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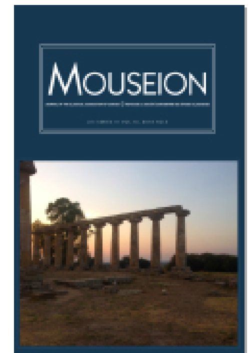

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Steven Muir

Abstract / Résumé

In this essay, I review some features of Greek religion at the time of Socrates. Since Socrates was accused of impiety, we need to have an informed, contextualized understanding of how Socrates' contemporaries would have assessed whether a person was or was not religious. I suggest that we need to take seriously the action-oriented and socially-grounded components of religion at that time.

Dans cet essai, je passe en revue certaines caractéristiques de la religion grecque à l'époque de Socrate. Puisque Socrate fut accusé d'impiété, il est nécessaire d'avoir une compréhension bien documentée et mise en contexte de la façon dont ses contemporains pouvaient évaluer si une personne était croyante ou non. Je suggère de prendre au sérieux le caractère orienté vers l'action et ancré dans la société de la religion à cette époque.

Introduction

In the religious arena of the ancient Mediterranean, action was much more important than belief. Ritualized religious actions were standardized and entrenched in the traditions of a group, and their performance by group members maintained the group and was the subject of constant public scrutiny. On the other hand, personal beliefs varied greatly and were usually not a matter of public concern or even comment. Religious correctness ("piety") was measured by the standard of orthopraxy rather than orthodoxy.[1] This basic issue may not be understood by modern readers, who may consider belief to be the defining feature of religion, correct belief (orthodoxy) as the matter of greatest concern for a religious group, and actions as a secondary feature of religion. None of these assumptions are correct for religious life in the ancient Mediterranean.

[1] Noted by Burnet 1924: 104 in his analysis of the charge against Socrates—"The charge is one of nonconformity in religious practice, not of unorthodoxy in religious belief."

It is the thesis of this paper that an informed, contextualized assessment of the impiety charge against Socrates must take seriously the importance of *ritual action* and *social context* as the defining features of piety in ancient Greece. Scholarly analyses that focus primarily on Socrates' beliefs as an individual have failed to engage fully with the world-view of his time.

The charge of impiety against Socrates (Plato *Ap.* 26b–c, *Euthphr.* 3b and Xenophon *Mem.* I.1.1) contained the following elements:

- Not acknowledging the gods of the Athenian state
- Introducing new (i.e., nontraditional) gods
- Corrupting the youth (the young men of Athens, Socrates' students and followers).

It is beyond the scope of this paper to consider all three of the charges brought against Socrates, and thus it is not possible to offer a full assessment of his guilt or innocence. The charges are interrelated to some extent. This article limits its discussion to the first element mentioned against Socrates, that of not acknowledging, worshiping, or honouring the traditional gods of the Athenian state. The article focuses on religious action and social context (i.e., participation in public sacrifice) as the prime criterion of a person's piety. If Socrates had regularly been performing conventional acts of piety, and was well known by the jurors to have done so, that might have resulted in a not guilty verdict regardless of his personal beliefs. However, the verdict of "guilty" against Socrates stands, and it continues to intrigue us.

Methodology

I assume a high degree of similarity of attitudes and actions regarding religion between the Greek Classical, Hellenistic, and Roman periods. While these are distinct historical eras, scholars of religion recognize that religion is one of the most conservative elements of a society, and this tendency is particularly true in the ancient world. The societies of classical Greece, the Hellenistic period, and the Roman state were highly traditional. There was significant continuity between the periods in terms of religious practice and the primacy of sacrifice in religious life. With this assumption, I look at evidence of religion not only in the Classical period of Socrates, but also in the later periods, particularly the Roman period.

Many scholars view Socrates sympathetically: he is seen as a modern, one of us. He is often portrayed as a forerunner of individualistic thought, perhaps even a champion of personal freedom of expression. He is considered to be a progenitor or archetype of modern attitudes. That may be the case. But to understand Socrates, we also need to understand his world, his context. If he is reacting against something, then we need to look not only at his reaction but also at what he is reacting against—the *status quo*. Innovation and controversy do not arise in a vacuum. It is necessary to have a contextualized understanding of religion in the ancient Mediterranean

world. How would the person in the street—not Socrates' students or fellow philosophers—have viewed religion? It was from a cross-section of the citizens of Athens that the jury was drawn. We may be sympathetic to Socrates, but our values and practices are different from those of ancient people. We need an exercise of imagination—a kind of conceptual time travel—if we want to sit beside that jury.

The Essence of Religion? Unseating a Somewhat Entrenched View

First, it is important to examine the issue of any so-called essence of religion. Scholars of religion have disagreed as to whether there is such an essence, and if so, what that core or defining feature might be. In general, the preference in current religious studies scholarship is to identify a cluster of issues and recognize diversity in religions, rather than assume that there is a single universal feature. This consideration is important, since an assumption that all religions must have a unitary feature such as belief may screen out data or skew our assessment of them—as it appears to have done in some scholarship on Socrates.

So let us consider the following issue: which is more important in assessing whether a person is religious—belief or action?

A modern, especially Protestant-influenced perspective, often will emphasize belief. Thus, what an individual feels, or holds to be true (i.e., cognitive assent to a series of ideas), is thought to be the key feature of a religion. With that view, other things (e.g., actions, ceremonies, and rituals) are viewed as second-order phenomena. Either they are considered to be less important in themselves, or else they are viewed as only expressions of belief. Some belief-oriented analyses of Socrates fall into this category.

The above position has been critiqued by anthropologists and scholars of religion as being tendentious, and in fact as being grounded in an implicit Protestant (or rationalist, post-Enlightenment) polemic against Roman Catholicism.[2] In part, what we see here partakes of a now discredited religious evolutionary view that was the child of the Age of Enlightenment. In such a view, religions developed from a so-called primitive beginning point of animism (belief in spirit essences in nature) to polytheism (many gods) to monotheism (one god) to Christianity (Roman Catholic) to Christianity (Protestant) to rationalism (secularism); the last seen as the most rational perspective and the goal of the developmental path. In this view, ritual and ceremony are viewed in a rather patronizing manner, as quaint and somewhat irrational traditions belonging to simple, uneducated folk but not the proper domain of the intelligentsia. Highly ritualized or ceremonial aspects of religion may be cited as evidence of a less developed form of religion. Unfortunately, this perspective still persists in some scholarship on the charges against Socrates (see below).

[2] Douglas 1966: 29–40, 77–78; Smith 1990: 43–46.

The problem with the above assessment is that it is anachronistic with respect to religions of the ancient Mediterranean, which were based on a foundation of ritual action. Burkert's definitive study of ancient Greek religion states the matter forcefully:

> Ritual . . . [is] sacred insofar as every omission or deviation arouses deep anxiety and calls forth sanctions . . . Myth . . . has more to say of these gods, but among the Greeks these tales are always taken with a grain of salt: the truth of a myth is never guaranteed and does not have to be believed . . . rituals are more important and more instructive for the understanding of the ancient religions than are changeable myths.[3]

The prioritization of belief over ritual is also anachronistic in its emphasis on the role of the individual, since people of the ancient world were group-oriented. As stated above, beliefs are individual and often private matters. Ritual, however, was always a group and usually a public event in the ancient Mediterranean. We will see that these are key issues in assessing the charge of impiety against Socrates.

Ancient Mediterranean Religion

The following is a succinct definition of Greek and Roman religion:

> "religion" or piety in antiquity had to do with appropriately honouring gods and goddesses (through rituals of various kinds, especially sacrificial offerings) in ways that ensured the safety and protection of human communities (or groups) and their members. Moreover, the forms that such cultic honours (or "worship" to use a more modern term) could take do not necessarily coincide with modern or Western preconceptions of what being religious should mean.[4]

The evidence we have of religion in the Greco-Roman world suggests that it was action-oriented and group-situated. The public sacrifice of domestic animals in a group setting at a temple was the foundation of religious life in the ancient Mediterranean. Other elements (prayers, ceremonial acts, beliefs, and myths) were based on the needs of the sacrificial ritual and were derivative of it. Other modes of religion were supplemental to the practice of public sacrifice. A person or family might have private rituals, participate in devotional or mystery cults, or take public oaths invoking the state gods. But these acts were not intended to replace public participation in temple sacrifice.

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[3] Burkert 1985: 8, 54.

[4] Harland 2003: 61.

Ancient Mediterranean religion was largely practical in orientation. This-world benefits were expected. Prosperity, health and well-being, and peace here and now were the goals of religious life. Generally, there was not a developed expectation of an afterlife. The practical side of religion was also reflected in religious obligations. Actions spoke louder than words. Socrates, with his ideas of a metaphysical realm beyond human society and his philosophical "service" to the gods, was speaking to a different aspect of religion than was the mainstream. People may not have understood his point.[5] The way these practical benefits were thought to be accessed and delivered was based on a social convention of the ancient world: the patron–client relationship and what can be called an economic exchange. It is this view that Socrates challenges in his dialogue with Euthyphro.

In the dialogue between Socrates and Euthyphro (Pl. *Euthphr.* 14b), Euthyphro gives Socrates the conventional definition of piety and its function. The terms are similar to those of Harland (above) and they illustrate the political and action-oriented nature of religion:

> I say that if a man knows how to say and do what is pleasing to the gods at prayer and sacrifice, those are pious actions such as preserve both private houses and public affairs of state. The opposite of these pleasing actions are impious and overturn or destroy everything.

Isocrates was a contemporary of Plato, and it is worth quoting him at length. He stresses the conventional, ordered actions essential for good religious life in Athens. Here, we see no appreciation for spontaneity or improvisation—no devotional zeal:

> First of all as to their [the Athenians'] conduct towards the gods . . . they were not erratic or irregular in their worship of them or in their celebration of their rites; they did not, for example, drive three hundred oxen in procession to the altar, when it entered their heads to do so, while omitting, when the caprice seized them, the sacrifices instituted by their fathers; neither did they observe on a grand scale the festivals imported from abroad, whenever these were attended by a feast . . . For their only care was not to destroy any institution of their fathers and to introduce nothing which was not approved by custom, believing that reverence consists, not in extravagant expenditures, but in disturbing none of the rites which their ancestors had handed on to them. And so also the gifts of the gods were visited upon them, not fitfully or capriciously, and for the ingathering of the fruits. (*Areopagiticus* 7.30, in Isocrates 1929)

[5] We can look at the satirical portrait of Socrates in Aristophanes' *Clouds* for a sense of how some in Athenian society saw Socrates: as a bombastic, head-in-the-clouds egghead (Aristophanes 1998).

In his discussion of piety (*eusebia*), the writer Epictetus says that while motives and moods may vary among religious practitioners, it is important to set aside emotion in religious action and exercise care in the performance of those acts:

> Where a man's interest lies, there also is his piety. Wherefore, whoever is careful to exercise desire and aversion as he should, is at the same time careful also about piety. But it is always appropriate to make libations, and sacrifices, and to give of the first fruits after the manner of our fathers, and to do all this with purity, and not in a slovenly or careless fashion, nor, indeed, in a niggardly way, nor yet beyond our means.[6]

Now I turn to a discussion of particular features of ancient Mediterranean religion: its social–political features and the patronage distribution system upon which it was based.

Ancient Religion: Social and Political Features

In the modern world, the usual view is that religion is a personal choice and an individual matter. Related to that point is the assumption of the separation of religion and state. Neither was true in the ancient world. There was no freestanding (i.e., independent) institution of religion there. Religious activity was imbedded within and administered by the two institutionalized power structures of the time: state and family.[7] Temples were run and administered by the state, under the supervision of the ruler. Domestic religion largely replicated in microcosm the practices and roles of public religion, and was supervised by the father. Thus, religion was used to legitimate the authority figures: ruler and father. We should not expect religion in ancient Greece to be detached from issues of social and political power. The Establishment had a vested interest in monitoring and regulating religion, since the Establishment used religion to prop up its authority. Thus, religious accusations against Socrates had political implications. The social aspect is also obscured in Socrates' defence of his personal religion, plus his freewheeling and quite idiosyncratic personality. To arrive at an informed assessment of the charges against Socrates, we need to carefully consider the context of Socrates, rather than just Socrates himself.

To illustrate the point, I analyze the word "religion." It comes from the Latin *religio*, *re* (back) + *ligare* (to tie up). Although this word is from the Roman period, it illustrates the point I am trying to make for Socrates in Athens. Religion means "to tie things together." What were these things? Here, the members of a group or society. How were group members tied together? This happened through public actions that everyone could witness.

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[6] Epictetus 1928. Cf. Burkert 1985: 55, 73.

[7] Hanson and Oakman 1998: 5–6.

In ancient Greece and Rome, these actions in the religious sphere involved sacrifice at the temple. These were viewed as public demonstrations of honour to a god. Public actions were visible and could be subject to peer pressure: you could watch your neighbour performing these actions with you. You could note the absence or infrequent appearance of someone at the group. Repeated absence might be the subject of rumour or gossip, and allegations could serve a polemical purpose.

Here is an example of such polemic from Apuleius. He equates failure to act piously with a lack of respect for the gods, as ignoring or denying them. Note the issues of peer pressure, surveillance, and gossip, and imagine how they might have applied to Socrates. Also note that there is no mention of belief—the mental state is described as an emotion (disrespect) demonstrated through mocking actions and failure to give actions of honour. How might this perspective have applied to Socrates?

> I know that some persons, among them that fellow Aemilianus, think it a good jest to mock at things divine. For I learn from certain men of Oea who know him, that to this day he has never prayed to any god or frequented any temple, while if he chances to pass any shrine, he regards it as a crime to raise his hand to his lips in token of reverence. He has never given first fruits of crops or vines or flocks to any of the gods of the farmer, who feed him and clothe him; his farm holds no shrine, no holy place, nor grove. But why do I speak of groves or shrines? Those who have been on his property say they never saw there one stone where offering of oil has been made, one bough where wreaths have been hung. As a result, two nicknames have been given him: he is called Charon, as I have said, on account of his truculence of spirit and of countenance, but he is also—and this is the name he prefers—called Mezentius, because he despises the gods. (*Apologia* III.56)[8]

I will exercise the latitude permitted by the conservative nature of religion in the ancient Mediterranean to submit more Roman period evidence as being relevant to the discussion. I am speaking of the ancient Roman symbol of the *fasces*—a bundle of rods strapped around a battle-axe. This object was symbolic of the Roman state, whose citizens were tightly bound together in a unified whole through customs, traditions, and laws. "United we are strong." We get the word "fascism" from this object—referring to a system where the rights of the individual are subordinated to the good of the group. The *fasces* is a good visual aid to remind us of the principle of tying things together and

[8] Apuleius characterizes his opponent as being like Charon, the dour ferryman who conveyed souls of the dead across the river Styx, and Mezentius, an evil Etruscan king who had a reputation as being a *contemptor divum*, a "despiser of the gods" (Apuleius 1909).

what the function of religious action was in the ancient world. Religion was not for personal salvation—it was for the good of the group, the state.

Returning to ancient Greece, we see the same issue in the Athens of Socrates. Look at any topographical map of the ancient city. You will see that the Temple to Athena (the Parthenon) was on the highest hill in the vicinity, the Acropolis. All citizens in their daily activities would see the temple, orient their thoughts around it, and be reminded that their common good was maintained by the regular sacrifices offered by state officials to Athena, the patron deity of the city. The basic message was, “We are united in our worship of Athena, and she rewards our religious actions by giving us blessings, protection, and benefits.” Further, we may consider the Panatheneia Festival, which was a ritualized enactment of Athenian identity. The procession culminated with sacrifices at the Parthenon. All groups of Athenian society were represented. The Athenian state was on display, united in a common goal.

Ancient Religion: Giving Gifts of Honour

Let us consider a cluster of ancient Greek words relating to what we would call religion.[9] These comprise all the words used by ancient Greeks, and each has connotations of practical action and in some cases strong connotations of gifts of honour. The claim of ancient Mediterranean people being an honour-defined culture is asserted by many historians and cultural anthropologists, so we are not surprised that this feature is reflected in the religion of the time.[10]

- ἡ ὁσία (*he hosia*) “divine law, the service or worship owed by humans to the gods, rites and offerings. Also, rites for the dead.” This is the word principally used in Socrates’ discussion with Euthyphro. See below.
- τά θεῖα (*ta theia*) “the things, matters, rites of the gods”
- ἡ θεραπεία (*he therapeia*) “service/duties (not solely to the gods), service done to gain favour, to give care or attendance”
- ἡ εὐσέβεια (*he eusebeia*) “reverence (towards the gods or parents), piety or filial respect (usually demonstrated in actions, e.g., bowing, giving gifts, using terms of respect)”

In the act of sacrifice, we see the principle of *do ut des*, suggesting an exchange of gifts. The following is an assessment by an historian of the issues. The same holds for ancient Athens.

> As a gift, sacrifice creates obligations. The phrase *do ut des*, I give so that you may give, has often been used . . . as a key to Roman sacrifice. The sacrificant offers something to the deity . . .

[9] All definitions from the Liddell–Scott *Greek–English Lexicon* (Liddell and Scott 1996). See the worthwhile discussion in Burkert 1985: 268–275, especially on *eusebia*.

[10] Cf. Gilmore 1982, Fisher 1992, Peristiany 1965, Barton 2001.

> [expecting] in due course a counter-gift . . . To that extent, a sacrifice resembles a contract, it acquires a juridical component—my gift commits the god, morally at any rate, to giving me in return something I value. The commitment is mutual: of course I will give thanks to the deity who has given me something by sacrificing in my turn again. There is thus a ceaseless cycle of obligation and gratitude . . . a chain of actions, a reciprocity of gifts.[11]

In the ancient world of Greece and Rome, there was a social convention of unofficial but effective exchange of gifts and favours known as the patron–client system. Powerful people known as patrons dispensed practical favours in return for honour and acclaim. A client would approach the patron and perform actions that signalled respect and honour. The patron responded by granting some favour. Note that attitudes are not enough in this social arena. Actions are the currency of exchange: actions of honour, actions of benefit. The opening sequence of the movie *The Godfather* illustrates this social convention, which persists in the modern world. A father visits the Mafia chief and requests an act of vengeance for his daughter, who had been abused by some young men. The Godfather complains that the father has never visited him, never signalled honour. Before the Godfather grants the request, the father has to bow and kiss Don Corleone's ring.

Here is a short definition of patronage:

> Patron–client relations are social relationships between individuals based on a strong element of inequality and difference in power. The basic structure of the relationship is an exchange of different and very unequal resources. A patron has social, economic, and political resources that are needed by a client. In return, a client can give expressions of loyalty and honour that are useful for the patron.[12]

The patron system formed the conceptual foundation of religious acts of the Greco-Roman world.[13] The gods were seen as the most powerful sort of patrons, and people sought to get benefits from them. We saw that view in the quotations from Harland (above), and it is asserted by Burkert:

> In Greek virtually the only expression for the concept of religion is honours of the gods, *theon timai* . . . Naturally gods have claims to honours; "the honours of the gods" is a term most frequently employed; honours materialize in the gifts of honour, *gera*, which bring back to the centre the sacrificial offerings.[14]

[11] Rüpke and Gordon, 2007: 149.

[12] Moxnes: 1991: 242. Cf. Gilmore 1982: 176, 179, 192–194.

[13] Saller 1982: 23, 26.

[14] Burkert 1985: 271, 273.

Here are some concrete illustrations of the honour issues in Greco-Roman sacrifice. Consider the sight lines of ancient temple architecture. The statue of the god was in the inner sanctuary. The doors of the temple were opened at times of sacrifice. The people assembled outside the temple and witnessed sacrifices made on their behalf by a priest. The god's statue was in direct sight line from the altar. The deity was witnessing the honours being offered in sacrifice. The architecture was carefully constructed to send the message of a patron–client gift exchange. Many scenes of sacrificial offering on vases, friezes, and the like show the gods assembling to observe with approval the gifts given to them. These images show us how people thought of what happened in sacrifice, and what the point of it was. This is the essence of religion at the time of Socrates.

Let us examine in more detail the discussion between Socrates and Euthyphro. We may be sympathetic to Socrates and even think he is getting the upper hand in the argument. But Euthyphro is presenting the standard, conventional view—and he may have been quite unaware of the sarcasm behind Socrates' statements.

Socrates poses the following question to Euthyphro—"what do you say is piety or impiety?" (Pl. *Euthphr.* 5d). The term here is ἡ ὁσία (*he hosia*). Grube notes, "The Greek term *hosion* means . . . knowledge of the proper ritual in prayer and sacrifice and of course its performance (as Euthyphro himself defines it in 14b)."[15]

Socrates poses the issue that piety is "the art of attending to the gods" (Pl. *Euthphr.* 13b). To this, Euthyphro assents. Socrates queries Euthyphro, "what kind of attention to the gods" is this piety? Euthyphro replies, "the kind that servants (*douloi*, slaves) pay to their masters" (Pl. *Euthphr.* 13d). This is a telling remark, given our knowledge of the power inequity of the patron–client system.

And so we turn again to Euthyphro's practical definition of the actions that demonstrate piety (Pl. *Euthphr* 14b):

> I say that if a man knows how to say and do what is pleasing to the gods at prayer and sacrifice, those are pious actions such as preserve both private houses and public affairs of state. The opposite of these pleasing actions are impious and overturn or destroy everything.

No doubt Socrates (and evidently Plato, recording the exchange) thinks he can now zero in for the kill:

> Soc. And sacrificing is making gifts to the gods, and prayer is asking of the gods?[16]
>
> Euth. Yes, Socrates.

[15] Plato 1975: 3.

[16] Plato 1975: 18, "to beg from and give to."

Soc. Upon this view, then piety is a science of asking and giving?
Euth. You understand me capitally, Socrates.

. . .

Soc. Then piety, Euthyphro, is an art of barter[17] which gods and men have of doing business with one another?
Euth. That is an expression which you may use, if you like.

Finally, Socrates asks what about the nature of the gifts given to the gods. "Honour and praise," replies Euthyphro (Pl. *Euthphr.* 15a).

Interestingly, Xenophon (*Mem.* I.1.16) appears to have also been aware that piety was something Socrates discussed: "His [Socrates'] own conversation was ever of human matters, investigating what is pious, what is impious; what is beautiful, what is ugly; etc."

Socrates' Actions Concerning the Traditional Gods

A problem in assessing ancient texts from another culture is obtaining accurate translations. Translations are made with assumptions. A dominant (though as I have argued, incorrect) assumption is that worship in religion is simply or only an expression of religious belief. As we will see when we examine the Greek word in the charge against Socrates, religious piety (or better, propriety) has little to do with ideas, concepts, or beliefs. Rather, it has much to do with action.

LSJ defines νομίζω (*nomizō*) as follows. (1) Use customarily, to practise, e.g., to practise worship in the customary way. To have something in common use. (2) To own, acknowledge, deem, consider, view something according to custom . . . to believe according to custom.[18]

I propose the following as a better translation of νομίζω. Socrates is not following custom regarding the gods, according to the customs of the State. He is operating outside tradition, not acting in a customary way, not doing things according to convention. The issue is more one of propriety (correct actions according to custom and tradition) than belief. Belief is not divorced from this issue, but for most ancient Greeks beliefs were significant only insofar as they were manifested in practical action.

Translations of Plato routinely use "believe" for νομίζω. The charge is translated to say that Socrates does not "believe" in the gods of the state.[19] The 2013 Xenophon translation is better in that it is more action-oriented. Socrates is not "worshipping" (νομίζει) the gods "worshipped" (νομίζων) by the state.[20] Some scholars make this point in their analyses.[21]

[17] Plato 1975: 19, "trading skill."
[18] Liddell and Scott 1996: 1179.
[19] See Pl. *Euthphr.* 3b; *Ap.* 18c, 23d, 26b, 26c as in Plato 1914 and 1975.
[20] Xenophon *Mem.* I.1.1 as in Xenophon 2013.
[21] Burnet 1924: 104; Waterfield 2009: 36, 43.

For a complete understanding of what is at stake in the term, let us consider not only the definitions but also the connotations and lexical range of the word.[22] The archaic meaning of νομός (*nomos*) is "place of pasturage" and it is used in this way in Homer's *Odyssey*.[23] It includes pasture, habitation, and district/ sphere of command/ [bounded] region. This primitive meaning gives us insight into what is at stake. The sheep are safe because they are constrained—they are fenced in and thus their freedom is controlled. Think again of the *fasces* symbol—there is safety in numbers, individual rights are given up for the good of the group. Thus, we see that the underlying political dimension of this term is one of social control. The ruler in the ancient world was often depicted as the "shepherd of the people"—a charmingly rustic image, cloaking the power of the ruler in a romantic portrait. But the shepherd has a crook, which he does not hesitate to use against recalcitrant sheep. We see a cluster of terms relating to this ancient concept: νομάζω (*nomazō*, "graze in a pasture"), νομάς (*nomas*, "roaming about for pasture"). The English word "nomad" ("one who wanders in search of pasture") comes from this term.

From this ancient meaning then arises a connotation. νόμος (*nomos*, note the change in accent position): "That which is in habitual practice, use, or possession." (1) Usage, custom, tradition, convention. (2) Law, ordinance.[24] "Law" is the usual translation of the Greek word νόμος. This connotation of the realm of laws makes sense. Laws of a group constrain the freedom of group members. The ruler of the group administers the laws and enforces them for the good of the group as a whole.

Now, we are in an informed position to examine an interesting aspect of the defences of Socrates. The pragmatic Xenophon offers the following observation (*Mem.* I.1.2): "He often offered sacrifices, and made no secret of it, now in his home, now at the communal altars of the state . . ."[25] Xenophon does not elaborate beyond this general statement. Xenophon is here offering a synopsis of the trial, rather than a detailed account. If there had been numerous instances of sacrifice, or abundant witnesses, it would have strengthened the case. No mention is made of that. Xenophon offers only one other comment in this vein (*Mem.* I.8.10): "none ever knew him to offend against piety and religion in deed or word." However, here Xenophon is speaking of acts of

[22] On this, cf. Wilson 2007: 30 and a full discussion in Brickhouse and Smith 1989: 31–32. I disagree with the latter work. Despite a review of scholars who discuss each side of the issue, the authors ultimately (and in my estimation incorrectly) downplay the significance of nonconforming practice or lack of observance in the accusation.

[23] Liddell and Scott 1996: 1178. To get a full grasp of the roots of Greek words, it is always a wise strategy to consult early, Homeric usage.

[24] All from Liddell and Scott 1996: 1180.

[25] Wilson 2007: 30.

offence rather than acts of omission, so not much information can be gleaned here about any lack of sacrificial offerings on Socrates' part.

Plato claims to be presenting a record of Socrates' speech delivered during his defence. Plato was present at the trial (*Ap.* 34a, 38b). The text was probably written shortly after the trial. In Plato's account, Socrates does not offer even a hint of the defence noted in Xenophon—he does not claim to have sacrificed. Yet such a practice, if regularly witnessed, could possibly have tipped the jury's assessment in favour of an innocent verdict. This is a significant point, often overlooked by scholars.[26] If Socrates had a reputation for being a regular attendee at sacrifices, perhaps the charge would not have arisen.

According to Plato, when Socrates speaks of the accusations of Meletus (*Ap.* 26b-c, *Euthphr.* 3b), he speaks of three things; corrupting the youth, teaching them not to "believe" (*mē nomizein*) in the gods the state believes in (*nomizei*), but in other new spiritual beings. It is significant but often overlooked by scholars that in the *Apology*, although Socrates addresses the issue of teaching the youth of the city and speaks of the new god (his guiding spirit), he treats the issue of belief and action in a deliberately ambiguous way. The manner in which Socrates uses the term *nomizein* in 26b–d seems to suggest that the matter is one of belief (as Socrates would have it). But if we rigorously and consistently translate the term *nomizein* as "following the conventional customs" (as the jurors likely understood it), then we see a different picture.

In the *Apology*, Socrates speaks in somewhat general terms of his acts of "service" (*latreian*) to his god (23c), by which he means philosophical inquiry, teaching the youth of the city, and acting as a gadfly in civic affairs (31a–c, 33c, 39b). Socrates recognizes the importance of citing actions in his defence: "I will give you powerful proofs of this, not mere words, but what you value more,—actions" (32a). Here, he demonstrates that his attitude of fearlessness to death was verified by his actions when he voted against the majority view of the Council (32c–d).

At *Euthyphro* 3c–d Socrates tellingly admits that the issue likely is not simply the ideas he holds, but his *actions* relating to those ideas: "For the Athenians, I fancy, are not much concerned, if they think a man is clever, provided he does not impart his clever notions to others, but when they think he makes others to be like himself, they are angry with him . . ."

Modern Scholarship: Accurate or Anachronistic?

Informed by the context of ancient Mediterranean religion, let us now consider the analyses of some modern scholars of the charge of impiety against Socrates. Let us also keep in mind the caution of Douglas and Smith (noted above), who critiqued the tendency to assume a Protestant sort of bias against ritual when assessing religion. Are the following accurate or anachronistic assessments, objective or biased?

[26] One exception is Waterfield 2009: 32–47.

Vlastos writes that Socrates was "a deeply religious man."[27] Vlastos comes to this conclusion based on an analysis of the beliefs of Socrates, without any reference to the actions of Socrates. He reports that in *Euthyphro*, Socrates rebuffs "brutally" the *do et des* or reward-based concept of worship.[28] Vlastos enthusiastically proposes that Socrates' definition of piety is as follows: "Piety is doing god's work to benefit human beings . . . Socrates has hit on a new conception of piety . . . revolutionary . . . radical . . . subversive . . ."[29] He goes on to say that this definition would have been radical given that conventional Athenian religion was "thick with magic" (namely, "compelling" the gods through ritual).[30] Note that accusations of magic are a typical polemic strategy for labeling negatively the sort of religious action of which one disapproves, and the entire magic versus religion dichotomy has been abandoned by scholars familiar with religious studies theory. Vlastos's portrait of Socrates comes off looking like a combination of hero and radical Protestant social activist.

Burnyeat reviews the charge of impiety against Socrates with no consideration of the ritual actions of Socrates (or the lack thereof). Only the beliefs of Socrates are analyzed. Burnyeat does make this worthwhile observation:

> Recall how closely a Greek community's sense of its own identity and stability is bound up with its religious observances and the myths that support them. If Socrates rejects the city's religion, he attacks the city. Conversely, if he says that the city has got its public and private life all wrong, he attacks its religion; for its life and its religion are inseparable . . . I submit that our jurors are bound in good conscience to say to themselves: Socrates has a religion, but it is not ours. This is not the religion of the Athenians.[31]

Finally, McPherran discusses the first element in the charge (failure to acknowledge the state gods), in particular considering the linkage between religious behaviour and the set of attitudes usually thought to underlie such behaviour. He notes,

> We have no way of really knowing whether Socrates' observance of cult practice might in fact have been an explicit issue of his trial. However, Socrates himself never addresses such concerns during the course of his defence.[32]

[27] Vlastos 2005: 49.
[28] Vlastos 2005: 59.
[29] Vlastos 2005: 60.
[30] Vlastos 2005: 60–61.
[31] Burnyeat 2005: 155.
[32] McPherran 1996: 120–121.

McPherran also asserts,

> Socrates possessed the household shrines required of Athenian citizens and would have taken any number of civic oaths during the course of his life, all of which call on the civic gods as witnesses.[33]

While this may be true, domestic religion was not public, that is, it was not observable by those outside the household. Other public religious acts (including civic oaths) were not intended to replace participation in the public sacrifice at temples.

Up to this point, McPherran avoids what might be characterized as a modern bias against ritual and religious action. Unfortunately, that objectivity does not continue. The author notes that Socrates rejects the *do ut des* concept and the idea that the gods need anything that humans could provide.[34] Then he states,

> Socrates is not a wholesale threat to the actual practice of cult, but to the inner, narrow self-aggrandizing motivations of many of its practitioners, those who give priority to material sacrifice in the cause of external gain and neglect the form of "belief-sacrifice" ("self-examination") mandated by Apollo.[35]

And finally McPherran makes a comment with the sort of Protestant attitude noted by Douglas and Smith: "The jury in Socrates' case may be compared to . . . a court of pious Greek farmers who, in time of need, turn to the Blessed Virgin and/or their personal name-saints."[36]

CONCLUSION

The ideas of Socrates are complex and intriguing. The character of Socrates is charismatic and compelling. It is easy to get caught up in the words and personality of that amazing man. I have argued that in order to more fully understand the charge of impiety brought against Socrates, we need to consider his context fully and dispassionately, without imposing anachronistic biases. We need to give equal weight to the person of Socrates and to his context. If Socrates expressed his beliefs by boycotting public sacrifice, that may have fuelled the argument of those charging him with impiety. And if that is the case, how much more ironic is his final request (Pl. *Phd.* 118): "Crito, we owe a cock to Asclepius; make this offering to him and do not forget."[37]

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[33] McPherran 1996: 140.
[34] McPherran 1996: 141
[35] McPherran 1996: 150.
[36] McPherran 1996: 156.
[37] Plato 1975: 58. See Most 1993.

A rooster was one of the smallest sacrifices one could offer. What Socrates offered at the end of his life may be an ironic comment on what he had failed to do during his life.

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