

THE FREEDOM OF THE INTELLECTUAL IN GREEK SOCIETY

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I

It is hardly possible to contemplate the question "How far was a Greek free to express disagreement with the religious, moral or political assumptions which were dominant in his own society?" without thinking first of the condemnation of Socrates—a momentous event on which it is easy to say something which is either novel or plausible but difficult to say something which is both. I propose in this paper¹ to ask whether the condemnation of Socrates was consonant or dissonant with the behaviour of the Athenian people during his lifetime towards the expression of fundamental criticism or scepticism on the part of intellectuals; in particular, I want to look afresh, rather carefully, at the evidence for prosecution or persecution of intellectuals during that period, in the hope of reconstructing sources and traditions underlying the statements of extant authors.

The following are the relevant events, listed (**T1 - T9**) not in their own chronological order but in the order of the first extant reference in each case.

- T1** Diagoras of Melos was outlawed for impiety: Ar. *Birds* 1017 ff., cf. Lys. vi 17.
- T2a** Aspasia was prosecuted but acquitted after an abject plea to the jury by Perikles: Aiskhines of Sphettos fr. 25 Dittmar ap. Plu. *Per.* 32.5; Antisthenes ap. Ath. 589e.
- T2b** Aspasia was prosecuted for impiety by the comic poet Her-mippus: Plu. *Per.* 32.1.

¹ Originally read, in an abbreviated version, as a lecture in the University of Leiden on 22 May 1975, and, partially revised, read to the Southern Association for Ancient Philosophy, in Cambridge, on 18 September. Reflection on points discussed on both occasions, for which I am very grateful, has led to further revision.

- T3a** Anaxagoras was accused of impiety: Ephoros *FGrHist* 70 F196 *ap.* Diod. Sic. xii 39.2.
- 3b** (Various accounts of the fate of Anaxagoras): Sotion *et al. ap.* Diog. Laert. ii 12 ff.; Plu. *Per.* 32.5.
- T4a** Protagoras was prosecuted by Euathlos: Arist. fr. 67 Rose = *Sophistes* fr. 3 Ross.
- 4b** The Athenians wished to burn his books because of his statement of the agnostic position: Timon of Phleious fr. 5 Diels *ap.* Sext. Emp. *Math.* ix 56.
- 4c** The Athenians collected his books and burned them: Diog. Laert. ix 52; they condemned him to death, but he escaped: Sext. Emp. *loc. cit.*
- 4d** He was prosecuted by Pythodoros son of Polyzelos: Diog. Laert. ix 54.
- T5** Damon was ostracised after the death of Perikles: Arist. 'Αθ. π. 27.4 (v. *infr.*); Plu. *Arist.* 1.7, *Nic.* 6.1, *Per.* 4.1-3.
- T6** Diogenes of Apollonia 'came within an ace of danger' (*μικροῦ κινδυνεύσας*): Demetrios of Phaleron *FGrHist* 228 F42 (= fr. 91 Wehrli) *ap.* Diog. Laert. ix 57.
- T7** Euripides was prosecuted by Kleon for impiety: Satyros *Vita Eur.* col. X.
- T8** A decree proposed by Diopeithes provided for the *εἰσαγγελία* of 'those who do not accept what has to do with the gods (*τοὺς τὰ θεῖα μὴ νομίζοντας*) or teach theories about what is up in the sky (*λόγους περὶ τῶν μεταφρίων διδάσκοντας*)': Plu. *Per.* 32.2.
- T9** Prodikos of Keos was executed (by hemlock) at Athens 'as a corrupter of the young': Suda s.v. Πρόδικος (π 2365); cf. Σ Pl. *Rep.* 600c.

I have included T2ab in this list with some hesitation, since *ἀσέβεια* ("impiety") was a term of wide application; it included, after all, variation of religious procedure and wilful damaging of statues, neither of which has an impressive intellectual basis. With that consideration in mind, I have also omitted from the list the penalties inflicted in 415 on Alkibiades and others who were alleged to have parodied the Eleusinian Mysteries at a party. The fact that many Athenians of the upper class were believed

to be so sceptical of religion as to have no fear of parodying the Mysteries (and incidentally, I see no good reason to reject the charge as a fabrication) tells us something about the gulf which could separate different categories within the Athenian citizen-body in the late fifth century, but it does not tell us necessarily that the attitude of Alkibiades and his friends was the product of earnest intellectual enquiry.² Let us leave that open and remember simply the ferocity of their punishment, so that we are in no danger of exaggerating Athenian toleration when we compare ancient and modern societies; many of us, after all, might feel constrained to reconsider our loyalty to our native country if its laws provided for the denunciation and punishment of blasphemies enacted in private houses.

I have assumed in T6 that the "great malice" which Demetrios regarded as the cause of Diogenes' peril was malice engendered by impious doctrines. I have also assumed provisionally, in view of T4bc, that the prosecution of Protagoras referred to in 4ad was indeed prosecution for impiety and not (e.g.) for recovery of a debt; I shall explain later why speaking of "provisional assumption" here is not as pettifogging as it might appear to be.

The nature of the charge against Diagoras is apparent from what is said about him in Lys. vi 17, one of the speeches for the prosecution of Andokides:

Diagoras committed impiety λόγῳ against sacred things and festivals which were alien to him (*ἀλλότρια*), whereas Andokides committed impiety ἔργῳ towards those in his own city.

One point here is that Diagoras was not an Athenian, so that the Athenian religion against which he offended was *ἀλλότριος*, and the speaker's implication that Diagoras's offence was less heinous than Andokides' is an interesting example of the Greek tendency to fuse patriotism and piety.³ The other point, which retains a certain validity even when every allowance has been made for the orators' tendency to heighten a λόγῳ/ἔργῳ contrast as much as possible, is that Diagoras's offence was not vandalism or material sacrilege, but verbal. Melanthios (*FGrHist* 326 F3) and Krateros

² Cf. L. Woodbury, *Phoenix* xix (1965) 206 ff.

³ Cf. my book *Greek Popular Morality in the Time of Plato and Aristotle* (Oxford, 1975) 250 ff.

(*FGrHist* 342 F16), both referring to the stele on which the sentence of outlawry was recorded, explained the offence as divulging the secrets of the Mysteries and ridiculing them so as to dissuade people from seeking initiation. It may be that the charge was brought after Athenian fears had been aroused by the sacrileges of 415 and that but for those sacrileges there would have been no charge, but Diagoras's name does not appear among those denounced in 415, and the issue was clearly a separate one.⁴ That he was already known as a sceptic seems clear from Ar. *Clouds* 830, "Socrates the Melian"; no passage in the extant (revised) *Clouds* can be positively dated as late as 415. If the offence which Diagoras committed λόγῳ was the verbal expression of contempt for the Mysteries, it was something more precise than Hypereides had in mind when he said (fr. 55 Kenyon) "Our ancestors punished Socrates ἐπὶ λόγοις". It seems that anything less than respect for the Eleusinian Mysteries engendered in the Athenians panic and rage quite unlike their genial response to disrespectful treatment of other religious practices; compare, for example, the parody of the assembly's opening prayers and curses in Ar. *Thesm.* 331-351 and the parody of ritual associated with the foundation of a city in *Birds* 864 ff. The phenomenon suggests that the Athenians felt themselves to be specially favoured (cf. *Clouds* 299-304) in possessing on their own territory a unique channel of communication between the human and divine worlds and a secret recipe for the wellbeing of the soul in the afterlife.⁵ We should consider in this connection the reactions of a modern Mediterranean community to a sacrilegious offence committed against its local Madonna or patron saint, or even the violence with which subjects of a modern monarchy sometimes react when their own monarch is insulted, however lightly they tolerate ridicule of other people's monarchs or of monarchy in fiction.

The cases of Aspasia and Anaxagoras have at least one important feature in common apart from their treatment by Plutarch as indirect attacks on Perikles. Aspasia is supposed to have been

⁴ F. Jacoby, *ADAWB* 1959/3.20 points out that the reference in *Birds*, a datable play, underlies the common dating of the flight of Diagoras to 415/4.

⁵ Cf. Jacoby, *loc. cit.* (n. 4 above) 24.

prosecuted by the comic poet Hermippus (**T2b**). Our earliest evidence for accusations against Anaxagoras (**T3a**) is that portion of Diodorus Siculus which begins with the words "It is essential to set forth the *αἰτίαι* of the war" (xii 38.1) and ends (41.1) "Such, then, were the *αἰτίαι* of the Peloponnesian War as recounted by Ephoros". Within Ephoros's account, as Diodorus presents it, a passage from Aristophanes' *Peace* is cited (40.6) in support of the statement (39.2 f.) that Perikles provoked the war in order to divert attention from his involvement in alleged embezzlement by Pheidias, the account given of the Megarian Decree (39.4) awakens in the reader's mind an echo of *Ach.* 535-539, and *Ach.* 530 f. is actually cited in 40.6 after the passage from *Peace*. These data require us to ask how far Ephoros's statement about Anaxagoras, Plutarch's statement about Aspasia, and indeed other traditions about personages in the late fifth century, might be ultimately derived from uncritical reading, or unscrupulous use, of comedy.⁶ In the case of Aspasia, for example, Hermippus may have said something in a parabasis comparable in character with the boasts of Aristophanes in *Ach.* 633 ff. and *Clouds* 549 f., describing ridicule and vilification uttered within a play as if it were action taken in real life, and exaggerating without any regard for sober fact the social and political consequences of his own plays.⁷ To say this is not to clutch at a straw which might save the reputation of the Athenians as enlightened liberals but to recognise how comedy was in fact misused by Greek writers. It is not only commentators of the late Roman Empire, remote in time and spirit alike from the days of Aristophanes, who are at fault; someone whose opinion is recorded in *Σ Frogs* 405 (and the scholia on *Frogs* incorporate an exceptionally high proportion of "primary", i.e. pre-Didyman, material) concluded from Strattis fr. 15, where the dithyrambic poet Kinesias is ridiculed as *χοροχτόνος*, that choregia was abolished on the initiative of Kinesias at the beginning of

⁶ Cf. G. Donnay, *AC* xxxvii (1968) 30 and G. E. M. de Ste Croix, *The Origins of the Peloponnesian War* (London, 1972) 235 f.; Jacoby, *FGrHist* III² ii 396 f. is sceptical about any trial of Aspasia.

⁷ On the treatment of Aspasia in comedy cf. J. Schwarze, *Die Beurteilung des Perikles durch die attische Komödie und ihre historische und historiographische Bedeutung* (Munich, 1971), *passim*; he is inclined (100 ff.) to accept the actual prosecution of Aspasia by Hermippus as historical.

the fourth century. What is more striking, Satyros' *Vita Eur.* col. X treats the plot of *Thesmophoriazusae*, the conspiracy of the women against Euripides, exactly as if it were the record of a historical event. Idomeneus of Lampsakos (*FGHist* 338) may reasonably be suspected (in the light of his use [F12] of Aiskhines i 172, ii 148 as straight fact) of taking *Clouds* as firm evidence for his assertion that Socrates taught political oratory (F16).

This is the appropriate point at which to take, out of order, Satyros's allegation that Kleon prosecuted Euripides for impiety (T7). In the extant portion of Satyros we have simply a reference back to a fuller account, and therefore do not know the details; but in a list of subjects for rhetorical exercises, dating from the third century A.D. (POxy 2400) we find this item:

Euripides, having represented Herakles mad, in a play, at the Dionysia, is on trial for impiety.

The other two items in the surviving fragment of this list refer to historical events, and the author of the list probably regarded the prosecution of Euripides also as historical. If so, Satyros is the obvious source; and since it is hard to take very seriously a writer who can take the plot of a comedy as a real event, we need not spend much energy in wondering whether *Hercules Furens* can possibly be dated, in defiance of the metrical evidence,⁸ within Kleon's lifetime, or in what play other than *Hercules Furens* Euripides can possibly have depicted Herakles mad. There were grounds (on which more later) on which Euripides could have been regarded as impious; and, to judge from Aristophanes' unfortunate experience with *Babylonians*, if anyone was going to prosecute a dramatist (or proceed against him by προβολή) for doing the wrong thing at a festival, it was Kleon; beyond that, we can hardly go.

To return to Anaxagoras and the possibility that comedy is the basis of Ephoros's account: we lack evidence that any comic poet portrayed or described either Anaxagoras (indeed, no reference to him survives in the fragments of Old Comedy)⁹ or Pheidias's

⁸ Cf. A. M. Dale's edition of Euripides' *Helen* (Oxford, 1967) xxiv ff.

⁹ "Aristophanes fr. 676b" in Edmonds = Alexander Aetolus fr. 7 Powell. Aulus Gellius *NA* xv 20.8 ascribes the passage to Alexander, while Anon. *Vita Eur.* ascribes a phrase from it to Aristophanes.

alleged embezzlement (cf. Philokhoros *FGrHist* 328 F121; the vague πράξας κακῶς in *Peace* 605 presupposes the audience's understanding of the kind of "misfortune" involved), in such a way that Ephoros could mistake fantasy for fact. Nor can we be sure from Diodoros exactly how Ephoros intended us to regard his references to comedy. The words with which the "literary appendix" to the *αίτια* open, μέμνηται δὲ τούτων καὶ Ἀριστοφάνης ὁ τῆς ἀρχαίας κωμῳδίας ποιητής, γεγονὼς κατὰ τὴν τοῦ Περικλέους ἡλικίαν, ἐν τοῖς τετραμέτροις, cannot be Ephoros's own in their entirety, for the mid-fourth century did not speak of late fifth-century comedy as ἡ ἀρχαία κωμῳδία. The formula μέμνηται δὲ τούτων καὶ κτλ. is a favourite with commentators on drama (e.g. Σ. Ar. *Birds* 11, 692), and its venerable ancestor is Hdt. i 12.2 τοῦ καὶ Ἀρχίλοχος ὁ Πάριος, κατὰ τὸν αὐτὸν χρόνον γενόμενος, ἐν λέμβῳ τριμέτρῳ ἐπεμνήσθη, upon which (pseudo-)Ephoros seems to be modelled. Herodotos does not mean that everything he has related about Gyges is derived from a poem of Arkhilokhos; nor does a scholiast mean anything like that; and there is no good reason why (pseudo-)Ephoros should be taken either as meaning that he has derived his stories about Anaxagoras and Pheidias from comedy or as unintentionally revealing that he has so derived them.

One thing he does reveal, of enduring significance not only for the light in which later generations viewed the politics of the fifth century but also for the terms in which the political antagonisms of that time could on occasion be expressed. Ephoros represents Perikles as involved in personal association with individuals who were not themselves Athenian citizens and were not, therefore, open participants in the political and administrative life of the community, but rather "back-room boys" (or girls, as the case may be) under Perikles' patronage. This is the view of the versatile intellectual Damon entertained by Aristotle in 'Αθ.π. 27.4 (T5):

Perikles was not rich enough to compete with the generosity of Kimon; so Damonides (*sic!*¹⁰) of Oe—who was regarded as the man who gave Perikles most of his ideas; that is why they ostracised him later—advised him, since he was worsted in private resources, to give the people what was theirs; Perikles therefore introduced pay for jurors.

¹⁰ Aristotle has conflated a story about Damonides with a belief about his son Damon; cf. A. E. Raubitschek, *C & M* xvi (1955) 78 ff.

This chapter of 'Αθ.π. is part of a schematised survey which looks at Athenian history through anti-democratic eyes, and its originator evidently could not resist the temptation to downgrade Perikles by representing him as the puppet of a sinister intellectual adviser (one might compare the comic poets' notion that Euripides' plays were written by Kephisophon or in collaboration with Socrates). Such an idea is substantially older than Aristotle. The notion that it was Aspasia who taught Perikles the art of political oratory, and that after his death she transformed Lysikles into the leading citizen of Athens, goes back to a man old enough to have set eyes on her, Aiskhines of Sphettos (fr. 23, 26 Dittmar), and the representation of her as the moving spirit behind the drastic action of Athens against Samos in 441/0 (Plu. *Per.* 24.1 f.; she was a Milesian) may also go back to Aiskhines.

But what exactly happened to Anaxagoras? If we look in turn at Ephoros, at the Hellenistic writers cited by Diogenes Laertios, and at Plutarch, one thing emerges clearly: not one of them actually knew what happened to Anaxagoras, though unfortunately this did not prevent them from writing as if they did. According to Sotion (*ap.* Diog. Laert. ii 12) he was prosecuted for impiety by Kleon; according to Satyros (*FHG* iii 163, fr. 14) he was prosecuted for impiety and Medism by an earlier antagonist of Perikles, Thucydides son of Melesias. The Ephoran account in Diodoros (xii 39.2) speaks of συκοφαντία simply; Plutarch *Per.* 32.5 says that Perikles smuggled him out of Athens; Sotion says he was fined five talents and exiled; Satyros, that he was sentenced to death in his absence; Hieronymos of Rhodes (fr. 41 Wehrli), that he was ill at the time of his trial and Perikles so excited the jury's compassion for him (cf. T2a, Aspasia) that he was let off; Hermippus (*FHG* iii 43, fr. 31), that he was imprisoned awaiting execution, but Perikles obtained his discharge by a plea to a jury (Plu. *Nic.* 23.4 follows this version) and he voluntarily left Athens. This is precisely the kind of situation which obtains in historical sources when there is an extreme shortage of data but the person or event concerned is such as to stimulate the imagination. We may compare the sum of ancient statements about the date and birthplace of Homer. Confronted by two or more conflicting statements, we recognise that not more than one of them can be

true, and we then tend to ask "Which is the true one?" In doing this we overlook the fact that both or all of them may be false;¹¹ and the larger the set of alternative and irreconcilable statements, the greater the likelihood that all of them are false, except in so far as one of them might be true by pure chance. No doubt Anaxagoras spent some time at Athens, and in that time associated with Perikles; this much we can credit to contemporary sources (see below), though the absence of reference to Anaxagoras in Old Comedy is a little surprising and disturbing. Nor do I doubt that Anaxagoras died and was buried at Lampsakos, on the evidence given by Alkidamas fr. 14 Radermacher *ap.* Arist. *Rhet.* 1398^b10. What I doubt is whether any Greek writer who expressed an opinion on when or why Anaxagoras left Athens had at his disposal, as a basis for his opinion, anything which we would dignify by the name of "evidence". We have to deal, I suggest, with ancient ideas about what must have happened, ideas generated by a historical attitude which is itself rooted in the condemnation of Socrates. I shall say more later about this attitude and its manifestations.

It must of course be remembered that no anecdotal evidence about Perikles and his contemporaries can ever be dismissed out of hand as the invention of a later age, for material collected in the memoirs of Ion of Chios (*FGrHist* 392), who died in 422, and Stesimbrotos of Thasos (*FGrHist* 107), one of whose pupils was Nikias's son Nikeratos (Xen. *Smp.* 3.6), was available in the Hellenistic period and is on occasion explicitly cited by Plutarch.¹² To say that we cannot dismiss out of hand material which may be derived from fifth-century memoirs is not to say that all that

¹¹ Donnay, *loc. cit.* (n. 6 above) 29—rightly, in my view—treats "prosecuted by Kleon" and "prosecuted by Thucydides" as alternative fictions, and Jacoby, *loc. cit.* (n. 4 above) 20 f. doubts whether Anaxagoras was ever tried. W. K. C. Guthrie, *A History of Greek Philosophy* (Cambridge, 1967–) ii 322 f. discusses the problem in terms of two traditions, one represented by Satyros and the other by Sotion, Diodoros and Plutarch. It is interesting that John Burnet, *Early Greek Philosophy* (ed. 2, London, 1908) 296 f. and *Greek Philosophy* (London, 1914) i 76 evidently did not think it worthwhile to seek firm data in the traditions about the fate of Anaxagoras: contrast A. E. Taylor, *CQ* xi (1917) 81 ff.

¹² On the "characterological" (rather than partisan) interests of Stesimbrotos cf. F. Schachermeyer, *SÖAW* 247/5 (1965).

may be so derived is or that none of it can be dismissed. If two anecdotes about the same thing are irreconcilable, at least one of them must be false. Moreover, some anecdotal evidence relating to Perikles and his contemporaries is irreconcilable with evidence of other kinds; for example, the story in Plu. *Per.* 35.1f. of how Perikles overcame the superstitious fears aroused by an eclipse of the sun as his great naval expedition against Epidauros was departing. If this were true, we should have to say that Thuc. ii 56 is wrong in dating the Epidauros expedition to the summer of 430, because the nearest available eclipse of the sun (mentioned in Thuc. ii 28) occurred in August 431.¹³ One further consideration must be added: a certain proportion of anecdotal material, and possibly a very high proportion, has an avowedly partisan origin, either in works such as the 'Αλκιβιάδου λοιδορία of Antiphon (of which Plu. *Alc.* 3.1 gives as a sample) or in political and forensic speeches (e.g. And. 1 124 ff., on the matrimonial complications of Kallias son of Hipponikos) or in oratorical elaborations of material first formulated in partisan tracts. To assess the relation between this kind of material and reality we have only to think of the preposterous scandal current in political circles in our own time. It is full of circumstantial detail and furnished with vivid and convincing dialogue; its function is to fortify the spirit of one political group and to discomfit another; and if it is seldom hinted at in print, that is because we have what the Athenians lacked, an effective law of libel.¹⁴ A person who transmits, embellishes and dramatises such stories is rarely in a position to assess their truth; for him it represents a confluence of what is likely to have happened and what he would have wished to happen given certain politico-historical assumptions. One interesting

¹³ The layout of the testimonia in Ziegler's Teubner edition of Plutarch's *Lives* reflects no awareness of this discrepancy.

¹⁴ For example: why did Mr A and Miss B (both members of the same party) get married? Why, Mr C (a distinguished member of another party) bullied them into it when he had caught them copulating in a parliamentary antechamber. Those who circulated the story did so in order to support the beliefs that (a) women of Miss B's party were (i) shameless but (ii) so unattractive that no one would marry them unless forced to do so, and (b) Mr C was robustly unshockable, yet morally conventional at heart, and incidentally witty (but the witticism cannot be repeated without identifying A and B).

aspect of this genre of fiction is that an allegation which is tendentious in one direction (e.g. that Perikles was the puppet of Aspasia or Damon or Anaxagoras) can be utilised for the opposite purpose (e.g. to demonstrate how much Athens owes to Aspasia or Damon or Anaxagoras); once it has been fed into popular tradition or fixed in writing, it is a building-block available for use in a wide range of new historical or biographical edifices.

The case of Protagoras is more complicated but (largely for that reason) permits the formulation of a more detailed hypothesis. In Plato *Meno* 91e Socrates is portrayed as arguing that it is very odd if sophists go on attracting custom and yet do harm to their pupils, whereas a man who offered to repair shoes or garments and actually made them worse would lose all his custom in no time. Socrates continues:

But it looks as if no one in the whole Greek world noticed for a good forty years that Protagoras spoilt (*διαφθείρων*) those who associated with him and sent them away in worse condition than when he took them on—I think he was about seventy when he died, and forty years in his profession—and in all that time, to this day, he's never ceased to enjoy a high reputation.

Now, in this passage Socrates is talking not to an admiring disciple who might share his own view of what constitutes a high reputation but to Anytos, the impatient and implacable enemy of intellectuals.¹⁵ This makes his argument senseless, if Protagoras was actually condemned for impiety by a democratic jury. Is the hypothesis that there was no such condemnation tenable?

The testimony of Diogenes Laertios ix 52 makes an interesting starting-point:

They burned the books of Protagoras in the Agora, to the accompaniment of public proclamation (*ὑπὸ κήρυκοι*), collecting them (*ἀναλεξάμενοι*) from their individual possessors.

One naturally reacts to this story by suspecting that Diogenes is guilty of gross anachronism. Is it credible that in a period which still regarded the spoken word as the prime medium of literature, instruction and argument anyone imagined that intellectual criticism could be suppressed by the physical destruction of papyrus

¹⁵ I do not think that E. R. Dodds, *The Greeks and the Irrational* (Berkeley and Los Angeles, 1951) 201 n. 66 and Guthrie (*op. cit.*, n. 11 above) iii 263 have given sufficient weight to this consideration.

rolls? Well, the answer may turn out to be that it is more than merely credible. The earliest evidence bearing directly on Protagoras is not Diogenes, but Timon of Phleious (**T4b**), who says (and we note a significant difference from Diogenes' statement):

They wished (*έθελον*) to turn his writings into ashes

Timon wrote in the third century BC; but the idea of burning books can be taken further back than that. A hostile story told by Aristoxenos (fr. 131 Wehrli) represents Plato as having "wished to make a bonfire (*έθελήσαι συμφλέξαι*) of all the writings of Demokritos which he had been able to collect", and as being dissuaded from doing so by the argument that it would serve no useful purpose, since Demokritos's writings were by then too widely diffused. And going further back still, we find that the idea of invalidating certain types of written utterance by destruction of the material on which it is written was established by the time of Protagoras himself. It was in fact normal practice in Athenian administration. After the disaster at Aigospotamoi in 405 a decree moved by a certain Patrokleides restored full citizenship to many categories of people who had been partially or wholly disfranchised because they owed money to the state. The text of the decree is presented in *And.* i 77 ff., and it includes the following clause:

All the other names are to be erased by the *praktores* and the Council, both the lists referred to above, from all public documents which contain them, and any copy which exists anywhere is to be produced by the *thesmoothetai* and the other magistrates. This is to be done within three days of the Assembly's approval of this decree. And no one shall be permitted to have in his private possession the records whose erasure has been prescribed, or at any time to revive any of the charges <arising therefrom>. Anyone who transgresses this provision shall be liable to the same penalties as those who are in exile in consequence of a judgment of the *Areopagus*.

Similarly we find in the First Decree of Kallias (*IG ii²* 91.10 ff.), some thirty years earlier:

The *prytaneis* are to hand over the money . . . and erase <the record of the debt> when it has been handed over, having sought out the tablets and record-books and any written record which exists anywhere else.

Cf. *IG ii²* 1.28 ff., "from everywhere", and 1237.18 ff., "from the recordbook . . . and the copy". It was also normal practice, when

a decision or some item within a decision was abrogated, to destroy the record of the decision or, as the case might be, to chisel out the item on the stele (e.g. *IG i²* 106.21 ff., 116.37 ff.).

So far, I am suggesting that something happened in connection with Protagoras of which Timon's words are a plausible, though vague, description. We can make it less vague by taking into account one more category of anecdotal material: *dicta memorabilia*. Readers of Aristotle's *Rhetoric* will have noticed how often he quotes, in illustration of general principles, points made in a memorable form by political, epideictic or forensic speakers of his own or earlier times. In so doing he is continuing a long tradition; Stesimbrotos, for example (*F9 ap. Plu. Per.* 8.9), quoted a famous sentence from an epitaphios of Perikles delivered after the Samian War, and Arist. *Rhet.* 1365^a31 similarly quotes an image from a Periklean epitaphios. A dictum of Hagnon about the election of young generals, related in an anonymous work of the late fourth century BC (*Fragmentum Vaticanum*, ed. W. Aly [1943], B recto col. III 30 ff.), shows us another Aristotelian (conceivably Theophrastos) with similar interests. One of the most instructive examples in Aristotle (*Rhet.* 1416^a29 ff.) concerns the impiety of Euripides. A certain Hygianon, his adversary in court, tried to persuade the jurors that they could not trust what was said by a man who had composed the notorious verse "The tongue is under oath, but the mind is unsworn". We should note, however, that Euripides was not on that occasion being prosecuted for impiety; he was involved in an antidosis against Hygianon. It was of course normal practice in an Athenian court to slander one's adversary as impious, if anything that he had done or said could be made to carry this implication, and thanks to Athenaios 551d we know that the long and famous fragment of Lysias (53 Thalheim) attacking the impieties of Kinesias actually formed part of a speech on behalf of a defendant against whom Kinesias had brought a γραφὴ παρανόμων; Harpokration says that there were two speeches of Lysias πρὸς Κινησίαν (not, it should be noted, κατὰ Κινησίου).

With these considerations in mind, I suggest that someone prosecuting Protagoras on some charge or other said in court words to the effect: "Would that all his accursed writings could be gathered

in and burnt, that he might corrupt no others!" Or indeed, the victim of prosecution might have been someone who could be represented by an ill-wisher as corrupted by the sophistic teaching of Protagoras, rather as Demosthenes xxxv 15, 40 treats Lakritos as a pupil of Isokrates. From the fact that two prosecutors are named—Euathlos by Aristotle, Pythodoros by Diogenes—it is not necessary to consider the same type of hypothesis as I adopted in the case of Anaxagoras. Biographers were curiously inclined each to name a different person as *the* prosecutor (Plu. *Per.* 35.5 on the prosecution of Perikles in 430 illustrates this), although they knew very well that the association of three or four prosecutors in the same case was common (e.g. the cases of Socrates and Andokides).¹⁶ If I am right in suggesting that the expression of an extravagant wish by a prosecutor is all we need to account for Timon's wording, I take it that the man who expressed the wish was of the kind satirised by Aristophanes fr. 490, "This fellow's been corrupted by a book or by Prodikos or some gasbag or other". As a novel and striking suggestion, it was memorable and was transmitted in gossipy memoirs or political pamphlets, or in a later speech which cited precedents (cf. Lys. vi 10, the alleged dictum of Perikles that in cases of impiety the courts should follow unwritten law as well as codified law), or in a Socratic work (I am thinking here chiefly of Aiskhines of Sphettos), or in pre-Aristotelian rhetoric (e.g. Theodoros, Polykrates, Alkidamas). The next step is to consider who translated the wish "Would that Protagoras's books could be burnt!" into a factual statement that they were collected and burnt; and suspicion falls upon Demetrios of Phaleron.¹⁷

¹⁶ Diogenes Laertios v 5 makes heavy weather of the prosecution of Aristotle. In the tradition about Protagoras there may be a conflation of (i) a prosecution of Protagoras by Pythodoros, and (ii) an anecdote about the prosecution of Euathlos by Protagoras in connection with the non-payment of fees; cf. Aulus Gellius *NA* v 10.3 ff. and E. Derenne, *Les Procès d'impécé* (Liège, 1930) 49 f. As regards the date, Derenne 51 is certainly right in saying that the attachment of the designation "one of the 400" to Pythodoros in no way implies that Pythodoros's action against Protagoras took place during or after the rule of the 400.

¹⁷ Derenne, *op. cit.* (n. 16 above) 43 treats the "authority" of Demetrios as "excellent"; he does not consider how Greek historiography and biography actually worked, in particular how a writer imposed a scheme upon a mass

It is Demetrios to whom we owe the unverifiable statement that Diogenes of Apollonia (**T6**) "came within an ace of danger". It is also Demetrios who tells us (**F41 = fr. 92 Wehrli**) that Demokritos "did not even go to Athens". Both these items are cited by Diogenes Laertios from Demetrios's *Apology of Socrates*. When we find in Diog. Laert. ix 28 that Zeno "preferred Elea to the μεγαλαυχία of the Athenians" and "never visited Athens", and in another Demetrios (the author of *Ομώνυμοι, ap.* Diog. Laert. ix 15) that Herakleitos "had a poor opinion of Athens", we may reasonably suspect that those items also are derived from that same work of Demetrios of Phaleron (which certainly mentioned Herakleitos [**F40**]). Demetrios, having the closest personal involvement with the philosophers who were the victims of politically generated prosecutions in his own day, bore a considerable grudge against the Athenians for their past treatment of what he regarded as intellectuals of his own calibre; it is not, I think, mere coincidence that Aelian *Var. Hist.* iii 17 describes Demetrios as "expelled through the accustomed φθόνος of the Athenians", just as Demetrios himself described the peril of Diogenes of Apollonia as incurred διὰ μέγαν φθόνον; Aelian has accepted Demetrios's own picture of the relations between philosopher-king and unworthy subjects.

As will have been noticed, some of Demetrios's statements and putative statements conflict with other evidence. If he is right in saying that Demokritos never visited Athens, then the famous quotation "I came to Athens and no one knew me" (Demokritos **B116**) must be drawn not from an autobiographical passage of Demokritos himself but from an untrue anecdote composed by someone else. Again, if the statement that Zenon never visited Athens is true, Plato's presentation (*Parm.* 127a) of Zenon as accompanying Parmenides on a visit to Athens for the Great Panathenaia is false. Well, maybe; but how does a writer know what an individual three or four generations earlier *never* did? I do not think Demetrios did know; but the glimpse we get of his *Apology of Socrates* is enough to justify the hypothesis that

of discrete data and filled gaps in conformity with the scheme. See A. Momigliano, *The Development of Greek Biography* (Cambridge, Mass., 1971), especially 65-89, and J. A. Fairweather, *Ancient Society* v (1974) 231 ff.

it was a work in which the theme of long-standing antagonism between the Athenian demos and the philosophers was developed further than the available evidence warranted, and through which a highly-coloured picture of this antagonism was transmitted to later ages.¹⁸

Was it from Demetrios that Plutarch derived his account of the decree of Diopeithes (T8)? The fact that Plutarch is the earliest,¹⁹ and indeed the only, writer to mention the decree does nothing in itself to invalidate his testimony; to reject every historical proposition for which a writer of the Roman period fails to cite a Classical source by name (incidentally, Plutarch does cite Demetrios by name eleven times, in five different *Lives*) would be to turn the *ars nesciendi* into an obsession; and to reject a proposition because it occurs in only one writer is unjustified unless one can point to other writers who might have been expected to communicate it to us if it had been known to them. But in the case of the decree of Diopeithes there are in fact extant passages from which its absence is surprising. One is Ephoros's account (via Diodoros) of the circumstances in which συκοφαντία of Anaxagoras was used as a weapon to weaken the position of Perikles; the other is the scholia on Aristophanes' *Birds* 988 (explicitly from Symmakhos), *Knights* 1085 and *Wasps* 380 (plainly from Hellenistic Κωμῳδούμενοι), where material relevant to the incontinent religiosity of Diopeithes is collected but no mention is made of his decree. Furthermore, the decree is very unlikely to have said what Plutarch represents it as saying. τὰ μετάρσια are what Athenians in Diopeithes' time, and Attic writers for long after, called τὰ μετέωρα; μετάρσιος is an Ionic and poetic word common enough in Hellenistic prose but not in Attic prose before Theophrastos. Presumably 'those who taught λόγοι about what is up in the sky' must have been more narrowly defined, if punishment was not to fall unjustly on useful and possibly devout mathematicians who calculated programmes of inter-

¹⁸ What philosophers in the fourth and third centuries B.C. said about one another suggests that the jealousies and resentments which are provoked by doctrinal differences and engender malicious and unscrupulous invention are just as strong as those of political party warfare and schism.

¹⁹ Guthrie, *op. cit.* (n. 11 above) iii 228 n. 2 notes this fact; again, Ziegler's testimonia are misleading.

calation, not to mention seers who interpreted heavenly signs. We cannot exclude the possibility that the decree of Diopeithes was an irresponsible fiction based on fulminations attributed to Diopeithes in a comedy; and even if there was such a decree, since I am inclined to think that what Plutarch tells us about it was what the creative malice of Demetrios and the Peripatetics wished posterity to believe, I remain in doubt about what it said, what it meant, the time and circumstances which made it possible, and therefore its connection, if any, with the departure of Anaxagoras. Yet another possibility is that Diopeithes made his proposal on some occasion (e.g. the plague) of a kind which commonly elicits such a reaction from people of his stamp; that it was not passed; and that it was transmitted to posterity in the first instance by a reference in a speech, perhaps in furtherance of an argument to the effect, "If only we had listened to Diopeithes!"

At any rate such a decree was not the basis of the indictment of Socrates.²⁰ For one thing, as described by Plutarch, it provided for εἰσαγγελία, and Socrates' prosecutors proceeded against him by an ordinary γραφή presented in the first instance to the archon basileus (Pl. *Euthyphro* 2a). Secondly, prosecution of a man in 399 under a decree which antedated 403 was a vulnerable procedure. The prosecutors of Andokides certainly tried it on, assuming the continuing validity of the decree of Isotimides; Andokides himself argued, as he needed to argue, that such a decree was automatically invalidated by the legislation of 403; his argument is by no means immune to refutation by anyone who could persuade a jury to listen to a very careful analysis of exactly what the legislation of 403 said and meant, but it is a fair inference from Lys. vi, where the issue is deliberately obscured (29) by the words "the laws (*vóμοι*) for which you voted", that the prosecutors did not feel sure of themselves. We do not have to suppose that the decree of Diopeithes, if it was ever passed, was later repealed; the Athenians could and did repeal decrees—for instance, a short-lived

²⁰ J. Rudhardt, *MH* xvii (1960) 92 thinks it was the basis not only of the prosecution of Socrates but also of late fourth-century prosecutions (e.g. Stilpon); so too M. I. Finley, *Democracy, Ancient and Modern* (London, 1973) 91 (on Socrates); ctr. Derenne, *op. cit.* (n. 16 above) 223, 237 f.

decree restricting personal vilification in comedy, which no doubt they all missed sadly—but we cannot easily envisage circumstances during the Peloponnesian War in which someone could have argued “Now is the right time to repeal the decree of Diopeithes”. On the other hand, we do not have to suppose either that the legislation of 403 redefined impiety in such a way as explicitly to include types of behaviour proscribed by Diopeithes; to be the victim of a γραφή at Athens it was not necessary to have committed an act which was forbidden by the law in so many words.²¹

Of all the items which I listed at the beginning of this paper, the execution of Prodigos is the worst attested: nothing earlier than a scholion on Plato taken up in the Suda. I doubt whether we should draw any inference from the silence of Plato and Xenophon about what happened to Prodigos. They introduce us to many interesting people about whose later fortunes they say nothing (what sort of biography of Alkibiades should we write if we had only Plato and the Socratic works of Xenophon?), and it was not in their interests, in presenting the condemnation of Socrates as a supreme injustice, to draw our attention to precedents or parallels. Perhaps more importance should be attached to the anecdote (*ap.* Sen. *Dial.* viii 8.1 and Aelian *Var. Hist.* iii 36; ultimately from Hermippus?)²² that when Aristotle withdrew from Athens to Khalkis he did so “that the Athenians might not sin twice against philosophy”.²³ Beyond entertaining the possi-

²¹ Rudhardt (n. 20 above) sustains the contrary view, at least so far as concerns impiety, but I do not think that any list of known types of impiety (or of “wronging the people”, “not giving the people the best advice”, “deceiving the people”, etc.) can ever tell us that such-and-such a type of action could *not* be the subject of an indictment.

²² Cf. I. Düring, *Aristotle in the Ancient Biographical Tradition* (Göteborg, 1957), 341 f.

²³ A curious passage in Arist. *Rhet.* 1397^b24, ‘and if generals do not deserve contempt because they are from time to time executed (ὅτι θανατοῦνται πολλάκις), neither do sophists’ suggests (cf. F. Solmsen, *AJPh* lxxv [1954] 192 n. 1) that Aristotle took for granted widespread and continuing persecution of intellectuals. If, however, we take into account the preceding sentence, καὶ εἰ μηδ' ἄλλοι τεχνίται φαῦλοι, οὐδὲ οἱ φιλόσοφοι, the sequence of thought in 24 f. seems to be: ‘and if generals do not deserve contempt—<as one might think they did,> because they are <, after all,> executed; <indeed, this happens> often—neither do sophists’ (I owe the reference to Professor G. B. Kerferd; that the difficulty is not to be removed by adopting the reading ἡττῶνται in place of θανατοῦνται is clear from R. Kassel, *Der Text der aristotelischen Rhetorik* (Berlin, 1971) 59 f.).

bility that Prodigos *was* executed, but not by Athenians, not at Athens, and not for impiety or "corrupting the young" (perhaps at Keos, after the war, and for pro-Athenian connections and activities) I doubt whether we can get much further with the case of Prodigos.

II

The allegation that Euripides was prosecuted for impiety, an allegation which, as we have seen, cannot be traced beyond an extremely disreputable source, serves to stimulate curiosity about the Athenian view of unorthodox sentiments in tragedy. I do not want to run any risk, in coupling Euripides with Protagoras and Socrates, of confusing intellectual freedom with artistic freedom. Some arts, like many branches of science and technology, seem able to flourish in conditions of extreme political repression: choreography, for instance. We speak sometimes of "intellectual music", and I would hesitate to reject out of hand the expression "intellectual painting"; but although writing music or painting pictures in styles condemned by one's rulers can be an act of intellectual rebellion, and although painting, at least, can express hatred, ridicule or contempt, neither music nor painting can communicate rational justification of the emotion which it expresses. Whether the artist is motivated by moral insight, vindictiveness, lunacy or error, the picture itself cannot tell us. The matter is not always or necessarily different in poetry, novels, plays or operas, for much praise or blame, in ancient as in modern times, tells us nothing for sure about anything except the author's emotional condition and orientation.²⁴ But whenever language is the artistic medium, rational criticism can be communicated, either by putting it into the mouth of a fictitious character or by the choice and treatment of themes in which criticism is implicit.

It is obvious from Old Comedy alone that Euripides was open to blame by conventional people for the sentiments, ideas and

²⁴ For example, the drawings of Gerald Scarfe convey, vividly and memorably, an uncompromising hatred, of frightful intensity; but divorced from any independent evidence relating to the persons or categories of person whom he caricatures, they could not possibly offer us any reason for agreeing or disagreeing with his attitude to those persons.

behaviour encountered in some of his plays, and in popular humour he was explicitly associated with Socrates (as, later, and by serious writers, with Anaxagoras); though there is an important difference between the fate of Socrates at the end of *Clouds*, subjected to violence and arson as if cursed by the community, and the discomfiture of Euripides' ghost, in consequence of a hard-fought contest with Aiskhylos' ghost, at the end of *Frogs*, to say nothing of the satisfactory outcome of the plot for Euripides at the end of *Thesmophoriazusae*. The common and enduring notion that Euripides ended a career of increasing estrangement from the Athenians in the bitterness of exile does not stand up to scrutiny.²⁵ When he went to the court of Arkhelaos he presumably knew that Agathon, who had gone there some years earlier, had not regretted the move, and it is easy to understand why a generous invitation should tempt an old man to leave Athens in the last years of the Peloponnesian War.

That some of his plays have a genuine intellectual content is (I hope) non-controversial, and I imagine it is equally non-controversial that some of this content is unconventional, both from a social and from a religious point of view. But the extent to which he laid himself open to attack for impiety should not be exaggerated. It may seem to us the climax of a near blasphemous onslaught on the traditions concerning Pythian Apollo when at the end of *Ion* Athena appears as the *deus ex machina* and explains that Apollo is not appearing in person lest he be openly reproached by Ion and Kreousa (1556 ff.); but let us not forget the refusal of Hermes in *Il.* xxiv 462 ff. to enter the hut of Akhilles as an immortal guest meeting a mortal host face to face on the latter's "territory". Again, in *Iph. Taur.* Orestes passes bitter and cynical judgment on Apollo; but it is Pylades' faith which is vindicated by events. In *Bacchae*, when Dionysos has declared that the frightful disaster which has fallen upon the house of Kadmos is punishment for his own rejection, Kadmos retorts

It is unfitting that gods should become like mortals in temper

— six (Greek) words that shake the heavens, if no one has said them before; but, of course, moral reproach of the gods *had* been

²⁵ Cf. especially P. T. Stevens, *JHS* lxxvi (1956) 87 ff.

uttered before, notably by Theognis, who (631 ff.) resigns himself to the fact that Zeus punishes the innocent children or descendants of a sinner but, so far from pretending that his own moral evaluations are not what they are, reproaches Zeus directly for injustice. Euripides was heir to a tradition in Greek poetry which allowed the poet to say what he thought and allowed fictitious characters to say what such characters would say, in the pursuit of their ends or in the expression of their true feelings, if they and their situations were real. This is common enough in Homer; we should remember, among much else, Priam's reply to Hekabe (*Il.* xxiv 217 ff.) when she tries to dissuade him from going to Achilles:

If any mortal had told me to do it, a divining seer or a priest, I would have called it false and would have nothing to do with it; but as it is, I myself heard it from a deity and saw her face to face.

Priam does what he is told to do by a goddess who has been present to his senses, but he is as well aware as the conventionally pious Xenophon (*Cyr.* i 6.2), centuries later, that one must use one's own judgment in deciding whether or not to obey a seer or priest.²⁶

Where Euripides differs from other tragic poets is in the extent to which he uses fictitious characters as instruments for the development of ideas which are interesting in their own right. Medea, for example, voices the most powerful criticism we have of the assumptions on which the sexual inequality of Athenian society rested; even then, we must weigh in the same scales Praxitheia's speech from *Erechtheus*, a patriotic argument for total subordination of family loyalties and maternal affection to the interests of the community, quoted at length by Lykurgos in his speech against Leokrates. That is not say that people who were determined to criticise Euripides actually weighed arguments of dissimilar tendency in the balance in order to arrive at a fair assessment. I have already cited an anecdote concerning a litigant's use of a famous line from *Hippolytus* to blacken Euripides' character; and use of the same line in *Frogs* suggests that its immoral implication made a deeper impression than the fact that on reflection Hippolytos realises that he cannot yield to the temptations of

²⁶ Cf. S. C. Humphreys, *Daedalus* 1975 91 ff., especially 94 (on freedom of expression) and 110 (on the conspicuous absence of the "holy man" from Greek culture).

sophistry which took shape in his mind at a moment of anger. Plutarch *Amat.* 756c tells us that the opening line of *Melanippe Sophe*,

Ζεύς, δοτις ὁ Ζεύς, οὐ γάρ οἴδα πλὴν λόγῳ,

caused an outcry, and he suggests that this outcry stopped the show, so that Euripides put on the play on a later occasion with a substituted line,

Ζεύς, ὡς λέλεκται τῆς ἀληθείας ύπο.

The story smells of Satyros, but this time there may be just a glint of fire to explain the smoke; if there were texts of *Melanippe* which began differently (as seems to have been the case with *Arkhelaos*; cf. Aristarkhos *ap.* Σ Ar. Ra. 1206), the chances are that Euripides had second thoughts about Ζεύς, δοτις ὁ Ζεύς κτλ. and replaced it with Ζεύς, ὡς λέλεκται κτλ. (= *Peirithoos* fr. 591.4 = *TrGF* 43 *Kritias* 1.9). His first idea was not so very much more sceptical than the well-known Ζεύς, δοτις ὁ Ζεύς of *Her. Fur.* 1263, but much more startling at a point in a play before any character or situation into which it can fit comfortably has been developed. A fully elaborated sceptical view of religion is to be found in a speech which it is fair to call one of the intellectual monuments of the fifth century; a speech by Sisyphos, in a play of that name, propounding the view that the notion of gods who can read human thoughts and punish evil was invented long ago by some enterprising human as a deterrent to reinforce law. Sextus Empiricus, attributing the play to *Kritias* (*Math.* ix 54), and pseudo-Plutarch *De Placitis Philosophorum* 880 e, attributing it to Euripides, both regard the speech as evidence that its author was ξθεος, and pseudo-Plutarch makes the curious statement

Ευριπίδης εἰσήγαγε Σισυφόν τον προπονοῦντα τον θεόν
καὶ συνηγόρησεν αὐτῷ ταῦτη τῇ γνώμῃ,

which means, I suppose, that the author was satisfied, on the strength of the biographical tradition, that the playwright in fact held the view put into the mouth of Sisyphos. Many scholars of Hellenistic and Roman date—including, as a general rule, Plutarch himself—were scrupulous in identifying the dramatic character who utters a sentiment or an argument; others were not (and

their spirit is unfortunately not yet quite extinct). Now, the legendary Sisyphos was a notorious villain, who could well be represented by a playwright as denying the existence of the gods, yet furnishing in the end unwilling refutation of his argument. If that is what happened in this play, the pious may have been content; and how wrong they would have been—for no one can really know if there ever was such a person as Sisyphos, let alone what fate he suffered, whereas a plausible explanation of the origin of religion, whatever its dramatic context and purpose, is there, for ever, implanted in people's minds, once it has been uttered. Euripides wrote a satyr-play called *Sisyphos* in 415; whether our speech comes from that, or from a Sisyphos-tragedy of Kritias, we cannot decide on any conclusive evidence. Metrical features certainly discourage attribution to Euripides;²⁷ and if the play is by Kritias, the possibility that it was meant for readers and not for theatrical audiences has to be taken into account.

Be that as it may, if we contrast the range of behaviour exhibited and the range of sentiment and argument uttered in those extant plays which are attributable with certainty to Euripides with the restrictions imposed by censorship on (for example) the earlier operas of Verdi, we can have no doubt that we are dealing with two different worlds. Yet, of course, we know from Verdi's correspondence what he wished to do and was prevented from doing; we do not know what Euripides wished to do, but only what he did. We may imagine, if we like, that he nourished a secret desire to portray the rape of the child Helen by Theseus as the brutal and perverted act of a psychopath, giving no hint of the heroic destiny of any of the personages in the legend. But we are not free to say, unless we have positive evidence for saying it, that either law or public opinion prevented an artist from developing arguments which he wished to develop.

III

I began this paper by posing the question: was the condemnation of Socrates consonant or dissonant with the behaviour of the Athenian people during his lifetime towards fundamental in-

²⁷ In particular the concentration of enjambment: three examples (13, 18, 27) in only 42 lines.

tellectual criticism? If all the ancient statements which I then proceeded to list are true, the answer is not in doubt: it was fully consonant, the last episode in a chapter of persecution.²⁸ I think I have shown that, with the exception of the special case of Diagoras of Melos, the evidence for those ancient statements is in some cases poor, in others doubtful, and in no case (in my submission) so strong as to compel assent without more ado. If the doubts which can be expressed in each case had been all of different kinds and had rested on different bases, I should have hesitated to make anything of them; to "explain away" is not to explain, and special pleas enfeeble one another. But in the present enquiry we have been concerned with a systematic distortion applied within a single politico-philosophical tradition and motivated by a uniform bias which was itself created by shared experience and shared historical assumptions. I regard the distortion as revealed by contradictions both internal to the tradition (e.g. the existence of mutually exclusive statements about Anaxagoras) and external (e.g. the problem posed by Plato *Meno* 91e), and I regard scepticism towards the tradition as justified also by Satyros's use of comedy as evidence.

Certain features in the case of Socrates make his condemnation surprising, whether or not it had been preceded by comparable condemnations. He was, after all, an Athenian citizen exercising παρρησία in a community long accustomed to the outright expression of unorthodox sentiments and arguments by poets and by characters in narrative and drama; what is more, he criticised society from a standpoint of generally accepted Greek moral values. My primary evidence for that last statement is not Plato and Xenophon, but Lysias fr. 1 (Thalheim) in which a man who is trying to recover a debt from Aiskhines of Sphettos says:

I was persuaded by what he said, and also considered that as a man who had been a pupil of Socrates, always ready with impressive arguments about honesty and virtue, he would never attempt or venture what the worst and most dishonest men attempt to do.

Criticism of orthodox assumptions ("orthodoxy" in the strict sense was not a Greek concept) did not first emerge in the second

²⁸ Dodds, *op. cit.* (n. 15 above) 189; "the Great Age of Greek Enlightenment was also, like our own time, an Age of Persecution".

half of the fifth century. It is at least as old as Xenophanes; and whether Xenophanes was a religious genius or a renegade rhapsode or something between the two, at least we cannot deny the title of "intellectual" to a man who was incited to geological speculation by the sight of fossils (DK i 123.1 ff.).²⁹ So far as our evidence goes, Xenophanes was the first to express radical criticism of the cultural dominance of Homer and Hesiod, the social pre-eminence of Olympic victors, the pretensions of diviners (DK i 126.16 ff.), the genealogies of the gods, and with that the presuppositions of the arts, literary and visual, in the service of the gods. Whether any of his contemporaries wished to exterminate him as a blasphemer, or whether anyone in later generations wished to suppress the circulation of his poetry, we do not know; but we do know that no one succeeded in doing so, for according to a citation from an autobiographical poem (B8) he was still composing poetry at the age of 92, and it survived as long as most other poetry of its period.

It has rightly been remarked that Xenophanes' observation that Ethiopians have black gods and his suggestion that if horses could portray a god they would give him four legs exemplify the Greeks' concern with one of the most important and stimulating questions to which the human race has ever addressed itself, the relation between νόμος and φύσις. But whereas individuals in a later age were inclined to draw the wholly irrational conclusion that when νόμος and φύσις appeared to conflict it was intelligent and admirable to follow what they were pleased to regard as the dictates of φύσις, there is no sign that Xenophanes drew or wished to draw such a conclusion. The poem (B1) in which he commends the religious aspects of the symposium but rejects as πλάσματα τῶν προτέρων legends of the Titans and Giants is certainly not intended as an argument for the rejection of religion on the grounds that some ingredients of inherited religious narrative are morally objectionable and contemptible. All that we have of

²⁹ E. Hussey, *The Presocratics* (London, 1972) 32 f. does not regard Xenophanes as a figure of great importance in the history of Greek thought; but "he takes refuge in the thought that, after all, no man can know anything for certain" (my italics) describes a fact which different people (depending on their attitude to certainty) will describe differently.

Xenophanes with any bearing on religion indicates that he criticised contemporary religious notions as *not good enough*.

Greek society was strikingly tolerant of the reproaches, sometimes arrogant and extravagant, with which it was belaboured by didactic poets. The poet felt himself entitled (like Hesiod) to lament the universal decline of morality in his own time, or (like Kallinos and Solon) to lash his fellow-citizens for sloth, greed, cowardice and folly. By the time that Parmenides and Empedokles were condescending to lighten the darkness in which, as they thought, the rest of mankind was stumbling, this attitude had already been adopted by early prose-writers: notoriously, by Herakleitos,³⁰ and we may recall the opening sentence of Hekataios. Its reflexes are to be seen in Thucydides, Old Comedy, and fourth-century political oratory.

A combination of a receptive attitude towards the manner of didactic composition with a sceptical attitude towards its content is to be expected in a culture in which no priesthood had ever acquired the authority to define orthodoxy, propagate dogma or invest any inherited narrative statement with the status of revelation; a culture in which secular authority too was precarious; a culture well placed to adapt and exploit ingredients from a variety of Oriental cultures which possessed in common a high degree of valuable technical experience but differed so widely in their religious and social usages as to give the greatest encouragement to relativism in anyone who had eyes and ears.³¹

It is apparent that the Greeks of the archaic period, and many Greeks thereafter, participated, in varying degrees, in the general human tendency to believe that what is not consciously created by human beings is consciously created by more powerful non-human beings. Since only a few of those who wish to attain *σοφία* succeed in persuading the world that they have actually attained it, and since a few of those who undeniably attain it appear to have devoted comparatively little deliberate effort to the attainment, the notion that *σοφία* is implanted by the grace of a deity has a facile appeal. Therefore any *σοφία* has a *prima facie* claim

³⁰ Cf. Hussey, *op. cit.* (n. 29 above) 38, "wholesale denunciations . . . suggestive of mania".

³¹ Cf. p. 44 above.

to a hearing. But different poets produced irreconcilably different narratives about the same past events and irreconcilably different expositions of the structure and operation of the cosmos. If there is one short text which might justifiably be treated as a key to Greek culture, I am inclined to think that it is the utterance of the Muses in Hesiod *Theog.* 27 f.:

We know how to proclaim fiction which resembles truth; we know too how to declare truth —when we wish to do so.

A pious Greek was right to believe that there was no reason why some of what he was told about the supernatural world should not be true; but he could not fail to be aware that there was no basis for choosing which elements to treat as true, apart from aesthetic preference, emotional need or social utility.

Socrates' moral and religious preoccupations entitle him to a place in the tradition begun by Xenophanes, while his diffidence saves him from identification with the offensive tradition of Herakleitos. Why then was he condemned when others escaped condemnation? The political aspect of his trial has been discussed ever since the trial itself, and is well known: Socrates was regarded as the political mentor of Kritias and Alkibiades, but since any prosecution of him for involvement in their treason would have been a direct violation of the oath of amnesty taken in 403, revenge was attainable only by prosecuting him for conduct continued after 403 and relying on the jurors' awareness of the past. Half a century later the significance of the oath of amnesty could be overlooked: Aiskhines i 173 speaks of "Socrates the sophist" as executed "because it was shown that he had educated Kritias".

When an orator invokes a historical precedent (which he normally draws from popular tradition, directly or through the medium of an earlier speech, not from historiography),³² it is profitable to reconstruct the picture of the past which causes that precedent to come into his mind in that connection and, once it has come into his mind, to be chosen as a valid precedent. Now, Aiskhines is saying that Demosthenes tried to ensnare and influence wealthy young men, one of whom, a certain Aristarkhos, was mentally unstable. A man called Nikodemos accused Demosthenes of

³² Cf. Dover, *op. cit.* (n. 3 above) 10 ff.

desertion from the ranks on military service, whereupon Demosthenes induced Aristarkhos to murder Nikodemos in an atrocious manner (cf. Aiskhines ii 148). This is the point at which Aiskhines introduces the analogy of Socrates. Socrates taught Kritias, who overthrew the democracy; Demosthenes persuaded Aristarkhos to destroy a public-spirited citizen, thus striking a blow against freedom of speech ($\pi\alpha\rho\rho\nu\sigma\alpha$, $\iota\sigma\gamma\eta\rho\sigma\alpha$). In the next sentence Aiskhines refers contemptuously to the "pupils" ($\mu\alpha\theta\eta\tau\alpha\iota$) of Demosthenes who have come to hear their master speak in court.

Aiskhines' notion of the condemnation of Socrates, despite the lapse of half a century, may well be of greater significance than is commonly allowed, not only for Socrates but for all other manifestations of Athenian hostility to intellectuals during Socrates' lifetime. The considerations which we must keep in mind are the following.

First, the Athenians of the fifth century were accustomed to regard the relation between teacher and pupil or between master and apprentice as the transmission of techniques, not as the development of abilities which might issue in independent critical thought. It was therefore assumed that the principles and attitudes of the teacher were embodied in the pupil; this, after all, was the purpose of traditional Athenian education.

Secondly, when a strong tendency in political gossip to imagine influences at work upon the politician in his club or study or bedroom—a tendency of which I spoke earlier—combines with assumptions about a didactic relationship, it gives rise to such notions as "All Perikles' ideas really come from Damon", or "Socrates is really responsible for what Kritias did".

Thirdly, the key to success at Athens appeared increasingly to many people to be persuasiveness in public utterance (in combination, of course, with adequate physical courage). Ambitious young men wanted to learn how to carry conviction in speaking; Strepsiades in the *Clouds* does not want his son to learn science and philosophy in order to be a cultured man, but in order to win lawsuits, whether he is in the right or in the wrong. It was therefore felt that a young man who had been taught systematically by an intellectual had at his disposal a weapon which he

would use for his own advancement in the community, and against which the man whose education had been traditional could not contend. This was a matter on which there might sometimes be agreement between uneducated men, mistrustful of a leisured class which had sophistic teaching available, and men of distinguished old families, who saw in the dissemination of oratorical technique a threat to their own standing (in rather the same way as aristocrats and radicals found themselves forced into alliance against Alkibiades). This may be the explanation of the otherwise puzzling story in Xen. *Mem.* i 2.31 that the Thirty Tyrants legislated against the teaching of λόγων τέχνης. Xenophon's notion that this was an attempt to silence Socrates (whom the Thirty evidently had included in the select band of citizens permitted to remain in Athens) is entirely unpersuasive, but divorced from any specific association with Socrates it is by no means an implausible measure in 404.

Fourthly, the Athenians had very good reason for thinking of the typical intellectual as a visiting foreigner dependant on the patronage, hospitality and generosity of a small number of rich and distinguished families. We have only to think of the scene in Plato's *Protagoras*, where Kallias has set aside part of his house for the accommodation of Protagoras, Hippias and Prodikos, together with some of their foreign disciples, and his friends and relatives have flocked to the house to listen to these men. And we should consider the probability that foreign intellectuals were widely regarded as exercising, through their wealthy Athenian patrons, great influence over Athenian policy, while not themselves accountable for the execution of policy. As foreigners, they could be regarded as not owing their primary loyalty to the Athenian demos and therefore as comparatively indifferent to such antagonism as might arise between the demos and the gods in consequence of the spread of sceptical rejection of traditional practices.³³ It is even possible that an Athenian, such as Damon or Socrates, who gained a reputation as "teacher" of wealthy and

³³ It is not, perhaps, far-fetched to compare the attitude of British Conservatives and tellers of funny stories towards the Hungarian-born economists on whose advice the Labour Government of 1964 was believed to depend.

powerful men, incurred special odium inasmuch as he was felt to have alienated himself from the community by choosing a foreigner's role—rather as a citizen who prostituted himself incurred severe penalties, while a male prostitute of foreign birth incurred none; and we should remember the suggestion of Lys. vi 17 that Andokides' sacrilege was worse than Diagoras's inasmuch as Andokides offended the deities of his own city.

Between the suspicion of treachery and the fact of treachery there is a great difference; and between the fear of setbacks and the fact of crushing defeat the difference is even greater. It was Socrates' special misfortune to be thought of as the teacher of men who were not simply potential enemies of the demos but actual enemies. That is why anti-intellectual sentiment which, on my hypothesis, had previously expressed itself in looks and words and threats spent itself climactically in the conviction of Socrates rather as a man who has reacted with increasing irritation to a succession of disagreeable events finally succumbs to the onset of destructive rage and is thereafter calm for a long period.

The circumstances which made Aristotle move from Athens to Khalkis, in the fear that the Athenians would "sin twice against philosophy", were political in a sense somewhat different from the sense in which the conviction of Socrates was political.⁴³ They stemmed from the pressure put upon the Greek cities in 324 to treat Alexander as a god. If secular authority legislates for the religious practice of a subject, but formerly independent, state, retaliation in religious terms is to be expected. When Alexander died, retaliation indeed fell upon those who had proposed his recognition as divine and upon those intellectuals whose varying degrees of connection with the Macedonian monarchy rendered them suspect as alien conspirators. But as in the case of Socrates, it was the humiliation of defeat and subjection which provoked violent reaction from the demos. The penultimate act in this chain of events, probably to be dated from the immediate aftermath of the expulsion of Demetrios of Phaleron by Demetrios Poliorketes, was the decree of Sophokles of Sounion, prescribing the death penalty for any philosopher who "led a school" at

⁴⁴ Cf. Düring, *op. cit.* (n. 22 above) 339-344.

Athens without permission of the Council and Assembly. Potentially as repressive as any anti-intellectual measure ever devised, the decree was at any rate not indiscriminately anti-intellectual as worded. The last act was the successful prosecution of Sophokles on a γραφὴ παρανόμων and the automatic lapsing of his decree.

The rate of change in Athenian society was slow, in comparison with the extraordinary rate to which our own century struggles to adjust itself, and the loss of imperial power induced a nostalgia which made Athenians sometimes overrate, sometimes underrate, their continuity with the past. But the jurors who condemned Sophokles of Sounion differed from their great-grandfathers a little more, perhaps, than they imagined. Once ideas and attitudes are expressed, no matter in what context, they do not die; they are fed into the consciousness of society, and they can grow in the dark. Tolerance of the free expression of intellectual criticism was at most times and in most circumstances a predominant characteristic of Athenian society. There is a certain irony in the fact that the pupils of Socrates, despite the essential sterility of their political outlook, contributed indirectly to a democratisation of philosophy, a patchy but widely diffused realisation of the individual's critical potentiality. By the time that the political structure of democracy was demolished at Athens the Athenians had reminded posterity that however much people may enjoy jokes against the intellectual, however little they may care whether everything that is said on difficult problems is precisely consonant with the available evidence, it is only when the law does not care either that intellectual freedom is in real peril.