



## CHAPTER

## 22 Impiety

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### Abstract

Most evidence for impiety in ancient Greece comes from Athens, and relates to trials under the *graphe asebeias* (a public prosecution for impiety). The evidence is not straightforward, and there is debate in modern scholarship about what the term *asebeia* referred to. Inscriptions from outside Athens suggest that *asebeia* was seen as a condition rather than an offence, as was the case with *atimia* (loss of civic rights) in Athens. The trial of Andocides in 400 BCE can be read in this way: the issue was Andocides' involvement in Athenian politics while he was (supposedly) in a state of *asebeia*. Accusations of atheism were closely related to notions of *asebeia*: Athenians did not distinguish clearly between thought and action, and assumed someone who did not believe in the gods was likely to act impiously, and thus endanger the city. The charges brought against Sokrates can be understood in this light.

**Keywords:** [Andocides](#), [atheism](#), [Sokrates](#), [trials](#), [impiety](#), [impiously](#), [charges](#), [accusations](#), [politics](#), [prosecution](#), [graphe asebeias](#), [asebeia](#), [atimia](#) [Andocides](#), [atheism](#), [Sokrates](#), [trials](#), [impiety](#), [impiously](#), [charges](#), [accusations](#), [politics](#), [prosecution](#), [graphe asebeias](#), [asebeia](#), [atimia](#)

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## Introduction

THERE is a Classical Greek word that corresponds broadly to the English term 'impiety': *asebeia*. In the Hellenistic period the word is used frequently in the *Septuagint* and by Jewish writers like Josephus and Philo, when discussing biblical passages. In the Classical period it occurs frequently in tragedy and comedy, and in the works of historians (especially Xenophon), orators, and philosophers. Most of the surviving texts where *asebeia* and its cognates are used were written by Athenians, and there was, in Athens, a specific legal procedure relating to it, the *graphe asebeias*, which was used most famously to bring Sokrates to trial in 399 BCE. Inevitably, therefore, discussions of impiety in ancient Greece have tended to focus overwhelmingly on Athens, and on a number of trials supposed to have taken place in periods around the Peloponnesian War in the later fifth century BCE, and the Lamian War in the later fourth century BCE. Evidence from inscriptions from places beyond Athens can help to cast a different light on the meaning and scope of *asebeia*, but such evidence is limited.

One particular aspect of impiety, atheism, has received a lot of attention, both in Classical Athens and in modern scholarship. Ancient atheism is not easy to pin down (Bremmer 2006). The word *atheos*, in its earliest uses, had the meaning of 'godless', and it retained its pejorative tone when it was used to describe an intellectual position, from the fourth century onwards. Imputations of atheism were always made as a way of attacking individuals, and most of the texts labelling individuals as atheists were written long after the event (Winiarczyk 1984, 1992). It has been argued that concern about atheism and its potential dangers

lay behind a number of legal cases, including the trial of Sokrates, which are sometimes used as evidence for a 'religious crisis' in Athens in the late fifth century (Parker 1996: 199–214). The evidence for some of these legal cases is of questionable reliability.

p. 326 This chapter will follow the pattern set by previous discussions, and by the evidence, in focusing on Athens, where civic procedures in response to accusations of impiety were most developed, but it will also suggest that what applied there probably also applied in other Greek cities. Impiety is a negative term, in the sense that it is something that people are accused of, rather than being a neutral way of describing actions or thoughts. The word *asebeia* and its cognates are found most often in legal contexts, whether real, as in the Athenian law courts, or imagined, as in the works of Plato. It might therefore seem very much a phenomenon of 'polis religion', but, as will become clear, it can be understood as operating at a number of different levels, and different models of how religion operated in Greece can offer more fruitful ways of exploring the idea (Eidinow 2015).

Because our evidence for concern about impiety concerns a short period (the late fifth and early fourth centuries BCE), and a limited geographical area, Athens, the choice of case studies has been made on different principles from those in other chapters. One, the trial of Andokides, makes use of contemporary evidence, in the form of speeches from the trial, to explore how accusations of impiety are bound up with the network of social relations in which all Athenian citizens were entangled; the second, on the accusations of atheism made against Anaxagoras of Klazomenai and Diagoras of Melos, demonstrates how difficult it is to pin down the implications of that term in Classical Greece.

## Past and Current Debates

Discussions of *asebeia*, and in particular of the scope of *asebeia* as it was understood in Classical Athens, have revolved around a number of questions, about which no consensus has been reached, and perhaps none will ever be (Pecorella Longo 2011). The issues begin with the nature of the evidence. There is only one trial that is recognized beyond doubt as resulting from a *graphe asebeias*, that of Sokrates. The trial of Andokides the following year, which is clearly concerned with impiety, is considered to have been the outcome of *endeixis*, that is, denunciation before a magistrate (Hansen 1976: 128–32). In speeches from a number of other trials where the case was not a *graphe asebeias*, but, for example a *graphe hybreos* (e.g. Dem. 21), accusations of *asebeia* were also made (Sancho Rocher 2011). In other cases the contemporary evidence does not mention *asebeia*, and it is only authors writing much later who give this as the reason for them. A further set of trials for *asebeia* are known only from much later sources, and their very existence has been challenged by some (Dover 1976: 39–40; Wallace 1994: 137–8; Gagné 2009: 215–7), while vigorously defended by others (e.g. Baumann 1990: 37–49; Donnay 2002: 156–7).

This lack of agreement over the nature of the evidence makes other questions more difficult to answer. There is debate about the scope of the term *asebeia* in Athenian law. Did it refer to a narrowly defined set of actions, for example improper activity within a sanctuary (Rudhardt 1960), or was it left largely undefined, and open to the interpretation of prosecution, defence, and jury in a trial (Cohen 1991: 203–10)? Answers to this question are determined in part by more general consideration of the 'open texture' of Athenian law: How closely were those involved expected to stick to the issues raised in the formal charge?

A distinct, but related, question concerns what activities might be classified as *asebeia*. Was the notion limited to actions, or could it refer to beliefs as well (Cohen 1991: 210–12)? Could it be applied to the promulgation of certain ideas through teaching or publication? These questions are particularly significant for any discussion of atheism as a form of *asebeia*. A further issue, not always directly addressed, but very significant for the way in which 'impiety trials' have been approached, is the question of whether charges of *asebeia* were brought for genuinely 'religious' reasons, or whether they were a pretext for what were fundamentally 'political' attacks (e.g. Baumann 1990). Here, the very attempt to make a distinction is problematic, since it requires importing a distinctly modern conception of what counts as 'religious' (and, indeed, what counts as 'political') to the study of a culture in which such distinctions cannot be made—or at least not on the same terms as in any modern discussion.

Some more recent discussions have recognized the limitations of the 'religious'/'political' dichotomy, and have looked instead at the way in which accusations of impiety might have been used to mark out the boundaries of acceptable behaviour in Classical Athens. By focusing, in particular, on trials of women in the

fourth century, scholars have considered how concerns about a range of ‘deviant’ behaviours, including the use of magic, might be expressed through accusations, or at least suggestions, of *asebeia* (Trampedach 2001; Eidinow 2010). Here, rather than being treated as being specifically about ‘religion’, or as ‘political’ devices in disguise, accusations of *asebeia* are seen as one aspect of the maintenance of social order, and this is in keeping with the definitions of *asebeia* we find in ancient authors. It is worth considering this before turning to other ways of addressing the nature of *asebeia*.

## Ancient Definitions

In the pseudo-Aristotelean *On Virtues and Vices* we find an explicit definition of *asebeia* as ‘error (*plemmeleia*) concerning gods and *daimons* or concerning the departed, and parents and homeland’ (1251a). Polybios provides a very similar definition: ‘*Asebema* is to do harm in matters concerning the gods, parents and the dead’ (36.9.15). By including parents and the dead, these definitions go beyond an exclusive concern with the divine, but extending the notion to include ancestors and homeland is not a very big step. Indeed, the Latin word *pietas*, from which the English word ‘piety’ comes, has the same range of meaning (Cic. *Inv. Rhet.* 2.66). Plato, at one point, refers to ‘*asebeia* and *eusebeia* to the gods and to parents’ (*Resp.* 615c; cf. *Symp.* 188c), but in other fourth-century texts and in inscriptions a distinction is often made between what is owed to the gods and what is owed to mortals. Thus, for example, Xenophon, referring to contemporary Persians, regrets ‘their *asebeia* towards the gods and their  $\downarrow$  *adikia* towards men’ (*Cyr.* 8.8.7). A regular formula in Athenian honorific decrees from the fourth century onwards uses the positive form of the word and indicates that rewards are being bestowed on the recipients ‘on account of their *philotimia* towards the Council and their *eusebeia* towards the gods’ (e.g. *IG II<sup>3</sup>* 416.20–1). This coupling of *eusebeia* and *philotimia* is something to which we will return.

The fullest ancient discussion of *asebeia* comes in Plato’s *Laws*. This dialogue is presented as a conversation about establishing a law code for the imagined city of Magnesia on Crete, and the ‘theology’ of the dialogue is clearly in conflict with the ‘traditional theism’ of Greek cities (Mayhew 2008, 2010). Nonetheless, the laws discussed are traditional in form, and correspond to laws known from inscriptions and other sources. Book 10 of the work is concerned with legislation in matters concerning the gods, and it is there that a law about *asebeia* is formally set down (907d–e). But *asebeia* is mentioned several times in the later part of Book 9, which deals with crimes of violence. It is proposed there that if, in a fit of rage, a person kill their child, or their spouse, or their brother or sister, they must serve a period of exile, and be purified, but after that they may never share the house of their family: if they do so, a charge of *asebeia* may be brought against them (868d–869a). If they kill their parent, they are liable to a series of serious charges, including *aikia* (violence), *asebeia*, and *hierosylia* (literally temple robbery, or stealing sacred things: the implication being that they have stolen the life of their parent). In this case it is impossible for them to avoid being liable for punishment, and so the penalty is death (869a–c). Here we see *asebeia* as applying to actions concerning members of the family rather than the gods, fitting with the definition offered by Pseudo-Aristotle and Polybios. Another aspect of the legislation is worth stressing. It is not the action of killing a relative that leads directly to a *dike asebeias*; rather it is the action of the killer in moving back in with the family of the victim. A similar situation is referred to in a speech in the Demosthenic corpus when the speaker has been accused of being a parricide, but a *graphe asebeias* is brought against his uncle for associating with him (*Dem.* 22.2). This is best explained by seeing *asebeia* here as being a condition rather than a category of action: subsequent acts committed by, or in association with, an *asebes*, are open to a *graphe* (or *dike*) *asebeias*. We will return to this notion.

There are two other cases where liability to charges of *asebeia* are mentioned in passing (799b, 941a), but the main treatment of the term is the discussion of the law concerning *asebeia* that takes up the whole of Book 10 (Mayhew 2008; Schöpsdau 2011: 364–459). This starts by identifying as particularly problematic the acts of licentiousness and outrages of the young (884a), in particular those committed against sacred things, public and private, or against magistrates, or the civic rights of individuals. This would correspond to the definition of *asebeia* just mentioned that includes offences against the *patris* (‘homeland’) as well as the gods, but, in fact, the discussion that follows focuses only on the gods. The Athenian in the dialogue here proposes that no one will commit an impious act (*ergon asebes*) if they hold a correct understanding of the gods. An incorrect understanding of the gods can take three forms: not believing that the gods exist, believing that they exist, but do not care for men, or believing that they can be swayed by prayer and sacrifice (885b). These three positions can be called  $\downarrow$  atheism, deism, and traditional theism (Mayhew

2008: 76–192), and most of the Book is spent arguing against each position. It is not suggested that holding any of these views is itself *asebes* ('impious'), although it is assumed that even otherwise law-abiding atheists will speak freely against other views of the gods, and therefore win over others to their point of view, and that would be an impious act (908b–c). Obviously, 'traditional theism' was not seen as threatening in real Greek cities; how far atheism was seen as a danger will be the subject of the second case study.

The *graphe asebeias* brought against Sokrates lies in the background of another of Plato's works, *Euthyphro*. The dialogue contrasts Sokrates, who has just been indicted, with Euthyphro, who is trying to bring a charge of murder against his own father, an example of *asebeia* on the definition provided by Pseudo-Aristotle and Polybios. Here, however, while 'piety' and 'impiety' remain an important theme (Bruit Zaidman 2003), the discussion focuses on the terms *hosion* and *anosion* (usually translated as 'holiness' and 'unholiness', respectively), and develops more into a debate about the nature of the gods than about human action.

## An Alternative Approach

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A different perspective on impiety can be found through a study of inscriptions where *asebeia* is mentioned (Delli Pizzi 2011; and, on sacred laws, see, in this volume, Petrovic, Chapter 23). In a late fifth-century 'sacred law' from Kos (LSCG 150 = IG XII, 4 283) it is stated that if anyone cuts down cypresses within the *temenos* (sanctuary area), or takes cypress wood away from the *temenos*, 'to *hiaron asebeito*' (literally 'let him be impious to the sanctuary', 'he will be considered to be in a state of impiety with respect to the sanctuary'). In an inscription from Lindos (LSS 90, from 22 CE) in response to various actions, it is said of the offender *asebes esto poti tan theon* ('let him be' or, as mentioned, 'he will be considered to be in a state of impiety towards the goddess') or *enochoi eonto asebeiai* ('let them be' or, as mentioned, 'they will be liable for [prosecution for] impiety'). Another inscription, from Gambreion in Mysia (LSAG 16), states that, for women who fail to observe funerary regulations, *me hosion autais einai hos asebousais, thuein metheni theon epi deka ete* ('it is not holy for them, since they are in a state of *asebeia*',—or, 'since they have committed *asebeia*'—'to sacrifice to any of the gods for ten years').

It is not immediately clear what the implications of *asebeia* are in these cases. 'Sacred laws' are notoriously uninformative about procedures when they are broken (Parker 2004; Naiden 2008). In the last example it has been suggested that the inscription identifies an offence, *asebeia*, and a penalty, exclusion from sacrifices (Delli Pizzi 2011: 66–7). However, it is also possible to see *asebeia* as a condition into which the women have come, and their exclusion from the sacrifices as intended to protect the sacrifices from the dangers they pose in this condition. In this case, the *asebeia* applies to the women's relationship with the gods of Gambreion, and lasts for a defined period, but it does not extend, it would appear, to other aspects of their lives. On the same interpretation, the <sup>p. 330</sup> person cutting cypresses on Kos should be excluded from the sanctuary, and those in Lindos who go against the regulations laid down in the inscription should be excluded from any activities involving the goddess Athena. This interpretation fits closely with cases of kin-killers discussed by Plato in *Laws* Book 9. There, it is clear, the killer's condition is complex: as far as the city goes his condition of *asebeia* is time-limited and can be purged, as he is exiled for three years and required to be purified. But his *asebeia* with regard to the family of his victim (which is his own family), is indelible and lasts for all time. As long as he keeps away from their house, he may live a normal life, but if he enters it, his condition of *asebeia* applies, and he is therefore liable for prosecution through a *dike asebeias*, for which the penalty will be death.

As well as these 'sacred laws', inscriptions also provide evidence for penalties imposed upon those charged with *asebeia* (Delli Pizzi 2011: 69–72). For example, in 374/3 BCE a number of Delians were condemned for impiety (*ophlon asebeias*) and exiled for life, because they had driven the Amphictions out of the sanctuary of Apollo on Delos, and had beaten them (IG II<sup>2</sup> 1635). Here it might seem that there is a much simpler situation with an offence of *asebeia* (attacking sacred ambassadors) and a penalty of exile. However, it could also be suggested that the offence was so serious that it put the offenders into a state of permanent and complete *asebeia* with regard to Delos, and therefore it was necessary to try, convict, and expel them immediately. In the *Laws*, parricides are to be punished with death, and this can be understood on the same basis: that is, as a crime which puts the perpetrator in a condition of *asebeia* in relation to the whole of mankind and all the gods—as Plato's Athenian says, 'no law will permit it' (869c)—so their death is the only possible way of resolving the situation.



A parallel for understanding *asebeia* as a condition rather than an offence can be found with the case of *atimia*, the loss of civic rights (Hansen 1976: 55–90). As we have seen, *eusebeia* and *philotimia* are linked in honorific decrees from the fourth century onwards as representing the ideal relationship between the individual and the gods on the one hand, and mortals on the other. Their opposites, *asebeia* and *atimia*, would also be parallel. In Athens, there were a number of ways in which a citizen might become *atimos*, including cowardice, false testimony, and being in debt to the city (Hansen 1976: 72–4). Becoming *atimos* was not itself a penalty imposed by a court; rather, it was a condition that arose through the actions of the individual himself. It might also be limited in its scope (Andoc. 1.73–6). And although a person who was *atimos* was certainly in a vulnerable position, he would not face prosecution unless he entered situations where his *atimia* was relevant—most obviously by taking an active role in Athenian politics. In a court case, the prosecutor’s approach might be to establish that the defendant had done something which was not permitted for someone who was *atimos*, and then also demonstrate that the defendant had, at that time, been *atimos*, even though no one had previously suggested this. Such was the basis of the prosecution of Timarchos (Aeschin. 1). As we will see (Case Study 1: The Trial of Andokides), the same technique could be used in the prosecution of a supposed *asebes*.

p. 331 The traditional approach to the study of impiety has been to see legislation and litigation about it as the way in which the polis controlled the religious activities (or even ↘ beliefs) of its citizens. The approach outlined here is significantly different. It looks at *asebeia* not in terms of acceptable and unacceptable acts, but as a range of conditions that determined the nature of relationships—between individuals and the gods, but also between individuals and the various social groups in which they operated, including family, larger kinship groups, the polis, and the wider world. This approach does not fit well into the model of ‘polis religion’ as it is currently conceived (see Kindt 2012: 12–35), although it might be said that what is now referred to as the ‘polis religion’ model is not what was intended by the person now most associated with the term (Sourvinou–Inwood 2000a, 2000b; see Kindt 2012: 5). On the other hand, social network theory might well offer a way of exploring further the range of contexts in which *asebeia* is found in ancient Greek life (Eidinow 2015; cf. Eidinow 2011). In the first case study, a model based on social relations will be applied to one reasonably well-documented instance of a prosecution for *asebeia*, the trial of Andokides.

## Case Study 1: The Trial of Andokides

Andokides was brought to trial in 400 BCE, and although the immediate issue concerned his activities in that year, the roots of the matter went back to 415 BCE, when he was somehow involved in two serious affairs concerning the Athenians’ relationship with the gods: the mutilation of the Herms, and the profanation of the mysteries (Furley 1996). The general scholarly consensus is that he took part in the mutilation, and that he admitted this when he informed on others who had taken part, but did not take part in the profanation; nonetheless, the two affairs came to be seen as part of a single conspiracy, and so Andokides was considered *asebes* on both counts. He went into exile, and tried twice to return to Athens, but only succeeded after the amnesty that marked the end of the civil war in 403 BCE. From that time he played his part in Athenian public life until he was prosecuted in 400 BCE. The prosecution failed, and Andokides carried on as a public figure until he was again prosecuted, this time successfully, on a different matter in 392/1 BCE, and went into exile again.

We have more evidence relating to the trial of 400 BCE than we do for most: as well as Andokides’ speech in his own defence (Andoc. 1 with commentaries: MacDowell 1962; Edwards 1995), we have what is probably one of the prosecution speeches ([Lys.] 6, with commentary in Todd 2007: 399–488), as well as Thucydides’ narrative of the events of 415 BCE (Thuc. 6.27–8, 53, 60), and Plutarch’s (Plut. Alc. 19–22). It is impossible to establish with certainty what Andokides actually did, given the conflicting statements in the sources, but it is clear that he was accused of entering sanctuaries of the gods in Athens, which he was not permitted to do because of his involvement in the events of 415. A further charge, that he left an olive branch on the altar in the city Eleusinion during the mysteries, which no one was permitted to do, is dealt with briefly in his defence speech and dismissed (Andoc. 1.110–16). In Andokides’ speech, he discusses several decisions taken by the Athenian assembly, in particular the decree ↘ (*psephisma*) of Isotimides, passed in 415, which excluded anyone who had confessed to impiety (71: *tous asebesantas kai homologesantas*) from Athenian sanctuaries, and the legislation relating to the amnesty of 403 BCE, which prevented people from being charged with offences committed before that year (88). What the various pieces of legislation involved is not entirely clear (Carawan 2004). Modern debate has focused on the issue of whether the terms of the

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decree of Isotimides were made null and void by the amnesty (MacDowell 1962: 200–3; Edwards 1995: 174–5). The trial has also been understood as ‘unfinished business’ left over from the events of 415 (Furley 1996: 104–5), which, according to Thucydides, had at the time been seen as a threat to the democracy (6.28.2); they were also connected with the trial of Sokrates, which took place a few months later (Baumann 1990: 106–16; Todd 2007: 408–11).

On the specific question of Andokides’ situation with regard to the mysteries, the understanding of *asebeia* outlined above (‘An Alternative Approach’) can help make things clearer. The claim of the prosecution is that he admitted that he had been involved in impious acts ([Lys.] 6.14), and thus was acknowledged to be in a condition of *asebeia*. The decree of Isotimides determined how such *asebeis* should be treated, but it did not determine who was or was not *asebes*, so, in fact, the question of whether the decree was covered by the terms of the amnesty was irrelevant. The prosecution is also concerned with the scope of the *asebeia*, suggesting that Greek cities might exclude from their own sanctuaries individuals who have committed *asebemata* (‘impious acts’) in Athens ([Lys.] 6.14). Andokides’ claim is that he never committed an offence, and therefore has never been *asebes* (Andoc. 1.10, 29, 71), while his unchallenged presence in sanctuaries, and his political activities in the years between his return from exile and the trial, suggest that no one else recognized him as an *asebes* until it suited the man behind the prosecution, Kallias, to stir up old allegations.

But there is more to the issue of *asebeia* here than the narrow question of whether Andokides was permitted to enter Athenian sanctuaries: ‘The case involved a clash of thought and authority in determining what is impiety and what is not . . . It was not a space where action met law, but where the city renegotiated the meaning and the application of its laws’ (Gagné 2009: 232). The speeches on both sides address wider definitions of impiety. In particular, there is the question of whether Andokides informed against his own father, which, as we have seen, would count as *asebeia* (Strauss 1993: 261–8). Andokides justifies his informing on others as the only way he could protect his family (Andoc. 1.48–53), and he also launches an attack on the family life of Kallias (112–31), an aspect of the case that cannot be dismissed as a ‘banal dispute . . . about a girl’ (Baumann 1990: 115). The surviving part of the prosecution speech begins with a story told by an hierophant, and ends with advice from the son of a *dadouchos*, and Andokides in his defence questions Kallias’ fitness to be *dadouchos* himself (1.124). It has been argued that Andokides, like Kallias, was a member of the *genos* of the Kerykes, from which the Eleusinian *dadouchos* was appointed (and it is clear that the speaker of the prosecution speech was also connected to the *genos*) so that the trial was, above all, a family feud (Furley 1996: 49–52). It is therefore impossible, in this case, to distinguish between family matters and concern for the mysteries, for which the Kerykes had responsibility.

## Case Study 2: Accusations of Atheism against Anaxagoras and Diagoras

According to Plutarch, an Athenian ‘religious specialist’, Diopieithes, introduced a decree that allowed prosecutions to be brought against those who did not believe in (or respect) the gods, or who taught doctrines about the heavens (*tous ta theia ou nomizontas e logous peri ton metarsion didaskontas*), a measure aimed at the philosopher Anaxagoras of Klazomenai, in order to weaken the position of Perikles, who was Anaxagoras’ friend (Plut. *Per.* 32). It is suggested that a reference to a *graphe asebeias* against Anaxagoras in Diodorus (12.39.2) in connection with this is taken from the fourth-century historian Ephoros (Parker 1996: 209 n. 41), but this is not proof that a trial ever took place. However, it is clear that Anaxagoras’ ideas could be the subject of public concern. In his *Apology*, Plato has Sokrates’ accuser Meletos claim that Sokrates believed that the sun and moon were not gods, but that the sun was stone (*lithos*) and the moon earth (*ge*), to which Sokrates asks whether Meletos thinks he is prosecuting Anaxagoras (26c–d). In *Clouds*, Aristophanes attributes such views to the character Sokrates (225, 367), and this probably explains why the exchange is included in the dialogue. The representation of Anaxagoras’ ideas on the comic stage suggests that they would have been recognizable to an Athenian audience, and this receives support from a remark of Sokrates in the *Apology* that his pamphlet could be bought for no more than a drachma in the *orchestra* (26e): this is taken to be a reference to an area of the *agora* where books were sold, and the implication is that Anaxagoras’ work was available to literate Athenians—although, by the time of Sokrates’ trial, the pamphlets would have been on sale for forty years or more.

Were Anaxagoras’ ideas perceived as dangerous? It has been suggested that opposition to the perceived atheism of Anaxagoras and others came from a fear that it might undermine traditional religion (Ostwald

1986: 274–90). Such a view might seem to reflect concerns of the late twentieth century CE more than the late fifth BCE, but when associated with the difficulties of the Peloponnesian War and, even more, the plague of the 430s, which Thucydides suggested led to a change in religious attitudes (2.47.4, 53.4) it has been considered to have some force. Thucydides suggests that the plague led to a loss of fear of the gods (*theon phobos*), with a consequent rise in lawlessness, and also the abandonment of some religious practices. Atheism could be seen to threaten the same, although this is not explicitly suggested in the ancient texts.

p. 334 The case of Diagoras of Melos is somewhat different. Explicit evidence for him as the writer of a treatise on the divine comes only from late and unreliable testimony (Suda s.v. Diagoras). The earliest references to him as *atheos* come from the first century BCE. Cicero attributes to him sceptical aphorisms: for example, when shown the dedications made by those saved from shipwreck by the Great Gods of Samothrace, he asks where the dedications of those who were not saved are (*Nat. D.* 3.89). Cicero's near contemporary, ↪ Diodorus Siculus, reports that, in 415 BCE, 'Diagoras, who was called "the Atheist", came to be accused of impiety and, fearing the people, fled from Attica' (13.6.7). This accusation is referred to in two roughly contemporary texts, Aristophanes' *Birds* (1073) and the prosecution speech against Andokides previously discussed ([Lys.] 6.17). In the latter, Diagoras is said to have committed impiety 'in word, concerning the sacred things and celebrations of another place (i.e. Athens)'. The most straightforward interpretation of this, given the context of the speech, is that he spoke about the Eleusinian mysteries, as ancient commentaries on Aristophanes also suggest (Woodbury 1965). Aristophanes indicates that a reward of one talent was offered for his arrest, and, although this is a large sum, it is perhaps understandable since the accusation was made at the time of heightened concern about impiety associated with the mutilation of the Herms and the profanation of the mysteries (on which see 'Case Study 1: The Trial of Andokides').

It is pointed out by Andokides' prosecutor that Diagoras' *asebeia* was one of word rather than deed, but this rhetorical claim does not remove the point that this was not a case of unacceptable beliefs, but an unacceptable action, in revealing secrets of the mysteries. However, although our understanding of these accusations of atheism is limited by the paucity of the contemporary evidence, what seems clear in both cases is that the Athenians did not attempt to draw a clear line between belief and behaviour. As we have seen, Plato, in his *Laws*, assumed that atheists could not avoid advertising their views to others, and, as a result, winning converts. It could be argued by the prosecution that Andokides could be assumed to be an atheist because he was prepared to go to sea while under threat of divine punishment. Atheism led to danger, both for the atheists themselves and those who came in contact with them, and this was why it was unacceptable.

## Atheism and *Asebeia* in Athenian Politics

p. 335 No discussion of *asebeia* and atheism should avoid discussion of the trial of Sokrates, although it is too large a topic to be discussed fully in a brief chapter. A number of recent discussions are cited later in this section, and there have been others (e.g. Stone 1988; Burnyeat 1997). There have also been a number of studies of 'Socratic religion' more generally (e.g. McPherran 1996, 2011). If we consider Sokrates' trial alongside the case studies we have already examined, we can see that it raises essentially the same issues. As we have seen, suggestions of Sokrates' atheism figure in the contemporary evidence, leading to the view that 'no argument . . . can remove the charge of atheism from the formal indictment against Sokrates' (Parker 1996: 209). That formal indictment, as presented by Xenophon, is as follows: 'Sokrates does wrong in not *nomizon* the gods whom the city *nomizein*, but introducing other new divinities; he also does wrong by corrupting the young' (*Mem.* 1.1.1). How to translate the Greek verb *nomizein* has ↪ been a matter of ongoing dispute (e.g. Giordano-Zecharya 2005; Versnel 2011: 539–59). The question is, in part, about whether it refers more to mental states ('believe in') or actions ('respect' or 'honour'). On the basis of the former interpretation, some scholars have argued that Sokrates was indeed prosecuted and convicted for holding a particular view, that is, the belief that there are no gods (Brickhouse and Smith 1989), although it is important to note that the indictment also included the charge of corrupting the young, so that it is persuading others to adopt the same view that is a large part of the problem—and it is clear that Plato's discussion in *Laws* is influenced by the events of Sokrates' trial (see 'Ancient Definitions'). On the other hand, Xenophon begins his *Memorabilia* with a defence of Sokrates against this charge, by pointing out that he sacrificed regularly and made use of divination (1.1.2), implying that *nomizon tous theous* involved actions.

One way to look at the range of meaning of the phrase is to focus on one of the accusations made against Andokides in the prosecution speech. As we have seen, the speaker points out that ‘they say that many of the Greeks exclude people from their own temples because of *asebemata* done in Athens’; he then compares Andokides to Diagoras, and notes that because the Athenians sent out heralds to announce the bounty on the latter, an absent foreigner, while ignoring the impious citizen in their midst, they will seem to the Greeks to be more concerned with making threats than exacting punishment ([Lys.] 6.16–18). He then says that Andokides ‘has demonstrated to the Greeks that he does not *nomizein* the gods’ (19). The proof of this statement is that he has become a shipowner and travelled by sea, activities which put those who pursue them into the hands of the gods. The speaker goes on to show how the gods have now brought him back to Athens to face trial, having, in the intervening period, made his life miserable (19–32). Here, *nomizein* simultaneously carries both meanings: ‘to believe in’ and ‘to respect’ the gods. (It is not quite right to say it is ‘poised between’ the meanings, as suggested by Todd 2007: 454, quoting Parker 1996: 201 n. 8.) For the speaker, Andokides’ atheism and his *asebeia* are inextricable. As we have seen, the trial should not be reduced to a debate about whether Andokides did or did not do something in relation to the celebration of the Eleusinian mysteries, as it covered wider matters.

We do not have any prosecution speech from the trial of Sokrates (or indeed a genuine defence speech), although it has been suggested that the author of the prosecution speech against Andokides might be Meletos, the main prosecutor of Sokrates (Todd 2007: 408–11). However, in summing up his defence of Sokrates in *Memorabilia*, Xenophon expresses amazement that the Athenians could be persuaded that Sokrates did not ‘show self-control or moderation’ (*sophronizein*) concerning the gods (1.1.20). This is a rather different term from *nomizein*, and may better reflect the tone of the prosecution, and suggest that there was more to the accusations than discussion of Sokrates’ intellectual and political views.

Athenian legal processes did not deal in narrow definitions. Sokrates was involved in relationships with his fellow citizens in a variety of ways: beyond his actions there was his teaching, which was specifically mentioned in the charges against him, and, if we are to believe the image presented by his disciples p. 336 Xenophon and Plato, there was his ↪ frequent challenging of the views of other Athenians in conversation, and his association with other intellectuals, including, in particular, sophists (cf. Pl. *Prt.* 314b–316a, *Ar. Nub.*). Sokrates’ attitude to the gods, whatever it was, would have played some part in all of these relationships, and therefore to try to come up with a narrow view of what would have made the Athenians consider him impious is impossible.

Impiety in ancient Athens, and in Greece more generally, has therefore to be understood in its social context. Maintaining good relationships with the gods, with members of one’s family, and with one’s neighbours, was an important aspect of life in any Greek community, and it was of concern to individuals and groups alike. Anything that was perceived as likely to disturb these relationships, whether it was what someone said, or did, or perhaps even thought, was a threat that had to be dealt with, and *asebeia* was the term used to describe that threat.

## Suggested Reading

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Impiety is mentioned surprisingly little in recent overviews of Greek religion. In Jon D. Mikalson’s *Ancient Greek Religion* (2005, second edition 2010) there is a discussion of ‘piety’, although, between the first and second editions, the word itself has been replaced by ‘respect for the gods and religious correctness’ or similar phrases. Robert Parker’s *Athenian Religion: A History* (1996) has a chapter on ‘The Trial of Sokrates: And a Religious Crisis?’ which covers several of the episodes discussed here, with reference to all the evidence. David Cohen’s *Law, Sexuality and Society: The Enforcement of Morals in Classical Athens* (1991) also considers impiety trials, but has a somewhat different approach to that taken here.



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