “Such, Echekrates, was the end of our associate, a man, as we should say, the best and also the wisest and most righteous of his time.”

John Burnet. *Greek Philosophy*. Part 1: Thales to Plato. London: Macmillan and Co., 1920.

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