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Impiety Avenged: Rewriting Athenian History

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In sources from various periods of antiquity we can find numerous remarks concerning the trials for ἀσέβεια (“impiety”) that reportedly took place in fifth- and fourth-century Athens. Despite several notorious trials well attested in the contemporary sources, these remarks can often be dated many centuries later than the actual events that they describe, sometimes even as late as the biographical writings of Diogenes Laertius (ca. 3rd century CE) or Plutarch (1st/2nd century CE), neither of whom was particularly careful in his approach to the sources. This essay argues that some of these cases follow a pattern of constructing ancient fake testimonies of the past and, as such, they display numerous shared features relating to their fictive nature.

The first to raise serious doubts about the value of these testimonies in extenso was Dover (1976) in his paper on the freedom of intellectuals in ancient Greece, followed by important general remarks on Hellenistic biography by Lefkowitz (1981, 110–111 et al. and 1987) and Stone (1988), and a more detailed study of selected fifth-century cases by Wallace (1994). Here, I would like to go one step further in calling the surviving testimonies into question. In order to give a more detailed picture of the methods of ancient biographers and scholars, I will focus in this essay on four cases of the use of fake source material in the descriptions of the trials allegedly held in classical Athens. First, I argue that some of these trials almost certainly did not take place, while traditions that refer to those possibly authentic most likely included numerous fictitious additions. Second, I intend to highlight the shared features of the cases described below. Third, I discuss possible reasons for the emergence and re-use of those inauthentic testimonies. Finally, I tentatively suggest some new arguments concerning
legal issues connected with the early impiety trials.¹ The four cases in question are those of Aspasia, Protagoras, Euripides, and Phryne.

First, let us have a look at a particularly revealing passage from Diogenes Laertius, which proves to be very informative on the methods of ancient biographers describing events dating back to the classical period:

Of the trial of Anaxagoras different accounts are given. Sotion in his *Succession of the Philosophers* says that he was indicted by Cleon on a charge of impiety, because he declared the sun to be a mass of red-hot metal; that his pupil Pericles defended him, and he was fined five talents and banished. Satyrus in his *Lives* says that the prosecutor was Thucydides,² the opponent of Pericles, and the charge one of treasonable correspondence with Persia as well as of impiety; and that sentence of death was passed on Anaxagoras by default. When news was brought him that he was condemned and his sons were dead, his comment on the sentence was, “Long ago nature condemned both my judges and myself to death”; and on his sons, “I knew that my children were born to die.” Some, however, tell this story of Solon, and others of Xenophon. That he buried his sons with his own hands is asserted by Demetrius of Phalerum in his work *On Old Age*. Hermippus³ in his *Lives* says that he was confined in the prison pending his execution; that Pericles came forward and asked the people whether they had any fault to find with him in his own public career; to which they replied that they had not. “Well,” he continued, “I am a pupil of Anaxagoras; do not then be carried away by slanders and put him to death. Let me prevail upon you to release him.” So he was released; but he could not brook the indignity he had suffered and committed suicide. Hieronymus in the second book of his *Scattered Notes* states that Pericles brought him into court so weak and wasted from illness that he owed his acquittal not so much to the merits of his case as to the sympathy of the judges. So much then on the subject of his trial.

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¹ The content of this essay has been supplemented by Filonik (2013) which focuses on legal and socio-political aspects of the impiety accusations in classical Athens, and includes a detailed discussion of the less clear-cut cases, such as those of Anaxagoras, Diagoras, and some fourth-century trials. The project from which the present paper emerges has been funded by the National Science Centre, Poland based on the decision number DEC2012/07/N/HS2/00967. The research has been also supported by the Foundation for Polish Science (FNP).

² For controversies on Thucydides, son of Melesias, anti-Periclean opposition in Athens, and Plutarch’s account of these “events,” see Andrewes 1978; Raaflaub 2000, 98–100.

³ *FGrHist* IV A 3, 1026 T 6 b = F 65. For Hermippus’ of Smyrna methods in his biographical writing, see e.g. Bollansée 1999a: 118ff., 182–84.
At length he retired to Lampsacus and there died. (D. L. 2.12–14; trans. R. D. Hicks).

Here, we are given several variants of—apparently—the same events, which demonstrate the author’s complete lack of ability to assess the sources available to him. As if presenting these four variants as equally plausible were not confusing enough, the biographer simply adds that Anaxagoras died at Lampsacus. To support this statement, Diogenes Laertius (2.15) further “quotes” the inscription from the philosopher’s grave, followed by a more elaborate epigram written by our biographer, which, again, focuses on the trial resulting in the philosopher’s death(!) For the story to be rendered more appealing, he includes (1) gnomic quotations—ascribed to various authors—which offer a brilliant summary of the famous person’s death, (2) witty dialogues with renowned figures (in this instance, Pericles) who are introduced only to offer aid to the central character, and (3) the authority of earlier authors merged into one ostensibly coherent narrative.

In his Life of Pericles (32), Plutarch mentions the charge of ἀσέβεια against Aspasia, the concubine of Pericles. According to the biographer, the case was brought by Hermippus the comic writer (not his Hellenistic namesake just mentioned), who claimed that Aspasia was helping free women to rendezvous with Pericles. The latter was also said to have helped in her acquittal by shedding a flood of tears over her fate before the dicasts (a story Plutarch attributes to Aeschines of Sphettus). The biographer most likely transferred the stage humor of the comic writer Hermippus to an imaginary lawsuit. It would otherwise be an isolated example from classical Athens of a comic poet repeating his insults from the stage in court. A weeping Pericles seems an easily adaptable motif for a play. Anecdotes about Aspasia’s conduct could have also been easily drawn out of anti-Periclean polemics found in Plato and other literary sources. Furthermore, both Aspasia and Pericles were under constant fire from comic writers, while Hermippus, from what we can tell based on the extant fragments, was especially keen on taking jibes at Pericles and at his alleged debauchery (fr. 47 PCG). Moreover, Plutarch’s plot is set within a larger narrative of scandals con-

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4 Hermippus and other comic poets are the usual suspects, see e.g. Lefkowitz 1987, 157; Podlecki 1998, 116–117; Raaflaub 2000, 101–107. See also Wallace 1994, 131–132, along with the bibliography cited in n. 16, who mentions a fourth-century Socratic philosopher Aeschines of Sphettus, the author of a dialogue entitled Aspasia (SSR VI A 59–72) cited by Plutarch, as a probable source of the story, apparently continuing the tradition of philosophical invective and making some references to comedies.


cerning the “circle of Pericles.” The first to explicitly speak of false accusations issued against Pericles and his circle by comic poets was, in fact, Plutarch himself (Per. 13.9–10). Lefkowitz (1981, 110–111), having analyzed Hellenistic “lives of the poets” in detail, has suggested that Athenian impiety trials—and the trial of Aspasia in particular—were a product of imagination of later biographers who made efforts to prove that the trial of Socrates had not been the first “ideological” trial in Athens. Earlier prosecution of “freethinkers” might then be seen to form a precedent for sentencing the philosopher, which would prove useful for any narrative that preferred to present his case as part of a general tendency in Athenian democracy.

Not only the trials themselves but also the decrees connected with the accusation of impiety could have been falsified later in antiquity. Apart from the linguistic and cultural arguments already raised against the historicity of the so-called “decree of Diopithes,”7 we must consider legal chronology, which seems to be the crucial here. The decree, found only in Plutarch (Per. 32), was allegedly meant to be targeted at Anaxagoras and said that anyone dealing with the celestial matters (τὰ μετάρσια) should be prosecuted by the procedure of εἰσαγγελία. Yet out of dozens of certain or plausible cases of the employment of this procedure in the fifth and fourth centuries, only five were dated by Hansen (1975, 69–71) to the period preceding the Peloponnesian War. Each time, they were aimed at a single citizen, not a group, and emerged from the accusation of treason, and even those five trials were listed as εἰσαγγελίαι by Hansen based on tentative assumptions, without any definitive proof offered by the wording of the extant sources.

One should also note that many documents preserved in the literary sources as reportedly “classical” have been recognized as forgeries inserted into the manuscripts of earlier works by the Alexandrian and later scholars.8 The tradition of fake decrees in fact has a long and fruitful history, as countless manuscripts of Athenian court speeches did not carry the text of laws, oaths, and witness testimonies, thus calling for their supplementation. This means that we need to assess each and every one of them based on our present historical knowledge and other material surviving (including those inscriptions which have been proven to be authentic).

Another case that is particularly interesting when analyzed through the lens of the surviving testimonies is one of Protagoras of Abdera (ca. 490–ca. 421? BCE), reportedly charged with impiety and either killed or exiled from Athens,

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8 On the documents preserved in Athenian oratory, see e.g. Canevaro and Harris 2012; Canevaro 2013.
while his books were allegedly burnt by the Athenians. This famous sophist was the author of the treatise *On the Gods*, illustrating the principles of his agnosticism (Cic. *N. D.* 1.63, Sext. Emp. *Math.* 9.56; F 4 D-K ap. D. L. 9.51). All available sources on his trial not only come from a later period but are also mostly dubious. The earliest of them was written four centuries after the events it describes supposedly took place. In his dialogue *De Natura Deorum* (1.63), Cicero juxtaposes Protagoras with Diagoras and Theodorus, famous Greek “atheists.” He tells us that Protagoras sentenced by the Athenians was exiled out of Attic soil (*urbe atque agro*) and that his writings were publicly burnt during the meeting of the Assembly (*in contione*). A century later Flavius Josephus (T 19 D-K ap. Joseph. *Ap.* 2.265) wrote that Protagoras had escaped the city just in time, coming within a hair’s breadth of losing his life after the Athenians had decided to kill him for his writings about the gods, after finding them to be incongruous with their own beliefs.

In his *Life of Nicias* (23.4), Plutarch also mentions Protagoras and his flight from Athens, and compares his case with those of Anaxagoras and Socrates. In the treatise *Against the Mathematicians* (i.e. “scholars” in general), Sextus Empiricus (ca. 160–ca. 210 CE) says that Protagoras was condemned to death by the Athenians, and died in a shipwreck when trying to escape\(^9\) (T 12 D-K ap. Sext. Emp. 9.56). He adds that Timon of Phlius (3rd century BCE) mentions this episode in Book II of his satirical *Silloi* (fr. 5 Diels = fr. 5 Di Marco), where he claims that the Athenians would burn Protagoras’ books because of what he had written about the gods. Even if we turn a blind eye to the frequently raised objections regarding Sextus’ careless habits concerning citations from earlier philosophers, we should note that Timon was another author famous for both relishing and repeating scandalous—and usually untrustworthy—tales of the past.\(^{10}\) Finally, Diogenes Laertius asserts (T 1 D-K ap. D. L. 9.52) that because of Protagoras’ treatise “the Athenians expelled him; and they burnt his works in the market-place, after sending round a herald to collect them from all who had copies in their possession” (trans. R. D. Hicks). The biographer further describes the circumstances of this event (Arist. fr. 67 Rose\(^3\) = fr. 867 Gigon = Philochorus *FGrHist* 328 F 217 ap. D. L. 9.54):

\(^9\) A fate commonly ascribed to the impious throughout antiquity, cf. Nestle 1948, 584 *passim.*

\(^{10}\) He wrote that Plato has committed plagiarism by adopting in his *Timaeus* the matter from a Pythagorean treatise (fr. 54 Diels = fr. 54 Di Marco *ap.* Gell. 3.17.4), cf. Wallace 1994, 149, n. 33; on Timon’s *Silloi* and its reception see also Clayman 2009, 75–173.
The first of his books he read in public was that *On the Gods*, the introduction to which we quoted above; he read it at Athens in Euripides’ house, or, as some say, in Megaclides’; others again make the place the Lyceum and the reader his disciple Archagoras, Theodotus’s son, who gave him the benefit of his voice. His accuser was Pythodorus, son of Polyzelus, one of the four hundred; Aristotle, however, says it was Euathlus. (trans. R. D. Hicks)

We cannot be sure what trial Aristotle, if cited correctly by Diogenes, had in mind; mentioning a different name for the prosecutor arouses our suspicion. Diogenes Laertius (9.56; cf. Gell. 5.10.3) makes Protagoras and Euathlus the opposing parties in a different quarrel, this time over a due payment, perhaps indicating a confusion in the biographer’s account (Lenfant 2002, 148–149). He also seems to confuse the role of heralds in democratic Athens with that of imperial magistrates at his time. Another striking and suspect feature of these testimonies is their ascription of the tradition of book-burning to the Greeks of the classical period. As demonstrated by Dover (1976) and Wallace (1996), this was a Roman, not a Greek mode of dealing with individuals and groups perceived as threatening to the state or social order.11

This difference is best summarized by Plato, who—had any of this ever happened—would have been the first to draw comparisons to his beloved teacher sentenced by the Athenians to death. In his *Protagoras*, the old sophist speaks of himself by admitting that he has never met any trouble because of his profession (T 5 D-K *ap. Pl. Prot.* 317b–c):

[...] So I have gone quite the opposite way from these others, and I admit that I am a sophist and that I educate people; I think that an admission of that kind is a better precaution than a denial. And I’ve taken other precautions as well, so that, touch wood, I’ve never come to any harm through admitting to being a sophist. And yet I’ve been practising the craft for many years (and indeed I’m a good age now, I’m old enough to be the father of any of you). (trans. C. C. W. Taylor)

Furthermore, in *Meno* (T 8 D-K *ap. Pl. Men.* 91d–e), Socrates replies to Anytus’ claims that one should avoid mixing with the sophists to avoid corruption by saying that Protagoras enjoyed a good reputation throughout his whole life as a

11 Stone 1998, 232 summarises it briefly: “The frequent expulsion of philosophers and other Greek teachers from Rome is well attested, and it was natural for writers of that time to assume that the Athenians were equally suspicious and intolerant. That also suited their contempt for democracy,” cf. Wallace 1996, 237–238.
sophist. He adds, perhaps ironically, that the philosopher would not have been able to deceive his pupils for such a long period of time by claiming that he has helped them become better. After confronting the testimonies from late antiquity with this almost contemporary source concerning Protagoras, we must assume that Plutarch and Diogenes Laertius drew upon Hellenistic biography with its constant search for thrilling motifs and eagerness to invent sensational details to support them. In short, the trial of Protagoras and all its circumstances seem highly doubtful, while all the testimonies that mention it are late, mostly anecdotal, and mutually contradictory.

A somewhat different trial mentioned by ancient authors that also raises numerous questions involving an accusation made against Euripides. According to Satyrus’ *Life of Euripides* (T 99 Kannicht = F 6 Schorn *ap. P. Oxy.* 9.1176 fr. 39 col. X), the tragedian was accused of ἀσέβεια by Cleon. The scholia to *The Frogs* (Σ Ar. Ran. 1302) juxtapose the prosecutions of Socrates and Euripides when commenting on the person of Meletus. Everything indicates that the legend about Euripides’ prosecution was a popular one in antiquity, appearing on a 3rd-century CE list of rhetorical exercises that reads: “Euripides, after portraying Heracles mad in a play staged at the Dionysia, is being prosecuted for impiety” (T 100 Kannicht *ap. P. Oxy.* 2400). The image of “impious Euripides” has probably been forged based on philosophical—and often surprising—views about the gods that many of his characters express. Aristophanes was one of the first to advance this critique against the poet on literary grounds. The tragedian was then easily merged throughout antiquity with both Socrates and Anaxagoras (Lefkowitz 1987, 154–155).

Perhaps Aristotle, too, added to the legend by stating in his *Rhetoric* (3.15.8, 1416a28–35) that the line from Euripides’ *Hippolytus* (612) that reads “my tongue swore, but not my mind” was used against the poet in the trial of ἀντίδοσις in which Hygiaenon called him impious (ἁσεβῆς). According to Aristotle, “Euripides replied that Hygiaenon himself did wrong by transferring the judgments of the Festival of Dionysus to the law courts; for there he had given an account of these words, or would again if Hygiaenon wished to accuse him there” (trans. H. C. Lawson-Tancred). Yet the procedure of ἀντίδοσις concerned the exchange of property, meaning that such an accusation of being ‘impious’ would have been made purely as a rhetorical argument (in this case, apparently slanderous), rather than as a formal charge. We cannot even be certain if the speech had ever been delivered in court, or if, from the very beginning, it was just a rhetorical exercise containing this anecdotal reply. Nothing suggests that the poet could have been sentenced. Even the *Life of Euripides* by Satyrus, a work always looking for a reason to give the sensational version of the story,
does not say a single word about such a charge, thus giving us a further reason to believe that Euripides’ trial for impiety itself was yet another later invention of imaginative biographers.

With respect to the tradition of testimonies, the most interesting fourth-century impiety trial seems to be one of the hetaera Phryne (ca. 350–345?\(^{12}\)). Late sources—analyzed in detail and with some interesting guesswork by (Cooper 1995)—give a variety of reasons for which Phryne was said to have been accused of impiety by Euthias and defended by the famous orator Hyperides (ca. 390–322 BCE). The title of the unpreserved defense speech is given among some brief remarks as In defense of Phryne, ὑπὲρ Φρύνης (frr. 171–80 Jensen). One of the first surviving testimonies concerning Phryne’s trial comes from a comedy The Woman from Ephesus by Poseidippus of Cassandreia (3rd century BCE), as cited by Athenaeus (fr. 13 PCG ap. Athen. XIII, 591e–f), and describes a scene quite difficult to imagine in an Athenian courtroom:

Before our time, Phryne was far and away the best-known / courtesan there was; because even if you’re / younger than that, you’ve heard about her trial. / Even though they thought she did terrible damage to people’s lives, / she captured the court when she was tried on a capital charge; / and by taking the jurors’ hands, one by one, / she saved her life—although just barely— with her tears (trans. D. Olson).

Athenaeus (XIII, 590d–f; cf. 591a–f) provides a popular version of the story, when speaking of Hyperides’ erotic life:

Phryne was from Thespiae, and when Euthias successfully indicted her, she escaped the death penalty; Euthias was so angry about this that he never argued another case, according to Hermippus [FGrHist IV A 3, 1026 F 46a]. Hyperides spoke in support of Phryne [fr. 178 Jensen], and when his speech accomplished nothing, and the jurors seemed likely to convict her, he brought her out in public, ripped her dress to shreds, exposed her chest, and at the conclusion of his speech produced cries of lament as he gazed at her, causing the jurors to feel a superstitious fear of this priestess and temple-attendant of Aphrodite, and to give in to pity rather than put her to death. Afterward, when she had been acquitted, a decree was passed to the effect that no speaker was to lament on another person’s behalf, and that no ac-

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\(^{12}\) See Cooper 306, n. 10 on the date between ca. 350 and 340 BCE. For the question of identity of Phryne, see Raubitschek 1941, trial 903–907.
cused man or woman was to be put on display while their case was being decided. (trans. S. Douglas Olson; notes JF)

The decree cited in this account—a second curious ψήφισμα—is, apparently, another forgery. The narrative makes one recall Plutarch’s tale of the tears shed by Pericles in front of the dicasts during the trial of Aspasia. There is no mention here, though, of the basis for such an accusation, just as there is none in Pseudo-Plutarch’s note in *The Lives of the Ten Orators* (849e), which only mentions briefly that the hetaera Phryne was tried for impiety (ἀσεβεῖν), and the dicasts, on seeing her breasts revealed by the orator, acquitted her for her beauty. According to Athenaeus (590d), Hyperides was supposed to begin his speech by saying that he came in support of the courtesan due to their close relationship.

Both Athenaeus and Pseudo-Plutarch, while commenting on this story in works otherwise full of scandals, memorable observations, and gossip, admit that they found it in the *Life of Hyperides* (of ca. 200 BCE) by Hermippus of Smyrna, who had, in turn, taken it from Idomeneus of Lampscacus (active ca. 300 BCE). These two fragmentarily preserved Hellenistic biographers spoke of it in the context of Hyperides’ love-affairs that Pseudo-Plutarch and Athenaeus paraphrase in a similar fashion (Cooper 1995, 305, n. 7). Both also speak of numerous hetaerae with which the orator was said to be acquainted. Bollansée (1999b, 388; cf. 385) believes that the dramatic description of Phryne’s trial and its finale could have been an authorial invention of Hermippus—known for his fondness for smuggling sensational plots into the quasi-historical narrative—after he had made a collage of various works. Idomeneus, too, treated his sources rather lightly, and was eager to attribute intemperate sexual taste not only to Hyperides but also Demosthenes (fr. 12). Most likely, the tale about their courtroom standoff was invented on the basis of the aforementioned oration by Hyperides (cf. Alciphr. 4.3, 4.4), which was very popular throughout antiquity; it was even translated into Latin and recalled with admiration by Pseudo-Longinus (34.3) and Quintilian (*Inst.* 10.5.2) in their rhetorical treatises.

In fact, the speech was so popular, it has to be assumed it was stored in the Library of Alexandria, where Hermippus, Callimachus’ assiduous pupil, could access it and use it for inventing a melodramatic coup de theatre (Bollansée 1999a, 385–88). It also appeared in rhetorical exercises, which would give further occasion for additional details and circumstances to enter the tradition con-

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13 For Hermippus’ search for sensational events and circumstances of death, and his tendency to add fictitious details, see Bollansée 1999a, 118ff., 182–84; Mejer 1978, 32; see also quotations from Hermippus in Diogenes Laertius who eagerly used excerpts from Hermippus’ works.
cerning the trial. The author of the anonymous treatise on rhetoric (Rhet. Gr. I 390 Spengel-Hammer ap. Anon. Segu. Τέχνη ρητορική 215) furthermore cites a fragment of the alleged speech by Euthias, the authorship of which was a matter of dispute already in antiquity, which specifies the charge of ἀσέβεια for introducing new gods, revelry in the Lyceum and leading some, perhaps orgiastic, religious parades (θίασοι), consisting of both men and women. Later sources supplement this by saying that Phryne tried to introduce the god Isodaites to Athens.¹⁴

The disrobing episode resembles a tragic scene, especially one with suppliants or captive women. A woman appears, being dragged in her shredded vestment, then she pleads for mercy in a fashion similar to a character in a tragic komos lamenting her fate.¹⁵ Several anonymous treatises on rhetoric speak of such a lament and of the “tearing the robes” during Phryne’s trial, which biographers could have understood as the orator’s stripping off of Phryne’s clothes. Hellenistic biographers writing about the famous hetaera could thus have drawn just as easily from tragedy as from comedy. It seems possible that, even if the trial of Phryne did take place, the speech in her defense could have also been composed as an exercise. While it might have included a charge of impiety, this remains purely speculative: we can be sure of neither the procedure nor the motive, and we can only hypothesize regarding the date. Unfortunately, despite the fame of this oration in antiquity, only fragments have survived. Since the authors of the extant theoretical treatises on rhetoric did not express any doubts concerning the oration’s authenticity, there is fair reason to believe that Hyperides indeed wrote it. But the highly unusual circumstances of the trial must be regarded as purely anecdotal.

It appears that while some trials were entirely fabricated by Hellenistic and later biographers, others might have taken place, but their circumstances were long lost and had to be reinvented. We also know of some fourth-century impiety trials of lesser-known figures of Athenian public life that ended with the acquittal of the defendant and were nowhere near famous later in antiquity.¹⁶ The inauthentic trials seem to have been fabricated for a variety of reasons. First, the biographers’ perceived audience was a large one, similar to that of the modern-

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¹⁴ Hsch. s.v. Ἰσοδαίτης; Harp. s.v. Ἰσοδαίτης [= fr. 177 Jensen; cf. frr. 174–176] (according to Harpocration, mainly women of ill repute). See also O’Connell 2013 for an interesting yet highly speculative argument that Poll. 8.123–124 speaking of the Mysteries is a part of Hyperides’ Defence of Phryne.


¹⁶ See e.g. Dem. 57.8, Lycurg. fr. 14.1 Conomis; cf. Dem. 22.2, 24.7, which could have been just a διαβολή against Androtion.
day tabloids. This desire to appeal to a large readership necessitated an increased emphasis on sensational or jokey stories relating to the lives of ancient celebrities (blood, death, erotic life, sudden turns of events, and amusing curiosities all fall into this category). One of the favorite genres for the combination of these elements was, of course, comedy. When tragedies or philosophical treatises could prove to be rather dry in respect of autobiographical elements, we may assume that biographers fabricated the missing elements by taking words out of their proper context, sometimes misquoting them deliberately, or entirely rewording their sources. Ancient biographers were happy to include whatever material they found fitting for the portrayal of character, and eagerly employed a creative approach in relation to figures known for their controversial beliefs, such as Socrates or Euripides. If they knew about the trial of the former, any incidental link between the two could prove to be enough to adapt its details in dramatizing the life of the latter. Such events, invented on the basis of their supposed likelihood, ultimately rested upon certain political assumptions and at the same time were meant to prove them, especially in regard to the characteristics of the demos and democracy. Furthermore, there may be a broader pattern that can be distinguished here, exemplifying how the cultural memory develops. As Milan Kundera notes in his Ignorance, what survived of Goethe in the collective consciousness is a—most likely fabricated—dying exclamation “More light!” rather than the subtleties of his prose or thought. This pattern does not seem to be very different in antiquity.

Ancient scholars, too, found many ways to invent circumstances that would show the character of the portrayed person based on a widely understood “likelihood” (τὸ εἰκός).\textsuperscript{17} They used their sources freely, frequently paraphrased them under the guise of citations, more often than not when making use of recent popular excerpts instead of reading original authors (cf. Plin. Epist. III 5, 10 on Pliny the Elder: liber legebatur, adnotabat excerpebatque. Nihil enim legit, quod non excerperet). These extracts were regularly written down without proper context, or transferred from one to another purely on the basis of a resemblance to a different source or subject; quite often the original meaning was long lost and hence misunderstood.\textsuperscript{18}

Many “biographical” tales were invented by Hellenistic and later biographers simply on the basis of the content of the works left by the authors whose lives at that point remained otherwise undocumented (Lefkowitz 1981). In this, biographers widely cited all available sources, including comic and oratorical

\textsuperscript{17} See Hägg 2012, 67–98; cf. Bing 1993 for Hellenistic and later attempts to “dramatise” biographies.

\textsuperscript{18} Cf. Mejer 1978, 7–29; Fairweather 1974; Bollansée 1999b, 384, with n. 17.
invective, without applying any critical method, and apparently following the principle “se non è vero, è ben trovato.” A few notable examples of such an approach are given by Dover (1976, 28–34). For example, in his Life of Euripides (F 6 Schorn fr. 39 col. X), Satyrus treats the plot of Aristophanes’ Thesmophoriazousae, in which the Athenian women conspire together against Euripides, as a description of a historical event. Similarly, if we were to believe Plutarch’s account (Per. 35) of Pericles’ attempt to overcome his great superstitious fear of the solar eclipse during the arrangements for the naval expedition against Epidaurus at the beginning of the Peloponnesian War, we would have to discredit Thucydides’ version of the story (2.56), according to which the expedition took place in the summer of 430, because the nearest solar eclipse (mentioned in Thuc. 2.28) was in August of 431 (Munro 1919). There are plentiful examples of such “mistakes” in ancient biography and historiography.

The question of intermediaries also should not be neglected, for late biographers had not always read the authors whom they “cited,” preferring to use quotations from other works—a fact that problematizes the question of their immediate sources, a phenomenon especially noteworthy in the case of Diogenes Laertius. Plutarch, for example, in his selection of sources willingly made references to the testimonies of other historians, but in his often anecdotal narrative he frequently followed comic writers, especially when describing sensational events concerning ancient celebrities. Plutarch’s “unrestrained” use of sources in his Lives included merging different accounts that appeared similar, chronological shifts, inventing the supporting details, and other analogous techniques.

It is commonly recognized that biography bears a strong connection not only to historiography but also epideictic oratory, and follows its patterns of praise and blame. This tendency is even more pronounced in antiquity. Plutarch, as many of his fellow writers, did not attempt to conceal the moralizing purpose of his biographies, by means of which he wished to reveal the “virtue and wickedness” of their characters, ready to sketch timeless moral exempla (παραδείγματα), which should be enough of a warning to the critical reader. Furthermore, he openly believed the aristocratic government to be the best and—like many of his contemporaries—followed Plato rather than Athenian

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19 See also Lefkowitz 1987, 152; Wallace 1994, 131, with the bibliography cited in n. 17.
22 His moralising aim is clearly stated in introductions to the Lives of Aemilius Paulus and Pericles, see Plu. Aem. 1.1–3, Per. 1.3–4, 2.1–3; cf. Hägg 2012, 272–277; Gomme 1945, 54–57.
democrats, which had to significantly influence his view of classical Athens; this trait may be seen in almost all of his descriptions of the Athenian demos.\(^{23}\) He also tried to add some excitement to his plots by following (occasionally with a certain naïveté) the general tendency of Hellenistic and later biography, which resulted in his vivid but historically ambiguous Lives.

Historical accuracy in the descriptions of classical Athens was also not the forte of the author of our first testimony to the trials in the “circle of Pericles,” Diodorus.\(^{24}\) He, too, perceived historiography clearly as a moralistic and epideictic genre, with its most notable individuals deliberately offered as examples for posterity; he thus generally favored outstanding individuals and portrayed them as opposed by nature to the “crowd.”\(^{25}\) Diodorus saw in Athens the fate of countless empires—gradual decline of moral principles and tyrannical aspirations rising along with military growth. Sketching a similar scenario for Athens was not particularly challenging. Remarks found in his Hellenistic sources based on anti-Periclean rhetoric were enough to form Book XII of the Library, with its emphasis on whatever gave support to the Thucydidean view of the Peloponnesian War as the “severest of Athenian defeats.”

The testimonies from late antiquity concerning the impiety trials more often than not reveal their authors’ incomprehension of the political and social reality of classical Athens. The way classical authors speak of impiety does not seem to indicate the need to conceal information about it out of fear of transgressing a taboo (ἀπόρρητα), even if the events themselves were not always eagerly recalled. We thus need to conclude that the abundance of such information in later writings in connection with the lack of similar remarks in the works of prolific classical authors ought to be considered highly suspicious. We may, of course, assume that such events were not the main interest of a certain author or genre (and thus of the audience), yet in comparison with a vast number of more or less evident examples of comic invective repeated by Hellenistic and later biographers it all appears as a subsidiary concern.

Based on four exemplary cases, I have argued in this essay that much of the testimony—including laws—found in late sources regarding Athenian impiety trials need to be regarded with the proper amount of skepticism, and much might simply be deemed forgery. These cases demonstrate a set of shared features, all of which apparently derive from techniques used to write several centuries later

\(^{23}\) See e.g. Plut. Thes. 25, Cam. 36, Tim. 37, Mar. 38; cf. Russell 1966.
\(^{24}\) On Diodorus’ use of sources, see, e.g., Drews 1962; Palm 1955, 15–63; Sacks 1994 and 1990, 77, passim.
about classical Athens. The historiographical and biographical works of, for example, Diodorus, Plutarch, or Diogenes Laertius—with their stylistic resemblance to similar Hellenistic writings—present a version of the past designed to appeal to contemporary readers in ways that makes them less than reliable from the perspective of modern critical methodology. Thus it appears that, as a general rule of thumb, it is safest to approach these sources—narrative and documentary alike—with particular skepticism in assessing their reliability for the political history of classical Greece. Even if their utility is limited in establishing historical truth regarding Athenian impiety trials, recognizing their deliberate or unintentional distortions, and evaluating them accordingly, can render them useful in themselves as examples of ancient historiographical techniques and tendencies, and in studying how certain forgeries are brought to life.

References

FGrHist = (Bollansée 1999)


