

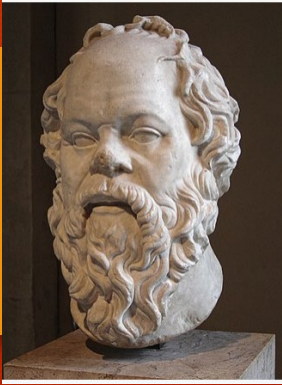
OLLI Spring 2021

FAMOUS TRIALS of History



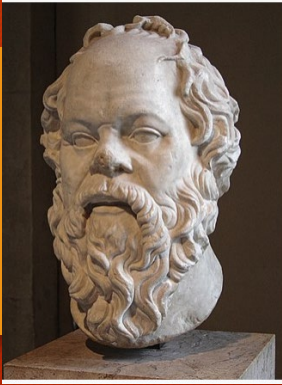
*Week 1: **The Trial of Socrates***
339 BCE

The Trial of Socrates, 339 BCE



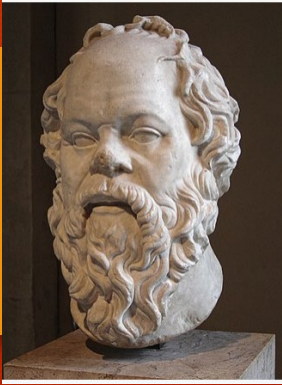
1. Trials in Ancient Athens
2. Who Was Socrates?
3. Athenian Democracy in 339 BCE
4. The Prosecution and Charges
5. The Defense
6. The Verdict and Sentence
7. What do we think of this?

1. Trials in Ancient Athens



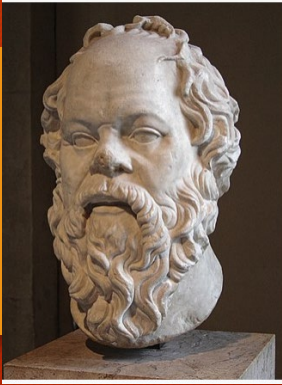
- **No State prosecutors**
 - Private citizens brought charges and argued the case
- **Crimes were very general in description**
 - There were few specific definitions of what constituted the crime
 - Standards of proof were highly subjective
- **No Fixed Penalties for most crimes**
 - Prosecution suggested appropriate punishment as part of the charges
 - Most crimes punished by death, exile, or a monetary fine
- **As a result, almost all trials were highly political**
 - Arguments wide-ranging and brought in material not relevant to charges, but to influence the jury's emotions.
- **So What was the Procedure?**

1. Trials in Ancient Athens (continued)



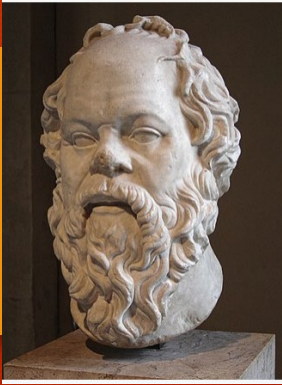
- **Three stages of the Trial**
 - Reading of Charges & Prosecution's arguments (2 hours)
 - Defense Arguments (2 hours)
 - Sentencing, if convicted (2 hours)
 - Defense suggested alternate sentence
 - jury selected one or the other
- **Jury of 500 citizens chosen by lot.**
 - Simple majority needed for conviction (defendant won ties)
 - Second majority vote chose which of the two sentences was given
- **Why was it this way?**

1. Trials in Ancient Athens (continued)



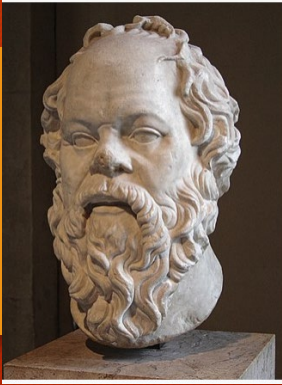
- The Legal System was considered the ultimate expression of Athenian Democracy
 - The deliberately vague definitions of crimes, allowable evidence, and range of punishments gave the juries effectively unlimited latitude.
 - The large size of juries, chosen by lot, was intended to give a representative sample of the entire citizenry, and it did.
 - In the Athenian view, the essence democracy was that all men stood equal before “the law”
 - “The law” was nothing more and nothing less than the collective will of the people

2. Who Was Socrates?



- We know more about Socrates than any other Athenian from the Classical Era
 - Dialogues of Plato and Xenophon
 - Fragments of other authors
- Unfortunately, most of it is fiction
 - Plato and Xenophon were writing philosophy, not history.
 - Much of what they wrote was understood to be literary devices intended to illustrate their philosophical arguments, not give a factual account of actual events
 - Their accounts differ because they are trying to illustrate different philosophical positions
 - Plato: “Socrates was the wisest of men.”
 - Xenophon: “Socrates was the most virtuous of men.”
- So what do we know?

2. Who Was Socrates? (continued)



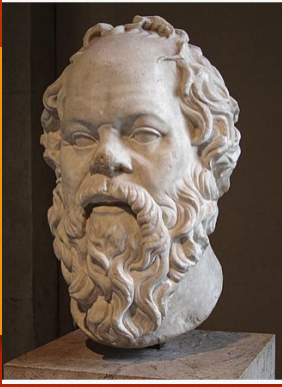
- **A Voice Against Democracy**

- Socrates repeatedly argued that wisdom never comes from the collective judgement of the many but only from the enlightened opinions of the few.

- **A Friend of the Aristocracy**

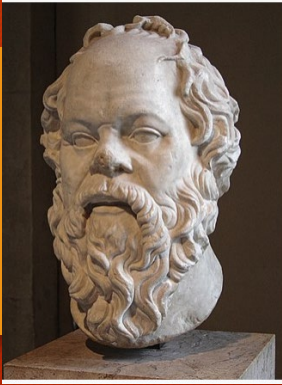
- Although poor himself, Socrates always associated with wealthy Athenian aristocrats. Almost all of his students were from this class.
- He was mentor and lover of Alcibiades, the wealthy Athenian politician and general who first led the disastrous campaign against Sicily and later turned against Athens, siding with the Spartans.

3. Athenian Democracy in 339 BCE



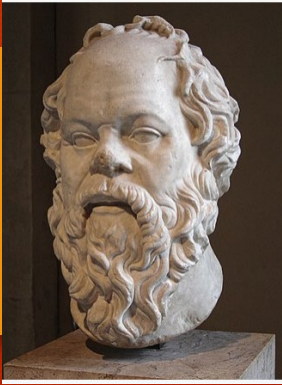
- **The Peloponnesian War (431-405 BCE)**
 - A long and costly war between Sparta and Athens
 - Athens suffered two catastrophic setbacks during the war
- **The Plague of Athens (430-427 BCE)**
 - 75,000-100,000 people killed
- **The Syracuse Campaign (415-413 BCE)**
 - Proposed by charismatic noble Alcibiades
 - Entire expedition destroyed: 50,000 men (about half allies, half Athenians) killed or captured. (Possibly a quarter of Athens' male citizens lost)
 - Alcibiades changed sides to Spartans afterwards

3. Athenian Democracy in 339 BCE (cont.)



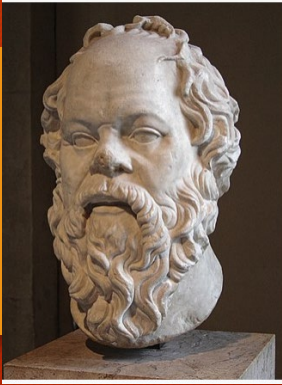
- **The Coup of the Four Hundred (411 BCE)**
 - Aristocratic dining clubs became increasingly politicized and militant as the war turned against Athens.
 - Began murdering leading democrats who proposed laws they disagreed with. Attacked at night, sometimes burning homes, sometimes beating or killing families.
 - Leading aristocrats, backed by the militias (and again supported by Alcibiades), took control of the government by force and instituted an oligarchy of 400 prominent and wealthy men.
 - Democratic leadership of the overseas fleet and army eventually led to collapse of the oligarchy.

3. Athenian Democracy in 339 BCE (cont.)



- **The Thirty Tyrants (404-403 BCE)**
 - Authoritarian oligarchy put in place by Sparta after its defeat of Athens
 - Foremost among them was Critias, a former student of Socrates.
 - Interested only in lining their own pockets and crushing all popular resistance
 - Instituted a true reign of terror
 - 5% of the adult citizens of Athens (1500 people) were murdered or executed and their property taken by the tyrants.
 - Killing 5% of the eligible voters in the USA today would amount to over 12 million people
 - Most prominent supporters of democracy exiled or killed
 - After eight months, Tyranny overthrown by returning exiles supported by popular rising. Tyrants killed or exiled.

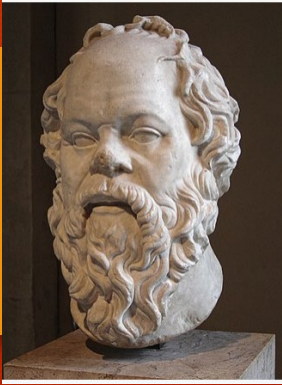
3. Athenian Democracy in 339 BCE (cont.)



• The Aftermath

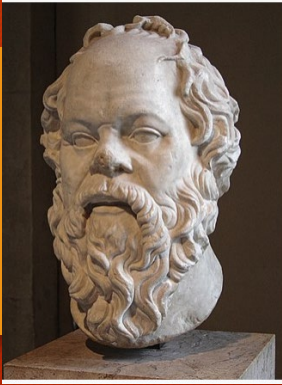
- Athenian society deeply wounded by the experience of the Thirty Tyrants
- Faced with the need to heal those wounds, the government voted an amnesty to every surviving Athenian citizen—except for the Thirty Tyrants themselves.
- This prohibited any prosecution for political or religious acts prior to or during the period of the tyranny.
- As a practical matter, this cut off punishment of anyone who was complicit with the tyranny, and prevented an endless series of lawsuits trying to determine what constituted “complicity” and what the punishment for that should be.
- Four years later, Socrates was indicted.

The Trial of Socrates, 339 BCE



QUESTION BREAK

4. The Prosecution and Charges



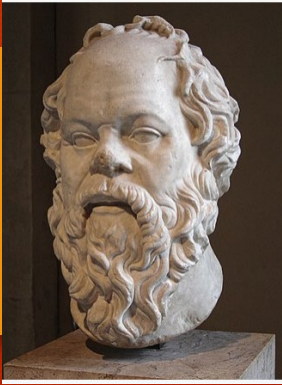
- **Why Socrates?**

- He had been the mentor of many of the most prominent oligarchs, from Alcibiades earlier to Critias and others among the Thirty Tyrants.
- He continued to preach against democracy to a new generation of young nobles.
- But because of the general amnesty, he could not formally be charged with any complicity with the actual events of the Tyranny

- **The Charges**

- “Socrates is guilty of not acknowledging the gods the city acknowledges, and of introducing other new divinities.”
- “He is also guilty of subverting the young men of the city.
- “The penalty demanded is death.”

4. The Prosecution and Charges (cont.)



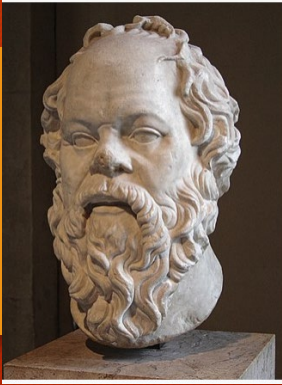
- **Importance of the Charges**

- The charge of impiety placed the trial in the court of the senior archon (magistrate) and justified asking for the death sentence.
- The more politically explosive charge was that of corrupting the youth, which in the context of that moment in Athenian history was understood to mean preaching the virtues of oligarchy to his students.

- **The Prosecution**

- The most prominent of the prosecutors was Anytus of Euonymon, a prominent democratic politician who had been expelled from the city by the Forty Tyrants, escaped with his life, and had helped in their overthrow.
- Sometime before the trial, Anytus's son had become one of Socrates' followers.

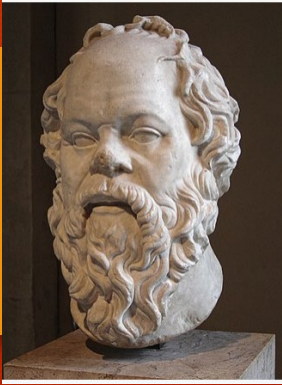
4. The Prosecution and Charges (cont.)



- **The Argument**

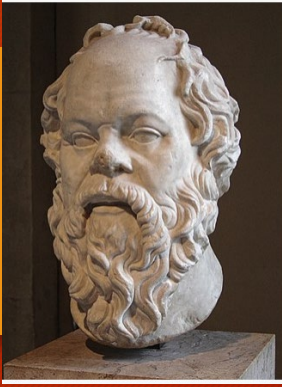
- We have no detailed account of the prosecution's argument.
- From the accounts of Socrates' defense speech it seems certain the prosecutors mentioned the education of Critias and Alcibiades, and probably others as well.
- Although they could not charge Socrates with what he had done in the past, they could use it to show the potential danger of his continued teaching.
- Six years later (345 B.C.E.), the famous orator Aeschines 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."

5. The Defense



- We have two complete texts of Socrates' *Apologia* (defense speech)
 - Plato's *Apology of Socrates*
 - Xenophon's *Apology of Socrates*
 - Both men were student of Socrates, as well as his devoted friends. Both shared his disdain for Athenian democracy and were interested in showing the injustice of his conviction and execution.
 - Beyond that, the two versions have very little in common.

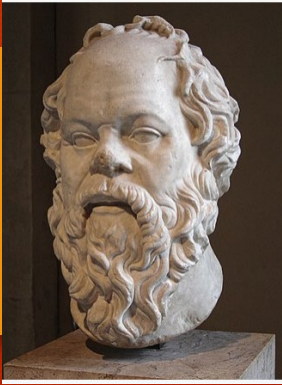
5. The Defense (continued)



- **Plato's Apology of Socrates**

- Plato was present in the courtroom and so was an eyewitness to the event.
- Socrates claimed he spent no time preparing his speech, because his life had been his preparation.
- Plato's version is one of the most polished and carefully-constructed oratorical passages in ancient literature.
- Plato includes a mini-dialog between Socrates and one of the prosecutors during the *Apologia*, which is clearly an invention. There was no provision for any such exchange to take place in Greek trials.

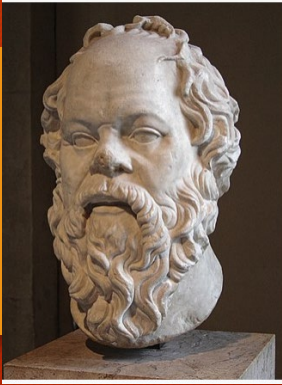
5. The Defense (continued)



- **Xenophon's Apology of Socrates**

- Xenophon's account was written later, after Plato's. Xenophon was not present but claims his version is based on several eyewitness accounts.
- Xenophon's version is much simpler, less polished, and more in line with a less-prepared speech.
- When writing history, Xenophon was careful of his facts and fairly objective. When writing philosophy he took enormous liberties with the facts (such as claiming to be present for several dialogs when he was clearly somewhere else at the time).
- Xenophon liked Plato's idea of an inserted mini-dialog and followed his lead, but used it to make a different point.

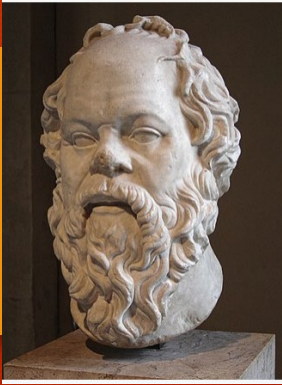
5. The Defense (continued)



- **Conclusion**

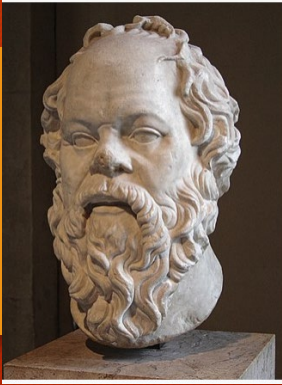
- We cannot reliably reconstruct Socrates' defense.
- One persistent rumor within a hundred years after the trial held that Socrates had made no defense at all, and had stood mute to show his disdain for the proceedings.
- That's probably not true, but the fact that it had any traction at all shows how quickly the truth of the event had vanished into myth.
- Plato's and Xenophon's versions of the speech demonstrate much about the motives and philosophy of those two men after the fact, but much less about those of Socrates during the event.

6. The Verdict and Sentence



- **Guilty**
 - Of the 500 votes, 280 were for conviction and 220 for acquittal.
- **The Sentence**
 - Prosecution had recommended death
 - Socrates proposed that since what he did was so valuable to the state, the sentence should be that the state paid for his meals for the rest of his life (a reward for outstanding or heroic service to the democracy given only rarely).
 - When the outcry from the jury made it clear that would not be acceptable, he amended it to a fine of 100 drachmae (a very small sum at the time).
 - His friends (including Plato) present in the audience volunteered to raise the money to pay a fine of 3,000 drachmae, and that became the official alternative.
- **What was the final vote?**

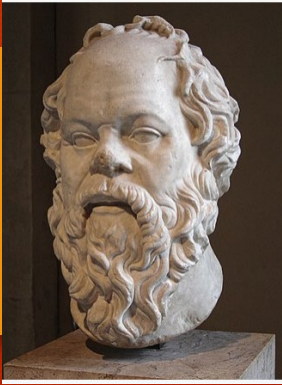
6. The Verdict and Sentence (continued)



- **Death**

- Of the 500 votes, 360 were for death and 140 for a fine.
- In other words **80 jurors who voted to acquit him then voted to put him to death.**
- One plausible explanation of this is that the arrogance of his proposed alternative sentence actually convinced those 80 jurors--who had before been uncertain as to his guilt--that he was in fact guilty as charged.
- Why? Because it showed that his contempt for democracy remained unabated and—having refused exile as an alternative--if left alive he would certainly go on trying to undermine it in favor of a return to oligarchy.

7. What do we think of this?

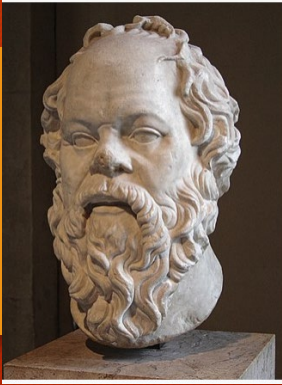


Two Discussion Questions

1) Why did Socrates Choose Death?

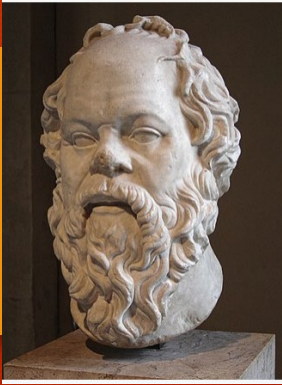
- His accusers and the government had privately (and perhaps illegally) offered him exile instead of trial but he refused.
- As close as the guilty verdict was, an offer of exile, or even a large fine, if given at once would almost certainly have been accepted. Instead, Socrates seems to have deliberately antagonized the jury to return a death sentence.
- When offered the opportunity to escape (probably with the tacit approval of the government) he refused.
- Why?

7. What do we think of this?



- Possible reasons offered over the years
 - He was growing quite old and preferred to end his life while still healthy rather than suffer a slow decline. (He actually claimed this to one of his friends.)
 - He wished the people to kill him so he could serve as a scapegoat for their rage over the Thirty Tyrants, and so end any further recriminations. (One modern classicist has recently proposed this.)
 - He so hated the democratic government of Athens that he wanted his death to be a permanent stain on its reputation, and perhaps even lead to its downfall.
 - What do you think?

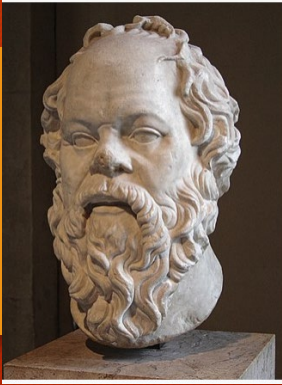
7. What do we think of this?



2) Can we understand what that moment in Athenian History felt like?

- Is it possible for us to understand what that time felt like, never having experienced a successful overthrow of our democracy and its replacement by an authoritarian dictatorship?
- Since the events of January 6 of this year, do you think you see that time and place differently than you did before?

The Trial of Socrates, 339 BCE



QUESTIONS AND DISCUSSION