

Greeks Bearing Rifts: Socrates Gets a Retrial

By NICK CARBONE



The Onassis Foundation presents The Trial of Socrates at the Daniel Patrick Moynihan Courthouse in New York, May 12, 2011.

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SOCRATES, THE FAMED GREEK PHILOSOPHER, MADE A RARE public appearance on May 12, in the Ceremonial Courtroom of Manhattan's Federal Courthouse. In fact, he took the corporeal form of famed defense attorney Benjamin Brafman, currently representing embattled IMF chief Dominique Strauss-Kahn, who was highly animated in his defense against the millennia-old impiety and corruption charges levied against the Athenian. Fortunately, there was not a toga to be seen in the audience.

The court was in session on a brisk spring evening to reargue the case against Socrates, sentenced to death in 399 B.C. after a jury of 500 of his peers convicted him of failing to honor the city's gods and abetting in the corruption of Athens' youth. The accusation, submitted by Meletus and two other Athenians, claimed that Socrates held other Gods before those of the city of Athens, and by spreading his dissenting views in the agora, he was encouraging the youth to rebel against the city. But the charges against the philosopher strike a deeper chord, according to Dr. Alexander Nehamas, a

Princeton University professor and Greek scholar. "Was it his politics? His arrogant ways? His rationalist ethics?" he asks. It's no surprise that the sentence handed down by the Athenian court 2,410 years ago has come under scrutiny from these scholars, who cite the narrow margin by which Socrates was sentenced to death, 280 to 220, as a marker of the jurors' uncertainty.

So the case went back to trial, to be heard by three steely New York judges who would evaluate the evidence with a modern perspective, at a hearing that fused historical discussion with sometimes comical theatrics. (The trial was presented by the Onassis Foundation, who will distribute a DVD of the event to schools and cultural institutions.) Yet no one knew how the proceedings would unfold — after all, how easy can it be to rehash a trial with only circumstantial evidence, produced decades after the fact by Socrates' admirers Plato and Xenophon? Would Socrates be sentenced to death again or would he be acquitted, albeit a few millennia too late?

5:26 p.m. "I plan on being a little bit over the top," announces Colonel Matthew Bogdanos, part of the prosecution team. The Assistant District Attorney of Manhattan — who joined a counterterrorism operation in Afghanistan after 9/11 and later served three tours in Iraq — is a force to be reckoned with.

5:33 p.m. "Welcome to Athens!" Chief Judge Dennis Jacobs proclaims. He explains the charges against Socrates from a legal perspective. In ancient Athens, turns out there's no presumption of innocence.

5:43 p.m. Anthony Papadimitriou (president of the Onassis Foundation) heads off the case for the prosecution. He's Greek. And his accent is *really* Greek. It adds a new level of credibility to his testimony.

5:45 p.m. Celebrity diversion! Tom Wolfe strolls into the courtroom, fashionably late and definitely fashionable, in one of his classic white suits. (He's friends with Socrates' counsel Eddie Hayes; *Bonfire of the Vanities* is dedicated to Hayes.)

5:48 p.m. Papadimitriou is getting heated. His historical memory is stunning, and he's slamming the philosopher hard, calling him a "liar," a "rebel," and accusing him of converting his students to "lovers of Sparta, the enemy." Corruption charge? Check.

5:55 p.m. Loretta Preska, Chief Judge of the Southern District of New York, counters the prosecution: "Athens embraced free speech as one of its most important traditions. Wasn't Socrates just speaking his opinion?" Papadimitriou responds with some legalese, explaining that the question of free speech doesn't relate to the charges of

impiety and corruption. Indeed, speaking one's mind is a right; it doesn't prove that the philosopher has done anything wrong.

6:01 p.m. Col. Bogdanos, the second prosecutor, takes the stand. The history lesson is over; let the show begin! He proclaims that this trial is about the survival of democracy, which has come under fire in Athens after two government coups in the past decade. And who are the men behind these overthrows? Students of Socrates. "Let no golden-tongued orators with honey-sweet words tell you this trial is about anything else" but Socrates' attempt to destroy democracy, Bogdanos booms. Worse, Socrates was influential yet passive: standing in the agora all day, he took no part in city affairs, making him "good for nothing."

6:21 p.m. Judge Jacobs picks at Bogdanos' argument with a quip: "You assume that students who are taught eventually learn." Did Socrates' seditious students learn to rebel from him? Or were they rebelling *against* his teachings? Bogdanos: "The man who holds the ladder is just as guilty as the thief." Laughter all around. The prosecution goes out on a high note.

6:28 p.m. The defense team takes the floor, headed off by criminal defense attorney Eddie Hayes, who pronounces ancient names such as Meletus and Alcibiades with a thick Queens accent. Why would they indict Socrates, Hayes asks? "I think it's for having a big mouth! ... If they want to kill him for having a big mouth, what about my brother too?" He says we shouldn't stop anyone from speaking, because we then stop even more people from listening. A timeless lesson.

6:35 p.m. Hayes makes it clear he doesn't care much for Socrates, but he's doing his damndest to keep him from drinking the hemlock. In fact, his insults turn to vanity: "It looks like they took a stone chisel to his face!" But Hayes argues that despite the philosopher's arrogance, what Socrates preaches about the glory of virtue and building a community could help rescue Athens from its constant overthrows. Maybe Athens' heyday will come from actually listening to Socrates?

6:46 p.m. Fortuitously, we can indeed listen to Socrates, as he is channeled by Benjamin Brafman, the attorney who successfully defended Sean Combs against gun and bribery charges stemming from a nightclub *melée* in 1999. As there was no written record of what Socrates said, Brafman is taking some creative license as he proclaims Socrates' harmlessness. In advising hundreds of students over 50 years, Socrates claims, only two have turned rogue. Brafman's larger-than-life rendition has the gallery in stitches. "I'm a 70-year-old man walking in a sheet, naked," he says. "I'm not a threat!"

7:00 p.m. Socrates/Brafman appeals directly to us, trying to guilt us into letting him go free. "How would you feel if you put me to death?" He's running a few minutes over his allotted time, but no one seems to mind, even the judges — who've been sticklers for the clock up to this point.

7:04 p.m. Chief Judge Preska takes the opportunity to slam Socrates in the flesh, equating his pompousness in the courtroom with the impiety charge levied against him. She has a point: he who loves himself the most likely holds no God. With that, the judges are off to deliberate.

7:32 p.m. The judges emerge from their chamber and Chief Judge Jacobs hands down their decision to acquit on both charges: "The prosecution didn't prove that Socrates' personal God was not a not-approved God." Chief Judge Carol Amon dissented, calling Socrates a "dangerous subversive." But Chief Judge Preska felt that, as Socrates reflected no "clear and present danger," and his impiety seemed more a factor of disinterest than disrespect, the court could not find him guilty.

While the charges levied against the philosopher may not stand in a current court of law, did the trial truly exonerate Socrates? Does the circumstantial evidence still cast a shadow over his historical memory? If Socrates had shared an attorney with P. Diddy, would he have had to drink the hemlock? In the words of Socrates himself: "All I know is that I know nothing."