Maximus and Socrates on Trial
A Historic-Literary Consanguinity of Rebellion

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ABSTRACT Although the similarities between the trial of Socrates and the trial of Jesus have been discussed since the age of the Apologists, the same cannot be said about the anonymously written Trial of Maximus the Confessor and Plato’s Apology. My paper seeks to start this discussion. First I look at the historical context of each trial, finding that each was preceded by a rebellion that the accused was suspected of inciting (the Thirty Tyrants’ in one, the Exarch Gregory’s in the other). Then I summarize the Trial, noting numerous similarities between it and the Apology. After this, I examine some of these similarities in detail. In particular, I show that the defense speeches of both Socrates and Maximus reveal a layer of duplicity endemic to the text: while both Socrates and Maximus appear to exonerate themselves, their defense speeches actually contain harsh mockeries of their accusers. Next, I elucidate the consanguinity between the defendants’ opposition to their cities’ god(s), whom they feel compelled to reject, and their introduction of new gods into their cities (the god of reason and the Christ of Dyothelitism)—a charge for which both defendants were tragically convicted. Finally, I examine the manner in which both figures play gadfly to their city.

KEYWORDS Maximus the Confessor; Plato; Socrates; Apology; Trial Narrative; Martyr; Political Philosophy; Relatio Motionis

To speak of Maximus as a European Philosopher is to compare him to a venerable line of thinkers as temporally removed as Thales and Alain Badiou and as geographically and culturally distant as Mikhail Bakhtin and Bertrand Russell. By way of ascertaining his warrant in the philosophical canon, scholars have begun examining several discrete areas of Maximus’ thought, finding that he holds his own amongst history’s leading theorists in ethics, metaphysics, psychology, and theory of time.¹ I would like
to continue and expand this comparison by bringing it in a new direction. How do Socrates and Maximus compare politically?² As history would have it, we have accounts of both Socrates and Maximus on trial (each of which were written by devoted disciples).³ These give us ample opportunity to examine the similarities between the charges against Socrates and Maximus, as well as their respective reactions to them.

First, I look at the historical context of each trial, finding that each was preceded by a rebellion that the accused was suspected of inciting (the Thirty Tyrants’ in one, the Exarch Gregory’s in the other). Second, I summarize the account of Maximus’ trial, noting nearly a dozen places where the text seems to harken back to Plato’s Apology of Socrates. After this, I focus on three of these tropes in more detail. I argue that the defense speeches of both Socrates and Maximus contain a layer of duplicity endemic to the text: while both Socrates and Maximus appear to exonerate themselves, their defense speeches also contain harsh mockeries of their accusers. I then elucidate the consanguinity between the defendants’ opposition to their cities’ god(s), whom they feel compelled to reject, and their introduction of new gods into their cities (the god of reason and the Christ of Dyotheilism)—crimes for which both defendants were tragically convicted. Finally, I demonstrate that Maximus exemplifies the paradigmatic role of the Socratic political philosopher: he plays gadfly to his city.⁴

1. Note the selection of papers delivered at the recent “Maximus the Confessor as a European Philosopher” conference in Berlin.

2. These two figures responded in shockingly similar ways to their momentous confrontations with their cities. For now, I am not so much interested in their political philosophies as I am in their political behaviors, the solidarity of their political modes. While it would certainly be interesting to compare the political philosophies of Maximus and Socrates/Plato, such a comparison is outside the scope of this brief paper.

3. The Apology of Socrates was, of course, written by Plato; and the general consensus in Maximus studies is that the Trial of Maximus the Confessor (henceforth RM) was written by one of his students. See Paul Marion Blowers, “Introduction,” in Maximus the Confessor, On the Cosmic Mystery of Jesus Christ: Selected Writings from St. Maximus the Confessor, trans. Paul Marion Blowers and Robert L. Wilken (Crestwood, NY: St. Vladimir’s Seminary Press, 2003), 15n7. This, of course, means that these accounts of Socrates and Maximus on trial are not pure historical records, and that we must do our best to remember that Socrates and Maximus are portrayed in a particular light by the authors of these accounts. Accordingly, I shall speak of the historical Maximus and the historical Socrates in the first two sections of this paper. But after that, “Maximus” and “Socrates” refer to the characters in the trial narratives.

4. For Socrates’ claim that he is analogous to a gadfly (μύωψ) who has been set upon Athens in order to sting it into action, see Plato, Apol. 30e. Unless otherwise noted, translations of Plato’s Apology are my own. These translations rely on the Greek text of Burnet, Plato, Platonis Opera, ed. John Burnet, 5 vols. (Oxford: Clarendon Press, 1900–1907).
Maximus in Carthage and Rome

In 645 C.E., Maximus engaged Pyrrhus in a theological disputation regarding the number of wills in Christ. Maximus represented the Dyothelite position and Pyrrhus defended the Monothelitism of Constantinople. The Exarch Gregory presided while Maximus dialectically destroyed his opponent. Though alone insufficient to warrant Maximus’ seizure and subsequent trial, this debate seems to have sowed insurgent seeds. For shortly after this public event the African churches held a series of synods condemning Monothelitism, culminating in the Exarch Gregory’s rebellion against Constantinople two years later.⁵ Although Gregory died shortly thereafter, it seems safe to assume that the Emperor’s animosity towards Maximus for his presumed role in this rebellion did not die with him.⁶

While a barrage of Arab and Germanic invasions externally beset Byzantium, a seemingly insoluble Christological controversy threatened it from within. This led Constans II to promulgate the Typos in an attempt to reunify Christendom. The document abrogated any discussion of the number of wills in Christ under the threat of “heavy penalty.” But this did little to deter Maximus and his followers: for only one year after the imposition of the Typos, Maximus traveled to Rome and functioned as the “guiding hand” in the convocation of the Lateran synod of 649, helping Martin I to anathematize Monothelitism and the Typos.⁸ It is therefore not difficult to see the Emperor regarding Maximus as a threat to any further attempts at unifying Christendom. He had strong political reasons for arresting and exiling Maximus and his companions.⁹ Next we will see how similar the historical context of Maximus’ trial is to the events preceding Socrates’ trial and execution in 399 B.C.E.

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⁸. For an account of Maximus’ role as “the guiding hand” in the convocation, organization, and proceedings of this Council, see Haldon, *Byzantium*, 304–13.
Socrates and the Thirty

According to the *Apology*, the formal charges state that Socrates “does injustice by corrupting the youth and not esteeming the gods whom the city esteems, but other, new daimonia” (*Apol. 24b8–c1*). As I. F. Stone notes, the word used for “corrupt” here is διαφθείροντα, which Plato often uses with a political connotation.¹⁰ The corrupted youth included such infamous figures as Alcibiades, Charmides, and Critias. These were people with whom Socrates associated, people he taught—people for whose actions he could be blamed. They were also Spartan sympathizers who openly mocked democracy and yearned for a return to Athens’ erstwhile aristocratic days.

In 404 a Spartan-imposed group of thirty oligarchs seized power in Athens. They maintained their position by killing and robbing their democratic opponents. In all, it is estimated that around fifteen hundred people were killed.¹¹ Like Gregory’s, this rebellion was short-lived; but the years of terror lived on in the Athenians’ memory. In fact, Robin Waterfield has recently suggested that the Athenian democrats used the juridical process to exact revenge against the Thirty and their co-conspirators.¹² We should not ignore, then, Anytus’ role as Socrates’ principle accuser, for he was one of the exiled democrats who had to flee Athens during the reign of the Thirty. Anytus, and presumably two hundred and eighty of his five hundred “jurors,” saw Socrates as dangerous: someone whose teachings had led to a rebellion against the city in the past and—since Socrates remained unrepentant and refused to be silenced—had the power to do it again.

Whether or not Socrates actually supported this oligarchic establishment is accidental to the charge; like Maximus, his opponents considered him partially responsible for the misfortunes of an empire.¹³ With Plato’s rhetoric removed, the historical context of the charges against Socrates can be seen in a new light: he supported Spartan, rather than Athenian,

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¹². Ibid., 132–4.
¹³. If the testimony of an Athenian orator who wrote roughly fifty years after Socrates’ death is valid evidence, Aeschines the Rhetor seems to confirm that Socrates’ relation to the insurgents was the primary cause of his trial and execution: “Then, men of Athens, you killed the wise Socrates, because it seemed [to you that] he had taught Critias, one of the Thirty who destroyed the people.” Aeschines, *In Timarchum* 173.1–4, my translation from the following edition: Aeschines, *Discours*, edited and translated by Guillaume Budé and Victor Martin, vol. 1, *Contre Timarque, Sur l’Ambassade infidèle*, Collection des universités de France. Série grecque 41 (Paris: Les Belles Lettres, 1927; repr., 1962, 2002).
ideology, disrespected the democratic government, and taught his students to do the same.¹⁴

In addition to this historical coincidence, the accounts of both Socrates and Maximus on trial portray these two characters in a shockingly similar light. Many of the charges are the same, their responses to them similar, and some of the rhetorical moves made throughout the course of the trial are nearly identical.

**Summary of The Trial of Maximus**

The *Trial of Maximus* begins with the prosecutor¹⁵ (σακελλάριος) furiously (“μετ’ ὀργῆς”) asking him, “Are you a Christian?” (RM 12–3). Maximus affirms that he is indeed. But the prosecutor asks, “How, if you are a Christian, can you hate the emperor?” (“βασιλέα, ”RM 19). Rather than answering directly, Maximus responds with Socratic playfulness: “From what is this clear? For hatred is a hidden thing of the soul” (RM 20–1). The prosecutor brings in four accusers, with four separate charges: (1) John, who accuses Maximus of having counseled against “going into Egypt against the Saracens . . . because it did not please God to aid the Roman Empire during the reign of Heraclius” (RM 28–37); (2) Sergius Magoudas, who accuses him of having prophesized that the Exarch Gregory would prevail against Constantinople (RM 53–101);¹⁶ (3) Theodore Chila, who accuses him of “making sounds of contempt and derision (μυττία ποιῶν καὶ λαιμία)”¹⁷ in a discussion about the Emperor (RM 102–111); and (4) Gregory, the Son of Photinus, who accuses Maximus’ disciple—and thus implicitly, Maximus as a teacher—of having said that the Emperor “is not worthy of being a priest” (RM 112–115).¹⁸ We can already see the conso-

¹⁴. Waterfield is helpful here for understanding the link between the charges. He argues that Socrates’ *elenchus* shattered the established opinions of the time and caused the youth to rebel against the elders’ customs, which in turn led to war and an attempt at overthrowing democracy. Waterfield, *Why Socrates Died*, 150–1.


¹⁶. Maximus denies this charge by claiming that a vision came to him involuntarily, and that the law only punishes “voluntary” infractions. Cf. Socrates’ claim that if someone corrupts “involuntarily,” the law does not mandate bringing that person to court (*Apol.* 26a1–3).
nance between Socrates’ charges and Maximus’: they are both accused of disrespecting their rulers, disagreeing with the city’s ideology, and teaching their students to do the same.

Maximus then rejects the Emperor’s ability to oversee theological matters—such as the imposition of the Ecthesis and the Typos. He refutes Monothelitism in favor of Dyothelitism, arguing that it isn’t in accordance with Nicaea (RM 117–215, esp. 156–60).¹⁹ When Maximus appears to be winning the argument, he is taken outside and accused of “misleading (πλανῶν) everyone into the teachings (δόγματα) of Origen” (RM 225–7). Struggling to charge him with heresy, the city accuses him of propounding the doctrines of a known heretic.²⁰ Maximus rejects this, however, anathematizing Origen and his teachings (RM 228–30).²¹

The imperial guards then bring Anastasius outside and ask him to renounce Maximus for having distressed (“θλίψαντος”) Pyrrhus. Anastasius answers “in words of truth” that “no one honored Pyrrhus as my superior honored him” (RM 216–9).²² After this, they beat Anastasius and take

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¹⁷. Allen and Neil’s translation (Documents, 52). “Μυττία” and “λαιμία” are hapax legomena; Anastasius Bibliothecarius translates this into Latin as muttians et subsannationes, but this is not very helpful in deciphering exactly what the author wanted to convey (see Allen and Neil’s notes on this, in Documents, 177n14).

¹⁸. This parallels Socrates’ students practicing the elenchus on important Athenians (Apol. 23c–d).

¹⁹. Maximus’ argument that Monothelitism is not in accordance with Nicaea is succinctly summarized by Pelikan as follows: “In the Trinity there were three hypostases, but only one divine nature; otherwise there would be three gods. There was also a single will and a single action. Thus will was an attribute of a nature and not of a hypostasis, natural and not hypostatic. Hence, the person of Christ, with a single hypostasis and two natures, had to have two wills, one for each nature.” Jaroslav Pelikan, The Spirit of Eastern Christendom (600–1700), vol. 2 of The Christian Tradition: A History of the Development of Doctrine (Chicago: University of Chicago Press, 1974), 72.

²⁰. This is just like Meletus’ claim that Socrates “says the sun is a stone and the moon is earth” and not gods, thereby accusing him of the same things as the heretic Anaxagoras (Apol. 26d4). Not only are they both conflated with heretics, but both documents have the prosecutorial figure accuse the defendant of holding such doctrines at a moment when the defendant appears to have the upper-hand.

²¹. For Socrates’ (apparent) rejection of this claim, see Apol. 26d–e.

²². Another relevant parallel involves Anastasius’ answer to the imperial guards who asked him to renounce Maximus for having distressed Pyrrhus. I take Pyrrhus here to be a metaphor of imperial Monotheletism, so we should note the response carefully. Anastasius answers “in words of truth” that “no one honored Pyrrhus as (ὡς) my superior honored him” (“ἀπεκρίνατο ἡρεμίᾳ τῇ φονῇ τὰ τῆς ἀληθείας ὅτι ὁ Όὐδεὶς ἐτίμησεν Πέρρου ὡς ἐτίμησεν ὁ ἐπιστάτης μου,” RM 218–9). This of course leaves open the interpretation that no one honored Pyrrhus as little as Maximus honored him—a metaphorical rejection of the city’s god. If this interpretation is correct, the potential duplicity of this response is nearly
him and Maximus to a holding cell for a few hours. Trolius and Sergius Eucratas then come to Maximus and ask how he convinced Pyrrhus to renounce his own teaching. Here Maximus says, “I do not have my own teaching (δόγμα ἴδιον), but the common teaching of the Church Catholic” (RM 245–8).²³

When asked whether or not he is in communion with Constantinople, Maximus replies that he is not (RM 249–64). To his accusers, this seems to suggest that Maximus considers only himself and his disciples to be in accordance with Christian teaching, so they ask him: “What is this?—only you might be saved, and everyone else will be destroyed?” (RM 265–6). By way of defending himself, he makes a strange reference to the Book of Daniel:

The three boys didn’t pass judgment on anyone when they didn’t adore the idol, while all [other] people did. I mean that they didn’t examine the affairs of others. . . . Similarly, too, when Daniel was thrown into the lions’ den he didn’t pass judgment on anyone, . . . but he examined his own conduct. And he chose to die and not to backslide from God. . . . May God then grant me too not to pass judgment on anyone. (RM 267–78; Documents, 60–3)

His accusers say that once Maximus is gone, they’ll easily persuade the Romans to reconcile with the Byzantines. But Maximus denies that they will do so, assuming that the Romans will hold resolutely to the condemnation of Monothelitism (RM 279–294).²⁴ He is then asked if can agree to be silent for political reasons, in order not to interfere with the reconciliation of Christendom. In response, he professes that he “unable to hurt God by being silent about the very thing he ordered [him] to speak and confess” (RM 315–7).²⁵ When it becomes apparent that he will not waver, they drag him into prison and exile him shortly thereafter.

This account reveals numerous allusions to Plato’s Apology. First, both figures attempt to dissolve at least one of their charges by claiming that identical to a segment of the Apology: “But of many things it is necessary to say this: I do believe, O men of Athens, as (ὡς) none of my accusers [believe]” (Apol. 35d6–8). The same adverb (“ὡς”) is used to convey the same ambiguity. (I am indebted to Shawn Welnak for elucidating Socrates’ locution here in his unpublished paper “Platonic Education and the Idols of the City.”)

23. Cf. Socrates’ denial of teaching in the Apology (33a5–6).
24. Cf. Apol. 39d1–4, where Socrates prophesizes that even if he is sentenced to death his cause would continue to flourish.
25. Cf. Socrates’ claim that, even if the city were to ask him to be silent for political reasons, he could not oblige the request because it would be to disobey the god (Apol. 37e).
something occurred involuntarily, rather than voluntarily (RM 53–101; Apol. 26a). Second, both defendants’ students are accused of seditious behavior, thereby implicating the defendants (RM 112–5; Apol. 23c–d). Third, both are accused by their prosecutors of propounding the doctrines of a known heretic (RM 225–7; Apol. 26d), which they both swiftly deny (RM 228–30; Apol. 26d–e). Fourth, both Socrates and Maximus deny having a teaching in an attempt to refute the charge that they “teach” contrary to the will of the city (RM 245–8; Apol. 33a5–6). Fifth, they both claim that the city’s silencing of them will not work, for another party sympathetic to their doctrine will continue to promulgate their cause (RM 279–294; Apol. 39d1–4). Sixth, Socrates and Maximus both refuse to silence themselves for political reasons, claiming that to do so would be to disobey their God (RM 315–7; Apol. 37e).

In addition to these six similarities (and the shocking coincidence of the historical antecedents to their trials), there are three further similarities that I would like to explore in more detail. The first is the manner in which Socrates and Maximus defend themselves against some of their charges. I argue that both figures defend themselves in such a way as to tacitly mock their accusers along the way (RM 267–78; Apol. 20e–24a). Second, I elucidate the charge of introducing new gods into the city and their response to it, for both Socrates and Maximus are accused of denying their city’s deity and introducing their own. After this, I examine their martyr-like and inexorable dedication to their doctrines, even in face of the fear of death.

**Duplicitious Apologies**

I remarked earlier that Maximus’ reference to the Book of Daniel was strange. Although offered as a defense, it tacitly implicates Constantinople in godless practices. Maximus is accused of believing that “only [he] might be saved, and everyone else will be destroyed” (RM 265–6). After that he alludes to Chapter 3 of the Book of Daniel (RM 267–78). Maximus references this story to make the claim that he does not “judge” people, that he is not condemning the Empire for its practices. The moral of “judging not, lest you be judged,” however, is not the point of the book of Daniel—but that is not to say that the three Jews’ situation is incomparable to Maximus’. Indeed, it seems readily apparent that Maximus is implicitly comparing Constans II to the idol-worshiping King Nebuchadnezzar, and Constantinople to Babylon. The King of Babylon’s imposition of a false god upon its subjects represents Constantinople’s
imposition of a false god (a Monothelitic Christ) on its subjects. And this seems to have been a common theme amongst Maximus and his students, for in an anonymous work penned by Maximus’ followers, the author explicitly links the two regimes by using the name “seven-hilled Babylon” as an epithet for Constantinople (Crc 45; Documents, 174). So Maximus finds the time to mock his accusers by analogizing Constans II to King Nebuchadnezzar and Constantinople to Babylon during his defense.

This parallels Socrates’ duplicity in his story of the Oracle at Delphi, when he attempts to refute the Oracle’s divination that “no one is wiser” than Socrates by finding one person in Athens wiser than him (Apol. 21a). Naturally, he goes to the politicians, poets, and craftsmen to see if there is any wisdom amongst them. But the Oracle remains un-refuted; Athens’ most illustrious people are deemed lacking in wisdom. The duplicity is seen in Socrates’ choice about whom to examine: his accusers represent each of these three classes. Accused by representatives of the politicians, poets, and craftsmen, Socrates finds the time during his defense to say that politicians, poets, and craftsmen know nothing (Apol. 23e–24a).

In short, these are defenses that implicate. What Mark Kremer says of Socrates rings equally true for Maximus: their speeches are “insolent in so far as [they choose] to judge the public rather than to excuse [themselves] before it.”

Gods and Gadflies
Maximus and Socrates are both portrayed as figures on a divine mission, but the gods to whom they owe allegiance are decidedly not the gods of the city. Socrates is explicitly charged with this: denying his city’s gods and introducing a new one. Maximus’ trial revolves around a very similar charge. Each of the accusations against him in some way involves his Dyothelitism and his rejection of Monothelitism. His excoriation of Monothelitism is a rejection of the Monothelitic god of the city. And his promulgation of a god with two wills seems to parallel Socrates’ introduction of a new god into the city.

Notably, it is not Maximus’ and Socrates’ belief in these gods that troubles their cities. The issue, rather, is the vocalization of these beliefs: for the new gods threaten the stability of the regime. Socrates and Maximus

26. The famous Prytaneum passage is also a mockery of his accusers (Apol. 36d–e), but far more conspicuous than the Oracle story above.
are both asked to be quiet about their gods, to stop protesting their cities’ ideology for the sake of securing political harmony. They are both aware that they face death if they fail to oblige this request. But Socrates and Maximus live “by the maxim that it is better to suffer than to commit injustice.”\(^{28}\) And to allow the truth to be silenced along with false doctrine is exactly this sort of injustice.\(^{29}\) Thus they both feel compelled by God to defend what they believe is right and to refute what they think is wrong. Socrates claims that he “must obey the god” rather than Athens; he must question because “the god commands these things” (Apol. 29c, 30a). Maximus, too, is “unable to hurt God by being silent about the very thing he ordered [him] to speak and confess” (RM 315–7). Neither of them fear death. They would both “choose to die rather than have on [their] conscience the worry that in some way or other [they] have suffered a lapse with regard to belief in God” (RM 276–8; Documents, 62–3). They both think it would be “ignoble” to take the risk of death into account in regard to confronting the City (Apol. 28b).

Without an example of the political philosopher at work, it would be easy to fail to heed the moral imperative: we would not know what the task of the political philosopher is. But if the events leading up to Socrates’ and Maximus’ trials are indicative of the political philosopher’s function, this would seem to be nothing less than the critical evaluation of the city’s doctrines, including, when necessary, the public rejection of them—despite the fear of death. Socrates’ likening of himself to a gadfly who has “been set upon the city by the god, as though upon a great and well-bred horse who is rather sluggish because of its great size and needs to be awakened” finds its baptized reincarnation in Maximus the Confessor (Apol. 30e).\(^{30}\) Like Socrates, Maximus refused to stop stinging until Constantinople awoke from its misguided ways. Unfortunately, this great


29. “[T]he Romans won’t allow the illuminating statements of the fathers to be annulled simultaneously with the expressions of impure heretics, or the truth to be snuffed out simultaneously with falsehood, or the light to perish simultaneously with darkness. I mean that there will be nothing for us to worship if the sayings taught by God are annulled” (RM 135–41; Allen and Neil’s translation, Documents, 54–5). And Maximus agrees wholeheartedly with this claim (ibid.).

horse only awoke after Maximus’ met his end. But we can rest assured that without St. Maximus’ holy sting, the Orthodox faith of Constantinople III would never have been affirmed.³¹

Bibliography


³¹ I would like to thank the organizers and participants of the “Maximus the Confessor as a European Philosopher” conference in Berlin for giving me an opportunity to think and to talk about Maximus’ relation to philosophical authors, as well as Marcin Podbielski and two peer-reviewers for Forum Philosophicum, and Shawn Welnak, Luis Salés, and Brittany Brown for helpful comments at various stages of the paper. The errors that remain, of course, are my own.


