

YOUNG ACADEMICS

by Nomos

Jibiao Jiang

Craft of Soul

The Generation of Sovereignty
in the State Theory of the Later Plato

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With a Foreword by Prof. Dr. Martin Saar

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Foreword

Jibiao Jiang submitted an excellent MA thesis at Frankfurt University; its extensively revised version now forms the basis of this book. *Craft of Soul: The Generation of Sovereignty in the State Theory of the Later Plato* presents an original interpretation of aspects of the classical—indeed, the most canonical—political philosophy in the Western tradition. For a long time, Plato's conception of the *polis*, the state, and political community was primarily a subject for specialists. On the one hand, scholars emphasized the historical specificity and contextuality of his work but rarely connected it to contemporary debates. On the other, some theorists following Leo Strauss's influential reading insisted on the esoteric, even elitist character of Platonic thought—arguing that it was inaccessible to the »masses« and fundamentally incompatible with modern democratic demands.

The tide has turned, however—at least partially. A newer trend in recent discussions has emerged, bold enough to either assert direct relevance for contemporary political thinking (as in Alain Badiou's original reading and translation) or to reopen questions of historical continuity and discontinuity, tracing new connections and identifying *topoi* that link ancient political thought with early-modern, modern, and late-modern concepts. Michel Foucault's readings of early and late antique texts (from Plato to the Cynics, the Stoics, and early Christian authors) have been seminal in this regard. Though neither a specialist in Greek or Latin nor a historian of antiquity or political thought, Foucault managed to make daring contributions to all of these fields. He argued that ancient conceptions and practices of government and governance constitute the matrix upon which later political ideas and practices implicitly built. Fur-

thermore, he demonstrated how the relationship between the self, truth, and political order has shaped the history of Western political thought more profoundly than most modern theories—let alone liberalism—have been willing to acknowledge. The cognitive divides between Antiquity, the Christian and early modern periods, and high or late modernity may, he contended, be less profound than previously assumed. Consequently, the debate on the periodization of European history might need to be revisited on this premise (see, e.g., the classic interventions by Paul Veyne or the recent contributions by Bernard Jussen).

Jibiao Jiang's work is situated within this intellectual context. He devotes his study to the multifaceted Greek concept of *techne*, which has played a crucial role in philosophy since Plato, particularly in his political thought. Jiang engages extensively and controversially with numerous interpretations of this term, tracing continuities and ruptures within Plato's corpus while mapping the entire semantic network in which *techne* is embedded. Plato himself acknowledges that human action can never fully master causal relationships; there remains room for chance, fortune, fate, and divine favor. Yet human—especially political—action can proceed virtuously and prudently, with a reasonable prospect of success, if it employs a wise selection of means and strategies and adopts a rational perspective on its ends. This approximation of meaningful action to the orientation toward truth also explains Plato's opposition to the Sophists. Political action, however, in the end remains fundamentally distinct and precarious in its form, always retaining an element of contingency. Consequently, the command and application of *techne* never entirely submits to human intentionality, and the wise governance and cultivation of souls can never be reduced to mere instrumentality.

Following a thorough examination of interpretive challenges, Jiang connects these historical questions to systematic inquiries into power and politics, drawing inspiration from Foucault's intensive use of ancient concepts. He corrects Foucault's own suggestion that modern power theory had diverged from its ancient model on this point in question, arguing instead that Foucault, without fully acknowledging it, himself conceives of the relationship between power and knowledge within the broad framework of a *techne*-based understanding—thus thinking more »Greek« than

he would admit. Jiang also challenges the notion that the *topos* of sovereignty is quintessentially modern. For Plato, securing political order is the foundation for all other political strategies and projects; thus, a *techne* of state preservation has always been an essential component of the political and cannot be separated from it. He links this insight to an engaging discussion of Carl Schmitt and Giorgio Agamben.

Yet these undeniably compelling reflections are situated within the aforementioned tension. On the one hand, they reaffirm the historical singularity of Greek philosophy, demanding philological rigor. On the other, they insist on a strong ontological claim—unhesitant to embrace anachronism in identifying eternal laws of political thought, thereby even echoing Straussian tendencies. However, the most intriguing aspect lies at the systematic level. Building on Foucault, Jiang argues that we can derive insights into the specific forms of sovereignty, state power, and the governance of souls from the Platonic framework. Plato systematically intertwines the soul, the state, and *techne* in his theory; this proves useful and illuminating for both standard cases of contemporary governance (particularly the regulatory power of state law) and its extreme exceptions (such as emergency laws in wartime or the »war on terror«). Here lies a peculiar yet enduring relevance of ancient concepts and models of thought for the analysis of contemporary power.

Can we, then, (once again) be Platonists? Of course not. As Foucault remarked in a similar context, no era can answer its questions with responses from the past. Yet ancient political thought can serve as a mirror in which we recognize, in refracted form, elements of our own time. These attempts of re-reading the canon and breaking it out of the confines of received readings are part of a global conversation in which European and Asian perspectives often converge but also diverge in fascinating ways. Jibiao Jiang's work is a significant contribution to this conversation on politics today.

Frankfurt am Main, August 2026

Prof. Dr. Martin Saar

Contents

Foreword	V
Introduction	1
Chapter 1: <i>Techne</i> : A Concept of Power–Knowledge	7
1.1 Hephaestus	8
1.2 Athena	10
1.3 Practice as a Result of Strategy	12
1.4 The Priority of Hephaestus	13
1.5 The Function of Appearance	17
1.6 The Goal-Directedness of <i>Techne</i> in Plato’s Philosophy	18
1.7 In Defense of the Common Interpretation of <i>Techne</i> in Plato’s Dialogues	21
1.7.1 TNP	21
1.7.2 TIR	23
1.7.3 ANP	26
1.8 A General Concept of <i>Techne</i> in Archaic and Classical Greece	27
1.9 Plato’s Πολιτική Turn: The Sublation of »the Will to Know«	29
Chapter 2: The Soul	33
2.1 The <i>Nomos–Physis</i> Opposition	34
2.2 The Function of the Soul	41
2.3 Justice as <i>Techne</i>	44

Contents

Chapter 3: A Craft of Functional Lawmaking	47
3.1 The Purpose of Lawmaking	47
3.2 Plato's Concept of <i>Nomos</i>	50
3.3 The <i>Nomothetike</i> and the <i>Nomos</i> of Souls	54
Chapter 4: Governing Souls	57
4.1 Discipline	58
4.2 Rhetoric	62
4.3 The Guardians of the <i>Nomos</i> in Individual Souls	65
4.4 Ineliminable Sovereignty	69
Chapter 5: Paradigms of Sovereignty	77
5.1 Political Techne: The Generation of Sovereignty	79
5.2 Reason of State: Sovereignty Generated within Governmentality	83
5.3 Guantanamo Bay: Sovereignty Generated through Citizens' Souls	85
Appendix 1: List of Functions of the <i>Nomos</i>-Guardians	89
Bibliography	91
Acknowledgements	95

Introduction

Ὡς θεὸς μὲν πάντα, καὶ μετὰ θεοῦ τύχη καὶ καιρὸς,
τάνθρώπινα διακυβερνῶσι σύμπαντα. Ἡμερώτερον μὴν
τρίτον συγχωρῆσαι τούτοις δεῖν ἔπεσθαι τέχνην.

As God controls all things, all human affairs are controlled
by God, assisted by chance and opportunity. Indeed, it is
more appropriate to acknowledge that God and chance must
be accompanied by a third factor, which is *technē*.¹

— Plato, *Nomoi* 4.709b–c.

Discussion of Michel Foucault's investigation of the ancient Greek concept of *technē* (τέχνη) usually centers on his later works, which focus on the so-called technology of the self, particularly the posthumously published *History of Sexuality Volume 2: The Use of Pleasure and Government of Self and Others: Lectures at the Collège de France, 1982–1983*. Some Foucauldians attempt to find in these explorations a way to free the subject from domination. This is an understandable endeavor, given that Foucault hinted at the possibility of such an approach when he suggested a philosophical *technē*, allegedly discovered in Plato's *Phaedrus* and *Gorgias*. Foucault (2010) regarded this kind of philosophy »as constitution of the subject by himself« and as a craft of the soul, which should be opposed

1 **Note:** Translations of Plato are my own, based on the texts of the 2016 Wissenschaftliche Buchgesellschaft edition of his complete works, with reference made to the English translations edited by John M. Cooper (1997).

to the domination relationships characterized by activities »addressed to the politician or to the rhetor« (pp. 352–54). However, perhaps because his work on the topic was incomplete, Foucault's later understanding of *techne* is odd and skeptical. For example, Socrates' statement that »τὴν [τέχνην] μὲν ἐπὶ τῇ ψυχῇ πολιτικὴν καλῶ« [Plato, *Gorgias* 464b; the craft concerning the soul I call politics] seems to be intentionally ignored in his interpretation of Plato's *Gorgias*, while he opposes the craft of the soul to the activities of politicians. In this, I am unsure whether he was simply in the process of making a detour.

In fact, Foucault began researching *techne* as early as 1970, when he shifted his focus to the relationship between power and knowledge and presented a series of lectures titled »The Will to Know« at the Collège de France. Compared to his later works, although the word *techne* occurs only three times and only in the first lecture, the understanding of the power–knowledge relationship reflected in this series, especially the final lecture, concerning Nietzsche, is significantly more in line with the concept of *techne* used by the Archaic and Classical Greeks to grasp the power that humans exert by acting according to the causality of the generation of things. Moreover, his interpretation of Sophocles' *Oedipus Rex* in a set of lectures during 1971–1973, of which a total of seven different versions survive (cf. Foucault 2013, p. 279), elegantly grasps this concept of *techne*: Oedipal knowledge, he points out, as a *techne*, is »linked to the conquest and exercise of power« (Foucault 2013, p. 244). To understand the phenomena the ancient Greeks denoted with the word »*techne*,« it is thus appropriate to set aside Foucault's later works and return to his mid-career works concerning power and knowledge.

Following Foucault, this thesis aims to further investigate the political practices denoted by the Greek concept of »*techne*,« with a particular focus on power relationships.

As political and social ontologies, modern theories of power seek to explain the construction processes of entities such as ideas and social phenomena as contingent results of various material causes. In this respect, ancient theories of power, whether political or apolitical, can be placed beside modern ones, insofar as both are concerned with the generation of social and political phenomena. With their preference for discontinu-

ity with regard to historically determined phenomena, however, modern theories of power are liable to neglect the general basis of some of those phenomena to which they ascribe »modernity« if they do not pay sufficient attention to ancient or alien cultural practices. This thesis is primarily a historical investigation of the ancient Greek theory of power. More precisely, it seeks to understand Plato's later theory of power, formulated within the framework of political *techné* or, as Socrates calls it, the craft of the soul. As a researcher from a non-Western background, in engaging with this theory, I am motivated neither by a purely historical interest nor by a comparative cultural agenda but rather by a desire to make intelligible at least one small piece of the mechanism through which social and political phenomena, especially sovereignty, are generated.

Plato's theory of power has long been neglected, likely due to a significant difference: Modern theories of power are primarily genealogical and are usually applied to facilitate understanding of the construction processes of existing phenomena, while ancient theories of power, developed within the framework of *techné*, primarily aim to intervene in the construction process so as to produce certain entities or institutions that do not yet exist. When it comes to understanding existing phenomena, the ancient Greeks appear to have preferred mythos and metaphysics over theories of power. Plato's theory of power is developed exclusively within the framework of political *techné*, which seeks to build a just state based on concrete circumstances. This does not mean, however, that such a theory is irrelevant to those of today. While contemporary theories of power, ranging from those of Carl Schmitt and Michel Foucault to that of Giorgio Agamben, have precisely grasped the role of sovereign power in constructing social and political phenomena, they leave insufficiently intelligible the mechanism through which sovereignty is generated. Even though Plato did not have a theory of sovereignty and seems to have been averse to the personalized sovereign, especially in his later works, his thought concerning the craft of the soul nevertheless reveals a configuration in which the generation of sovereignty becomes visible. In this context, I argue that Plato's thinking on the craft of the soul makes intelligible the generation of sovereignty by highlighting the interplay among chains of causality, chance, and political practices in the form of deployed *techné*.

Chapter 1 aims to grasp a »common sense,« shared by Archaic and Classical Greek authors, of the concept of *technē*. Contemporary scholars attribute many characteristics to this idea, but by analyzing a selection of ancient texts, I will distill these into two key aspects: *ergon* (ἔργον; work) and strategy. Based on this analysis, we will see that Plato's later understanding, albeit stylized, does not deviate from the ancient common sense of *technē* that had existed since the time of Homer. Plato's later thought on *technē* is developed as part of his lifelong project of creating a just state. Building such a state is both an act that requires a continuous process and the end of this process; in this sense, building a just state is Plato's *ergon*, with the term meaning both »process of work« and »product of work.« Unlike his earlier works, which are characterized by »the will to know,« as Foucault demonstrates, and fail to build a just state in the real world, Plato's later thinking on *technē* is characterized by »the will to power.« As we will see in chapter 2, this is the power needed to create a state in concrete circumstances. This state must, in turn, have the power to continue cultivating its citizens' virtues, enabling it to approach *Callipolis*, the ideal state, as closely as possible. To achieve this goal, a strategy is needed that is based on knowledge of the causal relationships between the just state, possible human acts, and the concrete circumstances in which humans perform those acts, since nothing exists outside the chain of causality. Humans will thus never have the power to build a just state in the real world unless they understand the related causal relationships. This understanding is a kind of power-knowledge or, in Ancient Greek, *technē*.

For Plato's later thought, the key to grasping the causal relationships related to political and social phenomena is the concept of the soul. Throughout Plato's works, there appear extensive arguments regarding the soul that oppose each other to varying degrees. Of all his conceptions of the soul, those developed in the *Nomoi* (*Laws*) and the *Timaeus* are the most specific. The soul is defined as »τὴν δυναμένην αὐτὴν αὐτὴν κινεῖν κίνησιν« [Plato, *Laws* 10.896a; the motion that has power to move itself]. Knowledge of the soul is no longer considered a discovered truth but is similar to the theoretical models of modern science, which are not truth but rather artificial appearances that allow us to understand causal relationships and ultimately produce something based on that under-

standing. In this context, the generation of a state can be considered a movement. According to Plato, every movement is moved either by others or by itself: Consequently, the original movement must be something with the power to move itself. A state must, therefore, be produced by souls. In the same sense, a just state must be produced by just souls. In Plato's later thought, then, the soul is a concept of political-social ontology insofar as it is, especially in the *Nomoi*, a theoretical model designed to help us understand the generation, change, and movement of political and social phenomena. Understanding relevant causality offers *technē* a way to intervene in that causal chain or, more precisely, in the souls that are the atoms of all social phenomena. This is what makes political *technē* the craft of the soul. This craft should produce just souls whose movement ultimately renders practical the idea of the just state. Producing just souls, however, must be a real program that is continuously implemented under concrete and specific circumstances. In these circumstances, people require strategies to develop an appropriate way of making the process possible and practicable.

For the later Plato, as we will see in chapter 3, the most appropriate way to produce just souls is the *nomothetike* (νομοθετική), which I prefer to translate as »craft of normalization« because its main *ergon* is to produce an appropriate *nomos* for an individual soul. In his early works, Plato considered laws themselves useless, especially in cultivating citizens' virtues. This is an opinion he appears never to have changed, even in his final book, titled *Nomoi*, often translated as »Laws.« Although he pays more attention to statute laws in this work, it is not primarily a book about using these laws to educate citizens' souls. Indeed, although Plato often uses words with the root »*nom-*« to denote statute laws, it is incorrect to consider the *Nomoi* a book focusing on legal order as constituted by a set of such laws, since they make up only a small part of its content. Laws, for Plato, are useless unless they function as part of the *nomothetike*.

Chapter 4 will demonstrate three important instruments of the *nomothetike*: discipline (ἐπιτήδευμα), rhetoric (ῥητορική), and the *nomos*-guard (νομοφυλακή). By denying the appropriateness of monarchical elements in a human state, Plato's design of these three instruments seems to intentionally exclude the personalized sovereign, who has the right to decide

on states of exception, from the framework of the *nomothetike*. This feature has led many scholars to incorrectly ascribe to the *Nomoi* the modern ideology of »the rule of law.« In fact, as we will see, the state that Plato designs in the *Nomoi* is a police state marked by intensive intervention in individual lives. This is quite the opposite of the rule of law or, in German, the Rechtsstaat. Additionally, through Plato's *Nomoi*, we will see that the similarity between ancient theories of political *technē* and modern theories of policing is not, as Foucault claims, merely apparent. I argue, rather, that theories of policing and ancient political *technē* share the same logic, characterized by the combination of *ergon* and strategy. Furthermore, focusing on Plato's *nomothetike*, we will see that, despite the exclusion of the personalized sovereign, sovereign power never disappears from political *technē* characterized by »governmentality.« Sovereignty is not, per se, a principle inherent to a specific political system but rather an instrument used in specific cases. It is implicated in any political practice guided by rationality that aims to produce something in concrete circumstances. As Plato suggests, every event in the world results from the combination of causality, chance, and *technē*; I argue that sovereignty does not escape this rule. As long as humans are able neither to break down the causal relationships governed by divine necessity nor to control what chances are given to them, they are dominated by their own strategic thinking. If this thinking suggests that employing sovereignty in certain situations is a necessary condition of realizing their political *ergon*, they must be forced to produce sovereign power, provided that they do not abandon their *ergon*.

Chapter 5 places political *technē* among existing paradigms of sovereignty so as to make intelligible the mechanism of sovereignty's generation. I will first show how political *technē* functions as a paradigm of generation, in which sovereignty appears as an instrument for preserving order even at the cost of suspending the goals it serves. I will then place an early modern case and a contemporary one beside this paradigm, making visible the generation of sovereignty immanent to both. Sovereignty, as a borderline phenomenon, is neither created out of nothing nor produced exclusively by centralized political power. Instead, it is generated through the interplay between what is given by causality and chance and the strategic practices that tend to preserve concrete order.

Chapter 1: *Techne*: A Concept of Power–Knowledge

“Ἡφαιστον κλυτόμητιν αἰείσειο, Μοῦσα λίγεια,
ὃς μετ’ Ἀθηναίης γλαυκώπιδος ἀγλαὰ ἔργα
ἀνθρώπους ἐδίδαξεν ἐπὶ χθονός, οἳ τὸ πάρος περ
ἄντροις ναιετάασκον ἐν οὔρεσιν, ἥύτε θῆρες.
νῦν δὲ δι’ Ἡφαιστον κλυτοτέχνην ἔργα δαέντες
ῥηιδίως αἰῶνα τελεσφόρον εἰς ἐνιαυτὸν
εὐκῆλοι διάγουσιν ἐνὶ σφετέροισι δόμοισιν.
ἀλλ’ ἴληθ’ Ἡφαιστεῖ· δίδου δ’ ἀρετὴν τε καὶ ὄλβον.
(Homeric Hymn 20)

Sing, clear-voiced Muse, of Hephaestus famed for inventions. With bright-eyed Athena he taught men glorious crafts throughout the world—men who before used to dwell in caves in the mountains like wild beasts. But now that they have learned crafts through Hephaestus the famed worker, easily they live a peaceful life in their own houses the whole year round.

Be gracious, Hephaestus, and grant me success and prosperity!

This is a hymn composed around the second half of the fifth century BCE in praise of Hephaestus, the god of crafts. In his introduction to the Homeric Hymns, Martin L. West (2003) ascribes to it the topic of »the concept of human progress from a primitive state« (p. 18). Its content is not limited to this concept, however, but consists of a set of astonishingly informative ideas concerning the relationship between knowledge and

power, which can be found not only in contemporary writers but also in ancient authors.

1.1 Hephaestus

It is worth noting that the root term for craft, namely »*techne*« (τέχνη), only occurs once in this hymn, not independently but as a component of the compound word κλυτοτέχνης (famous craftsman). The word translated as »craft« by Hugh G. Evelyn-White, as later by West (2003, p. 203), is »*erga*« (ἔργα; works). Given the context, this translation is apt. There are at least three aspects demonstrating its correctness. First, *techne* is teachable: Transmitting his *techne* to his pupil is a part of the master's work that defines what his *techne* is (cf. Plato, *Gorgias* 449b). In this sense, teaching *techne* is the *erga* of Hephaestus, whereas what humans learn from his *erga* are *technai*.² Second, *techne* as an act of production (ποίησις; cf. Aristotle, *Nicomachean Ethics* 1140a) is inseparable from *erga* as a deed or product: A *techne* is defined by a corresponding *ergon* (cf. Plato, *Gorgias* 454a). Third, the *erga* taught by Hephaestus to humans, as we will see later, meet the essential criteria of *techne*, as Athena, the goddess of strategy, is also involved.

As one of the most important concepts of ancient Greek thought and practice, *techne*, as many scholars have identified, is characterized by a number of features, including specialization, rationality, teachability, goal-directedness, the combination of knowledge and power, the disciplining and regulating of practitioners, and so on (cf. Sprague 1976, pp. 10–14, 24, on specialization; Irwin 1977, pp. 71–74, on rationality and teachability; Hulme 2019 on goal-directedness, Foucault 2013, pp. 244–45, on the combination of knowledge and power; and Detel 1998, pp. 50–63, on the disciplining and regulating of subjects). Nevertheless, all those features, I argue, can be reduced to two essential components, that is, as the hymn above shows, *ergon* (Hephaestus) and strategy (Athena).

2 *Technai* is the (nominative) plural form of *techne*.

The English word »work« is appropriate for translating *ergon* (ἔργον), since the latter refers to both »work« as an act of production and »work« as a product. In this sense, both »work« and »*ergon*« imply an indistinction between means and ends, although this indistinction rarely, if ever, materializes in practice. Aristotle believes that the distinction between means and ends in terms of *techne* is by no means a problem, as *techne* is a *poiesis* (ποίησις), that is, an act of production. *Poiesis* differs from *praxis* (πράξις) »τῆς μὲν γὰρ ποιήσεως ἕτερον τὸ τέλος· τῆς δὲ πράξεως οὐκ ἂν εἴη· ἔστι γὰρ αὐτὴ ἡ εὐπραξία τέλος« [Aristotle, *Nicomachean Ethics* 1140b 4–6; because the end of a *poiesis* is different from this *poiesis* itself, whereas a good *praxis* is the end of this *praxis* itself]. Doctors, for instance, as *technitai* (τεχνίται)³ of medical *techne*, usually have no problem distinguishing the cure—their work as production and an instrument directed toward the recovery of the patient—from the recovery—the product and end achieved by their work. There is, however, at least one kind of *techne* characterized by the indistinction between *poiesis* and *praxis*. This will be discussed later.

Techne is specialized insofar as every concrete *techne* is embodied in individual work that is always specific. To work on a specific thing means to work under specific circumstances, with specific materials, and to produce a specific product, which, as the goal of production, leads to the specialization of *techne*. This is why, when Socrates was unsure of what *techne* rhetoric was, he asked Gorgias what its specific work was (Plato, *Gorgias* 454a).

Nevertheless, work is not sufficient in itself to be conceived of as an implementation of *techne*, because it can represent the exercise of mere experience (ἐμπειρία or τριβή), through which one may successfully produce a product without investigating the nature of the product and the

3 *Technitai* (τεχνίται) is the (nominative) plural form of *technites* (τεχνίτης), meaning »someone who practices *techne*.« The word is usually translated as »craftsman« or »artisan,« the meaning of which is not, indeed, as general as that of *technites*, which can also refer to an individual, such as a physician or politician, not usually counted as a craftsman or artisan. Furthermore, in subsequent sections, we will discuss a *techne* exercised by a depersonalized *technites*. Therefore, instead of translating, I prefer to transliterate the term.

relevant materials (cf. Plato, *Gorgias* 500e–501b). This kind of success is governed by luck because there is no necessary relationship between the product and the intentional work (cf. Plato, *Phaedrus* 270a). Only when Athena accompanies Hephaestus can the work that humans learn from the latter be considered *technē*.

1.2 Athena

What Athena brings to humans is her strategic thinking, which guides production by leading people to investigate the features of their respective products, the respective materials to be processed, and the respective circumstances in which they are working so as to choose the best approach to production. Strategic thinking requires work to be performed as *technē*, that is, work equipped with rational account (λόγος) in terms of a cause (αἰτία; cf. Plato, *Gorgias* 454a). In this sense, *technē* is a strategic act. If humans wish to achieve their goal, namely successful production, they must try to establish the etiology of their circumstances, materials, products, and *poiesis*. The form of strategic act is precisely described in Plato's *Phaedrus* 270 c–d:

Τὸ τοίνυν περὶ φύσεως σκόπει τί ποτε λέγει Ἱπποκράτης τε καὶ ὁ ἀληθὴς λόγος. Ἄρ' οὐχ ὥδε δεῖ διανοεῖσθαι περὶ ὁτουοῦν φύσεως; Πρῶτον μὲν, ἀπλοῦν ἢ πολυειδές ἐστιν οὗ περὶ βουλευσόμεθα εἶναι αὐτοὶ τεχνικοὶ καὶ ἄλλον δυνατοὶ ποιεῖν; Ἐπειτα δέ, ἂν μὲν ἀπλὺν ἢ, σκοπεῖν τὴν δύναμιν αὐτοῦ, τίνα πρὸς τί ἐφύκεν εἰς τὸ δρᾶν ἔχον, ἢ τίνα εἰς τὸ παθεῖν ὑπὸ τοῦ; Ἐὰν δὲ πλείω εἶδη ἔχη, ταῦτα ἀριθμησάμενον, ὅπερ ἐφ' ἑνὸς τοῦτ' ἰδεῖν ἐφ' ἑκάστου, τῷ τί ποιεῖν αὐτὸ ἐφύκεν, ἢ τῷ τί παθεῖν ὑπὸ τοῦ;

Consider, then, what Hippocrates and the true *logos* say about nature. Must one deliberate about the nature of anything? First, we must consider whether the object—regarding which we want to be professional and make others professional—is simple or complex. Next, if it is simple, we must investigate its power: What power disposed

to produce does it possess? Or what power disposed to be affected does it have? However, if it consists of many forms, after enumerating these, we must look at each one individually, regarding what it is disposed to produce or what it is disposed to be affected by.

The objects of the strategic act, as the passage suggests, can be put into two categories: products and materials. Products take precedence over materials because a practitioner cannot act strategically toward materials unless they know what product they wish to create. Once the product is determined, the *technites* must then deal with the materials, which can also be divided into two categories: materials to be processed and instruments of processing.

Such a way of thinking is perfectly exemplified by Plato's discussion of rhetoric, a concrete *techne* defined by persuasion as its *ergon*. Since persuasion is a specific state of the human soul, investigating the nature of the soul (φύσις τῇ ψυχῇς) is an integral part of a rhetorician's work (cf. Plato, *Phaedrus* 270b, 271a). Such an investigation demonstrates the diversity among individual souls and forces the rhetorician to analyze the specific soul they wish to convince. Additionally, rhetoricians must discern the related etiology of various discourses (λόγοι)—their instruments of persuasion—to choose the most appropriate one for the particular soul they wish to persuade (cf. Plato, *Phaedrus* 271a–d).

Instruments can be further subdivided into optional instruments and unalterable circumstances, the latter of which play an important role in determining which instruments and materials are readily available. If one must diplomatically persuade a leader in public, for instance, the types of speech one can employ are different from those one might use in private. Similarly, in the countryside of a developing country, the instruments available to cure a patient will be significantly more limited than in a metropolis of a developed country; it would be absurd to expect a doctor in the former scenario to use the same method to treat a disease as a doctor in the latter.

1.3 Practice as a Result of Strategy

In most cases, possessing propositional knowledge is not sufficient for a pupil to become a qualified *technites*. One must also discern the nature of the materials to be processed as quickly as possible during concrete work. To grasp the more opportune possibilities (cf. Plato, *Phaedrus* 272a: τούτων τὴν εὐκαιρίαν τε καὶ ἀκαιρίαν διαγνόντι [having discerned the opportunity and inopportunity of these]), continuous exercise and practice are necessary, as well as possession of propositional knowledge. We do not know whether the competence to grasp opportunities can be acquired without practice. Examining all possible ways to acquire this competence, however, renders it certain that there is no shorter path to mastering it than practice. When Socrates says, »εἴ τις πῆ ῥάων καὶ βραχυτέρα φαίνεται ἐπ’ αὐτὴν ὁδός, ἵνα μὴ μάτην πολλὴν ἀπίη καὶ τραχεῖαν, ἐξὸν ὀλίγην τε καὶ λείαν« [*Phaedrus* 272b–c; If there seems to be an easier and shorter way to it, one does not follow a long and rough path for no good reason, when an easier and smoother one is available], he is undoubtedly suggesting the principle of strategic action: If there is no good reason to choose the longer way or give up the goal, one should always choose the shorter, smoother way to achieve that goal. In this sense, choosing appropriate instruments and applying propositional knowledge in practice, as well as the act of practice itself, count as consequences of strategy.

During practice, pupils are regulated by disciplinary power, which cultivates their competence in unconscious action, allowing them to discern materials’ features as rapidly as possible. In this sense, one could say that *techne* implies disciplinary power exercised by strategy over *technites* and »subjectivation« in the sense that the person is transformed into a subject mastering *techne*. As the hymn above shows, by learning *techne* from Hephaestus and Athena, primordial human beings transformed themselves into subjects whose lives differ from those of wild beasts. Nevertheless, as *Phaedrus* 269d–274b suggests, the features ascribed to *techne* are consequences of a strategic act aimed at a specific work.

It is inaccurate to say that pupils are compelled by the disciplinary power of rationality, since rationality itself cannot force anyone to do anything unless they desire to create something. It is also inaccurate, however,

to say that pupils are fundamentally compelled by their own rationality and desire, because they need not accept a determined form of disciplinary power if their rationality shows that the materials to be processed are of sufficiently high quality that they can randomly select a method to produce their product. Instead, individuals are compelled by the circumstances and materials at hand. Rationality drives them to explore the nature and etiology of these circumstances and materials, thus forcing them to choose the most appropriate way to work. Practiced *technē* also reveals relationships of power, in which one person's actions are affected by another's. A rhetorician, for instance, exerts power over the person they want to persuade, who then *πείται* (meaning both »is persuaded« and »obeys«). This relationship is mutual in that through the rhetorician's strategic thinking, the specific features of the soul to be persuaded also, as Plato points out, affect the rhetorician's action and force them to choose the most appropriate forms of persuasion. Furthermore, the power relationship enacted through *technē* is not limited to human relationships; the available instruments and the nonhuman materials to be processed also, by virtue of humans' strategic thinking, affect the actions of *technitai*.

1.4 The Priority of Hephaestus

It is worth noting that Homeric Hymn 20 is sung in eulogy of Hephaestus alone, although Athena is also mentioned. The priority of Hephaestus in terms of *technē* appears to suggest that *ergon* is more important than strategy. This suggestion is not surprising, given that the hymn is influenced by Protagoras, the Sophist (cf. West 2003, p. 18) who considers himself a *technites* of Sophistic *technē* (σοφιστική τέχνη; cf. Plato, *Protagoras* 316d–317c). In his *Lectures on the Will to Know* (1971/2013), Foucault claims that Plato's and Aristotle's works are characterized by a tendency—vividly represented by the Socrates–Sophists polemics on the question of »Why do we desire to know?«—to reject the tracing of the human thirst for knowledge to something outside the framework of knowledge itself (pp. 14–15). What Plato and Aristotle wish, in Foucault's reading, to reject is exactly what the hymn prays for at its conclusion: »ἀλλ' ἴληθ', Ἡφαίστε·

δίδου δ' ἀρετὴν τε καὶ ὄλβον» [Be gracious, Hephaestus; give me virtue and happiness!].⁴ This implies a quite different answer to the question of »Why do we desire to know?«: »Because we want virtue (ἀρετή) and happiness (ὄλβος).« Learning virtue (ἀρετή) through a remarkable *technites* is exactly the idea expressed by Protagoras in Plato's dialogue, where he claims that virtue, as knowledge–*techne*, »οὐ φύσει ἡγούνται εἶναι οὐδ' ἀπὸ τοῦ αὐτομάτου» [*Protagoras* 323c; is neither natural nor self-generated].

For most of his life, Plato saw the Sophists, including Protagoras, as his adversaries. This did not apply, however, to the question of whether virtue is knowledge. The assertion that »virtue is knowledge« (ἐστὶν ἐπιστήμη τις ἡ ἀρετή; Plato, *Meno* 86c–87d) is not only the view of Protagoras but also a Socratic idea. As Foucault (2013) points out, the polemic concerns rather the question of whether knowledge derives »from the exteriority and violence of desire« (p. 16). Unlike Plato, who sought to protect the purity of knowledge through »the will to know« in his early and intermediate works, Protagoras believes that virtue, as a kind of knowledge, is by no means a transcendental *episteme* spontaneously recollected by the human soul but is, instead, a *techne* taught by teachers and developed through practice specific to a certain political goal.

This does not mean, however, that Plato and Protagoras believe in a strict distinction between *episteme* and *techne*. Plato usually uses both terms to describe different aspects of »knowledge,« and as Richard Parry (2024) has demonstrated, the two are even used interchangeably in some of his dialogues, such as the *Charmides* (165c) and the *Euthydemus* (281a). I use two different terms here—namely, knowledge–*episteme* and knowledge–*techne*—exclusively to designate the two opposed understandings of the origin of knowledge. In the *Meno*, Socrates primarily uses *episteme* to emphasize that virtue, as a kind of knowledge, is unteachable, whereas Protagoras, in the dialogue bearing his name, uses τέχνη to express the opposing view that virtue, as a kind of knowledge, is teachable.

4 We should note, however, that Foucault's diagnosis—that Plato tends to reduce the will to know to part of propositional knowledge itself—is, as we will see in the following sections, only applicable to the early Plato, maintaining the theory of recollection found, for example, in the *Meno*, *Phaedo*, and *Protagoras*.

For *technitai* such as Protagoras, truth in the form of propositional knowledge—namely knowledge-*episteme* concerning a specific goal or materials—brought by Athena and grasped through cultivated human virtue is neither an effect of the »will to know« nor a precondition of production: Rather, it is an effect of the synergy between the master’s teaching and the pupil’s desire to create something. In other words, according to Protagoras’ view (adopted in Homeric Hymn 20), knowledge derives from something outside knowledge itself and cannot, consequently, be traced back to any ultimate precondition conceived of as knowledge, such as what Foucault calls »the will to know.«

The prioritization of Hephaestus over Athena did not originate with Protagoras but is a remnant of a custom dating back to at least the late Archaic period, as expressed by Pindar in *Olympian* 7 (60–90):

ἔνθα ποτὲ βρέχε θεῶν βασιλεὺς ὁ μέγας χρυσέαις νιφάδεσσι πόλιν,
 ἀνίχ’ Ἀφαίστου τέχναισιν
 χαλκελάτῳ πελέκει πατέρος Αθαναΐα κορυφὰν κατ’ ἄκραν
 ἀνορούσαις’ ἀλάλαξεν ὑπερμάκει βοᾷ
 [...] 
 Ἐν δ’ ἀρετὰν
 ἔβαλεν καὶ χάρματ’ ἀνθρώποισι Προμαθέος Αἰδῶς.

The great king of the gods showered the city with golden snow, when, by the *technē* of Hephaestus with the bronze-forged hatchet, Athena leapt from the top of her father’s head and cried aloud with a mighty shout. [...] She who casts virtue (ἀρετή) and joys (χάρμα) into men is the daughter of Forethought, Reverence.⁵

According to Pindar, the birth of Athena, the goddess of strategy and *episteme* who brought virtue and joy to humans, was not an effect created by Athena herself but rather a work of Hephaestus’ *technē*. Influenced by this story, Homeric Hymn 20 attributes both human virtue and human happiness to Hephaestus as the god of *technē*. *Techne* is knowledge, but it is not the

5 Modified from the translation by Svarlien (1990).

kind of knowledge produced by a will to know that »is not founded on anything other than the precondition of knowledge itself« (Foucault 1971, p. 15).

The answer to Foucault's (1971) question of »What is knowledge before truth?« (p. 208) is provided by Pindar and Protagoras: It is *techné*. In his interpretation of Nietzsche's theory of truth, Foucault suggests a kind of knowledge characterized by the prioritization of usefulness over truth. This kind of knowledge

1. is »not inherent in human nature«;
2. is »not imitated by human intelligence remembering a divine spectacle«;
3. is »not joined to the structure of the world as a reading, a decipherment, a perception, or a self-evidence«;
4. is »organized not for knowledge but for mastery over things«;
5. is »prior to any truth and governed entirely by need«;
6. is »useful knowledge that serves life«;
7. conceives thought as »the effect of extra-thought, not as natural result, but as violence and illusion«; and
8. conceives truth as »a product or an effect of knowledge,« not as »its norm, or condition, or foundation, or justification« (pp. 203–211).

All these properties, as described earlier, can be reduced to two essential features of *techné*. As Protagoras says, *techné* »οὐ φύσει ἡγούνται εἶναι οὐδ' ἀπὸ τοῦ αὐτομάτου« [Plato, *Protagoras* 323c; is neither natural nor self-generated]. It is organized for processing materials and producing useful effects that serve life. It is entirely governed by *ergon*, which is aimed at satisfying needs. Although strategy is an inseparable part of it, it is primarily »the effect of extra-thought,« produced by the power relationship between teacher and pupil, as well as between the *technites* and their materials. None of the concrete contents of strategic thinking can be a divine norm or condition of practiced *techné* in all cases, because the basic principle of strategy is nothing other than choosing the best way to act based on the concrete circumstances and the materials at hand. If the concrete circumstances require it, all normative principles, including truth, rationality, and even *techné* itself, can be abandoned.

1.5 The Function of Appearance

The opposition between the will to know and the logic of *techne* is significant because, as Gorgias of Leontinoi suggests (*Encomium of Helen* 13: »εἰς λόγος πολὺν ὄχλον ἔτερψε καὶ ἔπεισε τέχνη γραφαίς, οὐκ ἀληθείᾳ λεχθεὶς« [a single statement, which delighted and persuaded a numerous crowd, is drawn by virtue of *techne*, not spoken in truth], within the framework of *techne*, the suspension of rationality is rationally acceptable if achieving a goal is hindered by the pursuit of truth. Within the framework of the will to know, however, such a suspension is by no means rational. Foucault (1971) points out that Nietzsche's epistemological task is to conceive of a type of knowledge based on appearance, which is not conceived of »as the opposite of reality« (pp. 217–218). This understanding of appearance is characteristic of *techne*, providing one reason why Plato describes Sophists as *technitai* who produce appearance (τὸ φανταστικὸν; *Sophist* 262e–268e).

For knowledge–*techne*, truth is not, per se, an epistemological norm or condition. Rather, it is an optional instrument. If discovering relevant truth is too difficult or does not help in achieving one's goal, producing a useful appearance to achieve the goal is undoubtedly rational. The most famous examples of *technitai* who use artificial appearances to achieve their goals are the ancient Sophists, who used the appearance of »truth,« which is not discovered in the natural world, to convince people of arguments. This is not, however, the real reason for Plato's accusation against the Sophists, given that he himself does not appear to have minded using artificial appearances to convince people of a truth if he considered it necessary or efficient. As John M. Cooper (1997) points out, »according to the *Phaedrus*, rhetorically skilled speakers will base what they say on the full philosophical truth but will vary and embellish it as needed to attract and hold their hearers' attention and to persuade them to accept what is essential in it« (p. 1225). Thus, as *Phaedrus* 259d–260d suggests, the true reason for Plato's accusation lies in the fact that the *content* of the persuasion produced by Sophists is artificial appearance, as well as the instruments they use to persuade people.

In terms of the rationality behind knowledge–*techne*, Foucault's framing of Nietzsche's project is not a provocative exaggeration. Knowledge, in this context, is not based on truth as something discovered but consists of invented truths, that is, artificial appearances. Setting aside today's ideology of scientific realism, this type of knowledge is very common in modern scientific theories. Atoms, photons, quarks, and forces are all considered »theoretical models.« They are not entities, such as trees or tables, that one can identify in the real world but artificial appearances produced to achieve goals such as predicting phenomena. People consider knowledge based on such theoretical models to be true not because they have discovered entities named atoms or forces in the real world but simply because this knowledge, consisting of »non-true« appearances, is useful.

1.6 The Goal-Directedness of *Techne* in Plato's Philosophy

Given that *techne* plays a central role in Plato's ethical and moral philosophy, many scholars are inclined to restrict *ergon* to good goals, claiming that every *techne*, in Plato's view, must be characterized by a certain goal (*ergon*) that is morally good.

Interpretations of Plato's works have yielded, roughly speaking, four different answers to the question of whether or not a *techne* must be directed at the good. Two of these answers are radical. The first, advanced by Paul Woodruff (1990), claims that any adequate *techne* is essentially directed at the good (p. 73). The second and opposing answer, advanced by David Roochnik (1996), claims that any *techne* is value-neutral (p. 92).

Woodruff (1990) asserts that »any true *techn[e]* [...] must aim at the good, and must therefore know what this is.« This interpretation contradicts the idea of specialization as a feature of *techne*: To avoid this contradiction, Woodruff distinguishes the »true *techne*« from other, subordinate *technai*, to which specializations are attributed. The latter he considers too specialized for practitioners to know how to direct their skills toward the good, so that these *technai* »would have to be subordinate to a *techn[e]* that did specialize in the relevant good.« Thus, in Woodruff's reading, Socrates implies the »consequence of this principle that the same basic knowledge is essential

to every *techne*—knowledge of the good« (p. 73). This interpretation, however, sounds somewhat far-fetched and lacks support in the original texts.

In contrast, Roochnik (1996) suggests that it is inappropriate to conceive of *techne* as essentially good-directed. Instead, he invokes Plato's argument in the *Laches* in favor of the neutrality of *technai*: »The doctor qua doctor knows only what health and disease are, and can thereby intervene in order to produce one or the other. He does not, however, know whether he should apply or withhold his knowledge. He does not know, for example, whether it is better or worse for a given patient to die« (p. 101). Nevertheless, Roochnik also adopts a radical position: »*Techne* is value-neutral; it can be applied for good or ill, and the quality of the application is independent of the *techne* itself« (p. 92). To avoid a contradiction's arising from the fact that some *technai*, such as justice, are associated with the good, Roochnik distinguishes the *techne* itself from its application, which may be good or evil.

In between these radical positions, Raphael Woolf (2004), instead of offering a universal account, divides the use of *techne* into misuse and correct use. After identifying some cases of misuse, he argues that »the fact that we speak of misuse in these cases shows that we think of correct use in terms of the proprietary benefit of the given activity« (p. 120). This means that the definition of »*techne*« implies good-directedness. There is, however, a problem with this explanation: When we speak of the correct use of a given *techne*, we also think of its misuse in terms of proprietary benefits. Following this logic, we might conclude, albeit ridiculously, that that *techne* is directed at evil.

The fourth position, presented by Hulme (2019), claims that not all *technai* need be directed toward the good, unless good-directedness here means goal-directedness (p. 242). Hulme points out that Plato does not reserve the word »*techne*« for *technai* directed at the unconditional good, such as justice. Unlike Roochnik, however, she does not think that *techne* itself is value-neutral, since Plato frequently describes *technai* directly linked to the unconditional good (p. 229), such as, again, justice.⁶ In this sense, good-directedness is a feature of some specific *technai* but not of all.

6 Plato conceives justice (δικαιοσύνη) as a *techne*. Cf. *Republic* 1 and the *Gorgias*.

The fourth answer appears preferable. Hulme's (2019) interpretation is consistent with Plato's texts and does not require us to deny any notable feature of *technē*. In contrast, Woodruff's (1990) interpretation lacks support in the original texts and inaptly identifies the specific *technē* whose *ergon* is morally good as *technē* in general, thus disqualifying other concrete *technai* specific to *erga* for which the moral good is indifferent. Roochnik's (1996) interpretation, meanwhile, excludes the concrete application, which is, in fact, *technē* in action. Woolf's (2004) argument, finally, cannot prove the good-directedness of *technē*, because it depends on problematic logic, even though he does not exclude any feature of *technē*. Hulme's interpretation fits Plato's texts more closely than the others. It is true that Plato considers good-directedness a specific *ergon* and, consequently, essential to some *technai*, such as justice. Nevertheless, this good-directedness pertains to the specialized *ergon*, as he also holds practices defined by value-neutral *erga*, such as medicine, to be *technai* (cf. Plato, *Gorgias* 464b–c).

Hulme (2019) indicates that »there is no hint in either of these dialogues [the *Gorgias* and the *Phaedrus*] that the other τέχναι, by failing to be the τέχνη of good and bad, are not true τέχναι« (p. 23). Nevertheless, in the *Gorgias*, Plato includes a sentence that appears to prove that good-directedness is an essential feature of *technē* (501c):

[...] ἔγωγέ φημι τὸ τοιοῦτο κολακείαν εἶναι [...] ὅτου ἂν τις τὴν ἡδονὴν, ἀσκέπτως ἔχων τοῦ ἀμείνονός τε καὶ τοῦ χείρονος [...].

I say that such a thing is flattery, in which one may take care of pleasure, ignoring the better and the worse.

This sentence cannot, however, prove that every *technē* must be directed at the good. In the *Gorgias*, Socrates always defines flattery in terms of a collision between whichever *technē* produces X and those *technai* that pretend to produce X but in fact produce Y. Gymnastic exercise, for example, produces health, whereas cosmetics produce a beautiful appearance. If someone makes cosmetics pretend to produce health, then these cosmetics are an instance of flattery in terms of the production of health, since the

rationality of cosmetics concerns only beautiful appearances, meaning it does not consider the good in terms of health. Plato never says, however, that a *techne* such as cosmetics is in itself an instance of flattery. In short, good-directedness is not an essential feature of *techne* itself but a special characteristic of some particular *technai*.

1.7 In Defense of the Common Interpretation of *Techne* in Plato's Dialogues

Luc Brisson (2001) challenges the common interpretation of *techne* as »productive craft.« His rejection of this interpretation consists of three parts. First, he states that the result of *techne* is not always a product (TNP). Second, he identifies some types of *techne* as irrational processes (TIR). Third, he demonstrates that the agent of *techne* is not always a »producer« (ANP). As my understanding of Platonic *techne*, despite its distillation of the features ascribed to that *techne*, remains within the framework of the common interpretation, a response to Brisson's challenge is appropriate here.

1.7.1 TNP

According to Brisson (2001), TNP is justified by two propositions:

- (1) There is at least one type of *techne* whose result cannot be considered a product but is, rather, a discovery.
- (2) The notion of *ergon* is complex and ambivalent, so it is better to put this notion aside and, as Aristotle suggests, use the notion of *poesis* to understand *techne*.

To prove the first of these propositions, Brisson invokes mathematical *technai*, such as geometry, astronomy, and calculation. In *Euthydemus* 290c, Plato indeed refers to these *technai*, stating that the result of mathematics is »neither an invention nor a production of the human spirit, but a discovery« (Brisson 2001). The notion of a result is thus divided into two categories: product and discovery. Brisson regards the mathematical as

the typical object of discovery, whose »properties, just as the odd and the even, exist outside the mind, which can only unveil their properties, or ›re-cognize‹ them.« Conversely, an object of production, he argues, must possess properties created by humans (p. xiii).

Does a discovery lack all artificial properties, however, or does it, in fact, possess one? Let us use the circle as an example. If the circle, discovered by the human mind, does not possess any artificial properties, this means that the idea of a circle is also a circle in the real world. Such an interpretation appears to fit into the theory of anamnesis formulated by the real Socrates or the young Plato. There is no evidence, however, that the young Plato suggests that there is no difference between the recollected idea and the idea to be recollected; if he did, anamnesis would become a meaningless concept, since it is impossible to recollect what has already been recollected. Thus, if (the discovery of) the circle is a recollected idea, then it possesses at least one artificial property: »recollectedness.« Furthermore, Plato's hunting analogy in *Euthydemus* 290b–c, which Brisson (2001) invokes, suggests that a »discovery,« within which category both mathematical knowledge and prey fall, possesses at least one artificial property, namely usefulness:

οὐ δύνανται τούτῳ χρῆσθαι, ἀλλ' οἱ μὲν κυνηγέται καὶ οἱ ἀλιῆς
τοῖς ὀψοποιοῖς παραδίδασιν.

They [hunters] are not able to use it [the prey], but they and the fishermen hand it over [to the cooks].

Usefulness is not a property of the animals in the forest but an artificial property of prey. Cooks are incapable of using the animals in the forest because these animals are not hunted and cannot be used directly: In other words, wild animals cannot be used without the application of the hunter's *technē*, which produces usefulness. In the same sense, dialecticians (διαλεκτικοί) are incapable of using mathematical ideas that have not yet been recollected: They can only use discoveries, whose usefulness has been produced by mathematicians and other *technitai*. Discovery thus entails both natural and artificial properties, so there is no essential dif-

ference between discoveries and products. All human products possess both natural and artificial properties.

Another justification for TNP relates to the notion of *ergon*. As section 1.1 above demonstrates, this notion is, indeed, complex and ambivalent. Nevertheless, appealing to Aristotle's notion of *poiesis* does not negate the status of *techne*'s result as a product, a point he himself makes in the *Nicomachean Ethics* (1140a):

Ἔστι δὲ τέχνη πᾶσα περὶ γένεσιν καὶ τὸ τεχνάζειν καὶ θεωρεῖν ὅπως ἂν γένηται τι τῶν ἐνδεχομένων καὶ εἶναι καὶ μὴ εἶναι, καὶ ὧν ἡ ἀρχὴ ἐν τῷ ποιοῦντι ἀλλὰ μὴ ἐν τῷ ποιουμένῳ.

Every *techne* is about bringing something into being; to apply a *techne* means to investigate in what way a thing may be, may not be, and may come into being; and the origin of this [thing as the object of *techne*] lies in the one who makes it, not in the thing made.

According to Aristotle, the result of a *techne* necessarily possesses artificial properties originating from a given *technites*. Thus, the introduction of *poiesis* does not demonstrate that the result of a *techne* can be a non-product; rather, it proves that the result *must* be a product.

The idea that *techne* is defined by the *ergon* was common sense in ancient Greece, and there is no textual evidence to suggest that either Plato or Socrates denied it. In fact, when Socrates did not understand Gorgias' definition of rhetoric, his question to Gorgias concerned its *ergon*.

1.7.2 TIR

TIR aims to dissociate rationality from *techne*. This statement, however, is reasonable if and only if it refers to specific types of *technai*.

To justify TIR, Brisson refers to two passages from Plato's dialogues discussing poets. The first is from the *Ion*, in which Socrates claims that »πάντες γὰρ οἱ τε τῶν ἐπῶν ποιηταὶ [...] οὐκ ἐκ τέχνης ἀλλ' ἐνθεοὶ ὄντες« [533e; all poets, qua poets, are inspired not by means of *techne*]. The second is from the *Phaedrus*, in which Socrates uses the phrase »τραγῳδίας

ποίησιν» [268d; the *poiesis* of tragedy], suggesting that composing poetry is a *techné*, although he considers good poetry (ποίησις) to be a product of madness (μᾶνία), not *techné*.

Putting aside the fact that ποίησις, as a polysemous term, means both »production« and »poetry,« let us simply accept Brisson's (2001) interpretation as reasonable. According to his reasoning, these passages demonstrate that poetizing is a *techné* that »does not involve a set of rules capable of being taught« and »cannot be reduced to the mechanical application of definite procedures, for it is a madness which depends on divine favour« (p. xii). In this context, he concludes that rationality is not an essential property of *techné*. Regarding the contrast between mere experience (ἐμπειρία) and *techné*, as introduced by Socrates in the *Gorgias* (464e–465b), it »seems to have only a polemical function: to refuse the status of *tekhnê*, considered as genuine competence, to rhetoric, which demands such status« (Brisson 2001, p. xiii).

Brisson's emphasis on the role of irrational elements, however, is not sufficient to dissociate rationality from *techné*, unless two propositions are true: (PP1) An action, A, by a practitioner, P, can be conceived of as rational if and only if the whole process of A is governed by rationality; and (PP2) a knowledge–*techné*, KT, is teachable if and only if the whole process of KT is teachable. If these propositions were true, however, then almost no *techné* could be considered rational or teachable, since guesswork and practice are indispensable to almost every *techné* applied in the real world.

As section 1.2 describes, when one applies a *techné*, it is necessary to establish the nature of the materials to be processed. Materials, however, are always specific, and according to Plato, one can never have perfect knowledge of any specific thing, only opinion (cf. *Meno* 97a–98a; *Phaedo* 78c–79d; *Republic* 5.476c–479a; *Theaetetus* 151d–186e; *Parmenides* 130a–134e). Thus, any knowledge used to determine the most appropriate form of action involves guesswork, which is an »irrational element« because there is no sufficient evidence to reveal the full nature of the materials concerned. Nonetheless, in this context, the »irrational element« is, in fact, rational because the rationality of *techné* is primarily instrumental, whereas the irrationality ascribed to A is »evidential.« According to

instrumental rationality, the A of P can be conceived of as rational in terms of P's goal, G, if A helps P achieve G.

An action based on evidential rationality often helps one achieve a goal; however, if evidential rationality indicates that achieving a specific goal requires an irrational action, such as one governed by madness, then irrational action becomes instrumentally rational. In this sense, it is incorrect to consider poetizing, an irrational action governed by madness, a *techne* devoid of rationality, as madness can thus serve as an instrument to help poets achieve their goals. With the expression »οὐκ ἐκ τέχνης« [not by means of *techne*], therefore, Socrates does not attempt to emphasize an alleged opposition between *techne* and madness: Rather, he distinguishes between the instruments one can use, such as madness, and the *techne*, such as poetizing, which concerns which instruments one should use. This distinction was already common knowledge in ancient Greece by the time the *Iliad* was composed (cf. Homer, *Iliad* 3.59–62).

Techne is the power to use instruments or process materials appropriately. In this sense, it can, itself, be conceived of as an instrument that enables one to use other, concrete instruments more effectively. This does not mean, however, that all instruments guided by *techne* should also possess features of *techne*. In fact, the statement that »poetizing is a *techne*, which does not involve a set of rules capable of being taught«—which Brisson uses to deny the status of teachability as an essential feature of *techne*—is, in itself, a rule of poetizing that masters can teach their pupils, directing them to focus on inspiration rather than futile reasoning. Ascribing rationality to *techne* does not imply that the entire process of applying *techne* must be seen as a rigorous implementation of principles held to be rational, such as »find out the nature of the materials before you begin to use them.« If following such a principle hinders the achievement of the goal, then there is no more rational action than to suspend it.

Nevertheless, Brisson's argument remains illuminating, demonstrating that the concrete practice of *techne* can incorporate both evidential and instrumental rationalities, as well as rational and irrational elements. As a form of expertise, *techne* usually consists of two parts: one that can be translated into propositional knowledge and one that cannot. In this sense, the assertion that *techne* is always rational is ambiguous; rather

than »rationality,« »strategy« more accurately denotes its characteristics. As a form of consideration, strategic thinking

- (1) aims at specific goals;
- (2) is primarily instrumentally rational; and
- (3) requires practitioners to act according to specific circumstances, namely
 - (3.1) to use evidential rationality if relevant evidence is available;
 - (3.2) to use irrational instruments if doing so helps them achieve their goal;
 - (3.3) to suspend strategic thinking if necessary;and so on.

1.7.3 ANP

In stating ANP, Brisson (2001) means that there are many people who possess certain *technai* but cannot be conceived of as δημιουργοί (»craftsmen«), which he equates with »producers.« He justifies this opinion with reference to the Sophists, who always present themselves as possessors of Sophistic *technē* but never as δημιουργοί, and Socrates' elenchus, a *technē* described as »a dialogical and dialectic concept« (p. xiv).

It is odd to equate producers with craftsmen, as if other practitioners never participated in production. In fact, no individual's status as a producer can be denied, even if we limit the meaning of »production« to its economic sense: Even someone who never directly participates in commodity production should, nonetheless, be considered a producer because their consumption is a necessary step in social production, enabling the reproduction of commodities. Indeed, the scope of the word »producer« is much broader than that of δημιουργός. An individual producer, for instance, may produce effects without specific goals, whereas a specific goal is an inseparable part of the work of a δημιουργός who possesses a given *technē*. In short, the possessor of *technē* is not always a δημιουργός, but this does not logically mean that the agent of *technē* is not always a »producer,« nor that their *technē* is not always a productive craft.

Nevertheless, if we understand the word »producer« in the narrow sense of its referring exclusively to a single person, then it is not incorrect to claim that the agent of *techne* is not always a single producer, since it may, in some cases, be a group of cooperative producers. Shipbuilding is a typical instance of the sort of *techne* that requires such a group of craftsmen. The construction of Athenian triremes during the Peloponnesian War, for example, usually required the equivalent of some 6,000 man-days of labor (cf. Hanson 2005, p. 262). For the sake of generality, therefore, I propose to use the word *technites* (τεχνίτης), a simple derivative of *techne*, to refer to the agent of *techne* in general. A *technites* can be a craftsman, a politician, a group of cooperating craftsmen, or—as we will see later—a unity of citizens living together.

1.8 A General Concept of *Techne* in Archaic and Classical Greece

When we distill all possible features of *techne* into *ergon* and strategy, it becomes clear that neither Plato's nor the Sophists' understandings of *techne*, although they are stylized theorizations, are beyond the ancient common sense of *techne* that had existed at least since Homer (*Iliad* 3.60–62):

Ἑκτορ· ἐπεὶ με κατ' αἶσαν ἐνείκεσας οὐδ' ὑπὲρ αἶσαν·
αἰεὶ τοι κραδίη πέλεκυς ὥς ἐστὶν ἀτειρὴς
ὅς τ' εἴσιν διὰ δουρὸς ὑπ' ἀνέρος ὅς ῥά τε τέχνη
νήϊον ἐκτάμνησιν, ὁφέλλει δ' ἀνδρὸς ἐρωήν.

Hector! You reproach me appropriately, not beyond what is appropriate.

Always, your heart is like an unfrayable axe,
which passes through boles by a man, who, with *techne*, shapes
timbers for shipbuilding,
and increases man's force.

These words are addressed by Paris to Hector after the latter, with violent rage, has accused the former of bringing disaster upon Troy. As we

can see, these archaic verses contain features that the ancient Greeks ascribed to *techne*.

Paris holds Hector's accusation to be appropriate (κατ' αἴσαν), that is, grounded in reality. This is not only because Hector's indignation is reasonable but also because the content of what Hector has said grasps the situation of Troy, as well as the etiology of the disaster it faces. In other words, Hector's speech was not simply angry words; it was the result of strategic thinking based on the situation at hand. The axe analogy points to the distinction between *techne* and instrument: A man's *techne* is not an axe but rather a form of knowledge about how to wield an axe appropriately, that is, based on the specific features of the wood to be chopped. Socrates emphasizes the same logic in Plato's *Phaedrus* when he says that a rhetorician should use speech appropriately, that is, according to the specific features of the individual soul to be persuaded (270c–d). Since the time of Homer, *techne*, or the competence to act appropriately, had been considered knowledge–power.

When Paris refers to the axe and *techne*, he refers to timbers and shipbuilding. This suggests that *techne* always deals with specific materials, such as timbers or emotions, and is directed at a specific goal, such as shipbuilding or »increasing man's force.« The same form of logic can be found in the work of the historian Thucydides when he has a Corinthian delegate use the verb τεχνάομαι, derived from the noun τέχνη (*techne*), to describe strategic thinking during the Peloponnesian War (1.122.1):

ἥκιστα γὰρ πόλεμος ἐπὶ ῥητοῖς χωρεῖ, αὐτὸς δὲ ἀφ' αὐτοῦ τὰ πολλὰ τεχνάται πρὸς τὸ παρατυγχάνον.

For war [of all things] proceeds least upon literal rules, it contrives how to act from itself according to what is happening.

By »πόλεμος« (war), the Corinthian delegate does not mean the war as an event but the act of fighting a war. In his opinion, strategy is necessary because fighting a war is a *techne* that cannot be translated into propositional knowledge. Because its *ergon* is to defeat the Athenians, the Peloponnesian League has had to adapt its actions to what is happening (πρὸς

τὸ παρὰ τυγχάνον), that is, the circumstances and materials of the *techne* of war.

In the *Timaeus*, one of Plato's most rhetorical works, a similar account is given of the heart's function (69c–70c). According to Plato, the heart is inhabited by part of the soul that is capable of rationality. This rationality, in turn, allows the heart to govern the other parts of the soul, as well as the body and irrational emotions. In other words, with the heart following rationality, one can make use of irrational potential in a rational way. This is precisely what the analogy of Hector's heart suggests: The heart itself is not rational; rather, it is an instrument that can be controlled by the rationality of *techne*. This enables Hector to use irrational powers, such as indignation and violent rage, in a rational way. The passage from the *Timaeus* might be a tribute to Homer, who thus formulated the first analogy of the craft of the soul, or it may simply reflect the common understanding of the soul in ancient Greece.

In sum, the existing literature suggests that in Archaic and Classical Greece, *techne* had a relatively unified meaning: a pragmatic and strategic act defined by the *ergon*, which indicated both work as a goal and work as an action.

1.9 Plato's Πολιτική Turn: The Sublation of »the Will to Know«

The passage of Homer cited in section 1.8 implies a conception of knowledge that does not rely on truth, as Foucault and Nietzsche envisaged. In this sense, *techne* is a sort of »knowledge before truth« (Foucault 1971, p. 208). In the passage, the word »truth« (ἀλήθεια) is absent; instead, Paris uses »κατ' αἴσαν« (appropriately) to evaluate Hector's statement. This suggests that he does not care whether Hector's statement corresponds with the »truth« when he recognizes it as a report of Troy's situation, pointing to the strategy—for Paris to engage in single combat with Menelaus—that could end the war without further bloodshed (cf. Homer, *Iliad* 3.35–75).

In this context, Löbl (1997) suggests that Gorgias' idea of opposing *techne* to truth (ἀλήθεια; cf. Gorgias of Leontinoi, *Encomium of Helen* 13) was inherited from Homer (p. 175). This suggestion, however, is inaccurate. It is

correct that Gorgias' understanding of *techne* can be traced back to Homer, but there is a problem in that the common understanding of ἀλήθεια in the Classical period differed from that in the Archaic period. At least until the later Archaic period, the term was not yet used to refer to an abstract entity to be discovered, meaning that it never marked any abstract and independent entity in Homeric Greek. As Rose Cherubin (2009) points out, »Homer uses *alētheia* exclusively or almost exclusively to characterize expressions, reports, or transmissions of information; specifically, he uses it of communications that are supposed to be true, comprehensive of all relevant details, undistorted, free of falsehoods, and complete« (p. 53). The concept of truth–ἀλήθεια, which denotes the abstract entity behind appearances, is, to borrow Foucault's and Nietzsche's words, an »invention« of Classical Greece. The history of *techne* is longer than that of the concept of truth. The Sophists of the fifth century BCE viewed the invention of the latter concept as a result of the development of *techne*: People invent truth as an instrument with which their goals, in many cases, can be achieved more easily. When Gorgias contrasts *techne* with truth, this does not mean that he believes *techne* is unrelated to truth, nor that he considers appropriateness strictly opposed to truth. What he attempts to emphasize is rather that *techne* is primarily regulated by appropriateness given a specific goal rather than by truth, which deserves attention only when grasping it is beneficial.

Such an attitude toward truth is, as Foucault (1971) demonstrates, rejected in Plato's early work through »the will to know« and the use of *techne* as a synonym of *episteme* in some dialogues (p. 16; cf. Plato, *Charmides* 165c; *Euthydemus* 281a; *Ion* 532c; *Protagoras* 356d–e). From Plato's complete works, it is almost impossible to extract a unified understanding of *techne*. In his early works, his attitude toward the concept is ambivalent. One reason for this might be that these works extensively represent the opinions of the historical Socrates, who used to draw conclusions from his interlocutors' statements. A more important reason, however, is that virtue possesses »technicity,« by which I mean »features of *techne*«: Virtue has specific goals, such as knowing what good is, acting for good, and making others good; and to achieve these goals, one must act based on concrete circumstances and the specific person one wishes to make good. As the Sophists often taught people to use certain knowledge–*techne* in the guise of vir-

tue to achieve goals incompatible with goodness, the young Plato devoted himself to developing a scheme of knowledge–virtue—primarily through the theory of anamnesis—motivated exclusively by the desire for knowledge–virtue. This desire is a kind of »will to know,« a sort of knowledge that is immune to any effect from outside the agent of knowledge–virtue.

Nonetheless, Plato gradually changed his attitude and developed a relatively unified concept of *techne* from the *Politeia* (*The Republic*), which is usually considered one of his middle works, where collective education is highlighted (cf. *Republic* 4.423e–424a). Furthermore, many Sophistic understandings of *techne* are accepted in his later works, especially the *Timaeus* and the *Nomoi*, with Plato prioritizing the appropriateness defined by the *ergon* and ranking citizens' virtues more highly than the doctrine of the alliance between knowledge and truth (AKT).

In her book *Technè dans les Dialogues de Platon: L'empreinte de la sophistique*, Anne Balansard argues that the word »*techne*« plays a polemical role in some of Plato's dialogues, such as the *Gorgias*, *Phaedrus*, and *Nomoi*, serving to reject the rhetoric that Sophists disguise as justice, virtue, politics, or, in short, *techne* of all areas (p. 234). Her statement is consistent with Plato's plan in the *Gorgias*, one of his early works, but it is worth noting that he changes his attitude in the *Phaedrus* and the *Nomoi*. In the latter works, his use of the word no longer aims to reject rhetoric in general but rather to reject its abuse and develop a rhetoric free of Sophistry (cf. Hulme 2019, pp. 240–41, on rhetoric in the *Phaedrus* and *Gorgias*; Mülke, 2021 on rhetoric in the *Nomoi*).

Sophistic rhetoric conceives of persuasion as its ultimate goal, regardless of whether or not the content of a given persuasion is good. Conversely, the goal of Platonic rhetoric is to convince people of truly good content (cf. Plato, *Phaedrus* 262b)—that is, knowledge of a kind that benefits both the one convinced and their fellow citizens, as well as their state—although the speech, as an instrument used to persuade people, is free from the AKT. This also means, however, that Platonic rhetoric, albeit important, can only be a sub-*techne* that is subject to the so-called πολιτική [τέχνη] (*politike [techne]*)⁷, the political *techne*. Just as anesthesiology, although

7 In Plato's Greek, a noun ending in -ική is usually an abbreviation of an adjective end-

important, cannot encompass the entire field of medicine, rhetoric cannot assume the whole work of the *politike*. As Plato suggests in *Phaedrus* 270c–d, complex material must be divided into many simple parts, and each sub-*techne* is responsible for its own part.

If my reading is accurate, in later life, Plato shifted his focus to the *politike*, the concept having been proposed earlier by Plato himself or the historical Socrates in the *Gorgias*. For the later Plato, the *ergon* of such a *techne* is the collective cultivation of citizens' virtues that should lead to the common good. It is divided into two sub-*technai*: δικαιοσύνη (justice) and νομοθετική (the *techne* of *nomos*). Because the material of both sub-*technai* is the soul, the *politike* is conceived of as »the craft of the soul« (ἡ τέχνη ἐπὶ τῇ ψυχῇ; cf. *Gorgias* 464b).

It is worth noting that focusing on the craft of the soul does not mean that Plato rejects his early doctrine that knowledge is sufficient for virtue (KSV; cf. Fine 1999, p. 29); instead, he overcomes the powerless conception of knowledge–*episteme* characterized by the will to know what justice is at the propositional level. Furthermore, he develops a theory of the *politike*, that is, a form of knowledge–*techne* characterized by the will to power or, in other words, by the *ergon* that continues enhancing the power to build a just community capable of real existence. The later Plato's *politike* is primarily a theory of power, as well as a political ontology. It investigates the etiology of the state and asks, What causes a just state to come into being? What causes it to persist? What leads to its collapse?

The key to answering these questions lies in the craft of the soul.

ing in -ικ- followed by the noun τέχνη. For example, πολιτική is an abbreviation of πολιτική τέχνη, and ιατρική (medicine) is an abbreviation of ιατρική τέχνη (medical *techne*).

Chapter 2: The Soul

For the later Plato, *techne* is neither primarily an epistemological scheme nor a practical form. Rather, it is primarily an ontological concept, not only in the sense of sociopolitical ontology but also in that of cosmological ontology, since the world is created by God's divine *techne*, whose first *ergon* is the soul of the world (cf. Plato, *Timaeus* 29a on cosmological ontology; *Laws* 10.892a–d on sociopolitical ontology). In the *Nomoi*, Plato conceives of souls as the chief cause of all alterations and transformations of corporeal substances (10.892a). This does not mean, however, that the soul is a *causa sui*: According to Plato, both the world soul itself and its connection with its body (the world, consisting of varied corporeal substances) are effects produced by God. In Plato's assertion that *πᾶν δὲ αὐτὸ τὸ γιγνόμενον ὑπ' αἰτίου τινὸς ἐξ ἀνάγκης γίγνεσθαι· παντὶ γὰρ ἀδύνατον χωρὶς αἰτίου γένεσιν σχεῖν*« [*Timaeus* 28a; everything that becomes must of necessity become by some cause, for everything without cause has no power to attain becoming], we can see a similar cosmological image and, consequently, a similar political ontology to that of Spinoza, setting aside the two philosophers' different understandings of God. Both consider everything apart from God to be dominated by causal relationships, whereas the political community is constituted by active subjects that are affected and constituted by various causes, whose relationships with those active subjects can be understood through a theory of power (cf. Spinoza, *Ethica* 2 prop. 14, 4 prop. 2–7, 32–36; *Tractatus Politicus* 2.17, 3.7, 4.1, 3). For the later Plato, two concepts are key to understanding active subjects and their power relationships: soul and *techne*.

2.1 The *Nomos–Physis* Opposition

Many legal scholars and philosophers believe that the rise of the Sophists in the fifth century BCE represented a crisis of *nomos*⁸ in which normativity was deprived of its natural legitimacy (see, e.g., Van der Walt 2020, pp. 29–32; Van den Berge 2022, p. 272). Schmitt (1950) discerns that, historically, the *nomos–physis* opposition (NPO) proposed by the Greek Sophists has nothing to do with the modern debate between theories of natural law and legal positivism predominant since the nineteenth century CE (p. 45). Nevertheless, like most exegetists, he considers the NPO a sort of separation between »is« and »ought« (SIO; p. 38). What Sophistic speeches imply, however, is quite the opposite. Classical Greece did not experience a crisis of *nomos* in the general sense, since the normativity proposed by the Sophists, much like the common morality maintained by their opponents, was still based on an understanding of nature.

The idea of the NPO can mostly be traced back to two passages by Plato: The first is the speech of Callicles, an ambitious young man learning the art of Sophistry, in *Gorgias* 482c–486d. The second is Plato’s commentary on the NPO in *Nomoi* 888d–890b. In the *Gorgias*, Callicles sets actions justified by nature (φύσει) in opposition to those justified by *nomos* (482e). He does not suggest, however, that no *nomos* exists that can be justified by nature. On the contrary, he claims the following (483c–d):

ἡ δέ γε, οἶμαι, φύσις αὐτὴ ἀποφαίνει αὐτό, ὅτι δίκαιόν ἐστιν τὸν ἀμείνω τοῦ χείρονος πλεον ἔχειν καὶ τὸν δυνατότερον τοῦ ἀδυνατώτερου. Δηλοὶ δὲ ταῦτα πολλαχοῦ ὅτι οὕτως ἔχει, καὶ ἐν τοῖς ἄλλοις ζῴοις καὶ τῶν ἀνθρώπων ἐν ὅλαις ταῖς πόλεσι καὶ τοῖς γένεσιν, ὅτι οὕτω τὸ δίκαιον κέκριται, τὸν κρείττω τοῦ ἥττονος ἄρχειν καὶ πλεον ἔχειν.

I believe that nature itself proclaims that it is just for the stronger and more capable [man] to have a greater [share] than the weaker and less capable. It is obvious that in many places—not only in the

8 See section 3.2 on the meaning of this term.

other animals but also in whole cities and races of human beings—justice (τὸ δίκαιον) has been decided [to be that] the superior rule the inferior and have a greater share than they.

With this statement, Callicles emphasizes that it is a common phenomenon for the stronger individual or group to have a greater share than the weaker. More importantly, this phenomenon implies the justification and legitimation of the former's actions. It is clear that in his eyes, the natural »is« implies, for human beings, the »ought« and, in a normative sense, entitles the strong to do anything they have the power to do. Ascribing the SIO to the Sophists is thus a misunderstanding.

Many interpreters simply equate the NPO with the genuine opinions of the Sophists, failing to keep in mind that Sophists were primarily rhetoricians. For rhetoricians, the truth value of their speeches' content is, as Gorgias emphasizes, by no means important (*Encomium of Helen* 13; see also section 4.2). Plato reminds us more than once of the technicity of Sophistry, marked by the production of appearance (τὸ φανταστικόν; cf. *Sophist* 262e–268a). For the Sophists, speeches are instruments that serve to persuade. To achieve this goal, they formulate specific speeches for specific cases according to the features of each individual they attempt to persuade. In other words, the content of a Sophistic speech, as well as the NPO, is a result of their strategy and not the truth in which they believe.

In the *Gorgias*, the rhetorical speeches can be divided into at least three categories according to the particularities of the individuals to be persuaded:

- (1) The speech of Gorgias, who talks to Socrates in 449a–461a, is devised for average people and upright individuals such as Socrates. As an implement of rhetoric, this speech aims to convince people that Sophistry is novel and harmless and does not threaten political justice. This is Gorgias' reason for answering in the affirmative in 460a, when Socrates asks whether Sophistic rhetoric is based on knowledge of justice. According to Socrates' analysis, it is clear that this rhetoric is not based on justice; Gorgias merely disguises it as a *technē* of justice. This is proved by his own admission that

it can be used for evil goals (457a). The necessary relationship between justice and rhetoric is an appearance Gorgias fabricates »διὰ τὸ ἔθος τῶν ἀνθρώπων« [482d; out of deference to human custom] or, in other words, to avoid making people indignant. It is neither a theory nor Gorgias' genuine opinion.

- (2) Polus claims in 466a–473e that doing what is unjust is beneficial. This claim serves as an advertisement to attract or tempt clients, namely elites seeking fame and wealth.
- (3) The speech of Callicles in 482c–486d represents, on the one hand, his frank opinion, as Socrates points out, and, on the other hand, the *ergon* of sophistic rhetoric: a justification of the convention (*nomos*) widely recognized among elites.

The NPO asserted by Callicles suggests by no means a form of SIO but rather a »war« between advocates of different conventions, that is, between average people and elites. The NPO is not Callicles' original idea but, obviously, a rhetorical *ergon* by his master, Gorgias, who proposes it to cater to the convention (*nomos*) among their clients, the elites who are hostile to democracy and contemptuous of the conventions of average people. Gorgias does not care whether nature itself truly entails normative force nor whether the norms of nature are opposed to the convention (*nomos*) of average people, as he considers the truth value of rhetorical content indifferent. His speech functions to make his clients happy, confirming that their ambition is admirable and informing them of the necessity of learning rhetoric should they wish to realize this ambition in the specific circumstances of democratic Athens. Sophists did not care whether the NPO was true. They simply grasped the market conditions: With a widening gap between rich and poor, a new class differentiation, characterized by the opposing interests of the two groups, was taking hold among Athenian citizens.

Many scholars claim that Athenian democracy was characterized by egalitarianism. This interpretation only corresponds with reality, however, for a relatively short period of time (no more than fifty years), far less than the entire democratic period (508–322 BCE). Early Athenian democracy was based on relative class homogeneity, which, aside from the vio-

lent exclusion of the enslaved class, was realized through the following methods that reduced the impact of social inequality on political practice:

- (1) Drawing lots for the distribution of political power ensured relative equality in political practice (cf. Malkin 2024).
- (2) Although Solon introduced property as the qualifying criterion for political classes, economic mobility realized a class differentiation without opposing interests.
- (3) Athens' accumulation of wealth through the exploitation of other Greek cities via colonialism and imperialism gave poor citizens sufficient resources and opportunities to become wealthy (cf. Samons II 2019). Given that the aggressive wars involved could be easily won, the rich and poor did not have opposing interests.

If we conceive of these methods as instruments of a political *techne* whose *ergon* was to maintain the relative class homogeneity on which Solon's intended democracy rested, then such a *techne* should be considered badly employed, since it ignored the changing circumstances of the time, such as the widening gap between rich and poor. In her article »Access to Resources in Classical Greece,« Lin Foxhall (2002) points out the significant inequalities that developed in the distribution of wealth and land ownership. For instance, based on inscriptions recording colonial enterprises in the fifth and fourth centuries BCE, she reports as follows (p. 214):

[A]lthough the original colonists may have received equal portions of some categories of land, there is no provision for maintaining equality of landholdings over time, and later colonists get a poorer deal (Isager and Skydsgaard 1992: 124–5). The decree detailing the establishment of an Athenian colony at Brea, c. 445 BCE (Meiggs and Lewis 1988: no. 49) provides for the appointment of *geonomoi* to take charge of land distribution, but there is no explicit provision that portions be equal. Demokleides, the proposer of the decree, has engineered a considerable degree of power and autonomy for himself (lines 8–9, 20–6). Phantokles' amendment on side B may be the most revealing, and most truly democratic, aspect of the

inscription, limiting participation in the new settlement to *thetes* and *zeugites*. Several interpretations are possible (Davies 1981: 56; Jameson 1994: 59, n.21), but this could be an attempt to block the efforts of wealthier men to dominate in terms of both landholding and political power.

With regard to the increasing wealth gap and its impact on politics, the reason behind Socrates' accusation that Pericles made the Athenian people greedy is quite evident (cf. Plato, *Gorgias* 515d–e). Pericles' establishment of the system of public fees was a result of the collapse of class homogeneity among Athenian citizens. The interests of the polis were no longer identical to those of individual citizens from the lower class: Consequently, in this case, salary became the decisive reason for them to fight for their polis. Substantial conflict between the interests of different classes led to the functional transformation of Athenian democracy. That democracy was no longer an instrument of collective practice that produced public wealth, because the identity of personal and common interests had collapsed since the age of Pericles. The event underlying this collapse was the creation of the Delian League, which provided Athens with a huge opportunity to exploit other Greek poleis and intensified economic differentiation among Athenian citizens in terms of their access to resources. Democracy thus became an instrument of class struggle as democratic decisions that benefited all classes were rendered almost impossible. This is why Aristotle defined democracy as what people today call populism (*Politics* 3.1279b). Meanwhile, a new group of elites emerged. They were rich and ambitious, and with their interests opposed to those of the average people, their conventions became different from those of the average people. The *nomos* of average people was still the old *nomos*, which, like the past Athenian democracy, was based on the relative homogeneity of class.

The elites wished to achieve their ambitions, but they were constrained by the old *nomos* and the democracy, which was designed for class homogeneity. Calicles, the elite representative in the *Gorgias*, has clearly grasped that *nomos*, in his time, is primarily an instrument of the average people (483b–c):

Ἄλλ' οἶμαι οἱ τιθέμενοι τοὺς νόμους οἱ ἀσθενεῖς ἄνθρωποι εἰσιν καὶ οἱ πολλοί. Πρὸς αὐτοὺς οὖν καὶ τὸ αὐτοῖς συμφέρον τοὺς τε νόμους τίθενται καὶ τοὺς ἐπαίνους ἐπαινοῦσιν καὶ τοὺς ψόγους ψέγουσιν· ἐκφοβοῦντες τοὺς ἐρρωμενεστέρους τῶν ἀνθρώπων καὶ δυνατοὺς ὄντας πλεόν ἔχειν, ἵνα μὴ αὐτῶν πλεόν ἔχωσιν, λέγουσιν ὡς αἰσχρὸν καὶ ἄδικον τὸ πλεονεκτεῖν, καὶ τοῦτό ἐστιν τὸ ἀδικεῖν, τὸ πλεόν τῶν ἄλλων ζητεῖν ἔχειν· ἀγαπῶσι γὰρ οἶμαι αὐτοὶ ἂν τὸ ἴσον ἔχωσιν φαυλοτέροι ὄντες.

I believe that those people who promulgate the laws [νόμους] are the weak and the many. With a view to themselves and their own interest, they promulgate the laws [νόμους] and distribute their praises and blames. To terrorize the strongest of men—who has power to get a greater share—so that they [the strongest] do not get more than they [the weaker], they claim that seeking to get more is shameful and unjust; and the injustice is to seek to get a greater share than others. I believe that they prefer to get an equal share, since they are inferior.

Grasping the NPO through any universal perspective regulated by the doctrine of truth is futile, since the NPO is proposed by the Sophists, who, as *technitai*, do not care for truth if they find it to be useless. As creators of specific speeches to persuade specific people, Sophists emphasized the NPO not because they believed it to be true but because they, as businessmen of knowledge, recognized the rising market demand among elites for ways to manipulate democracy and justify their new *nomos*, which opposed the old *nomos* of the average people.

Invoking nature—or something higher than human convention—as a normative force is a polemic strategy used throughout history across many cultures to deny the legitimacy of a given convention and justify actions opposed to it. In Buddhism, for instance, the Sanskrit word *Dharma* implies an indistinction between nature, natural law, and the Buddha's normative theory: Interpreting nature thus helped ancient Buddhists deny the legitimacy of the Brahmin caste system. Similarly, the interpretation of the Chinese word *Dao*, which is characterized by an indistinction

between nature, natural law, and convention played an important role in the debate between ancient Chinese schools of thought such as Daoism, Confucianism, and Legalism. The Sophistic NPO, as a strategy to justify a new *nomos*, was thus not unique. Instead, it was a practiced *techne* based on the specific circumstances of the time, in which the elites were locked in a struggle with the average people of Athens over Classical democracy.

To defeat the Sophists in these specific circumstances, Plato designs a set of *technai*. The scene depicted in sections 888d–892c of the *Nomoi* resembles a strategic meeting, with three old men analyzing the concrete circumstances in which the *politike techne* should be implemented:

Theoretical circumstances:

- (1) Sophists and natural philosophers define »nature« as the generation of primary things (γένεσιν τὴν περὶ τὰ πρῶτα; 892c).
- (2) Invoking the theories of natural philosophers, Sophists divide all things into natural things, produced by nature and chance (ἀπεργάζεσθαι φύσιν καὶ τύχην), and *technika*, produced by *techne* (889a).
- (3) Sophists claim that the *politike* counts as a *techne*, which has little to do with nature (889d).
- (4) Nobility according to nature is, in their opinion, different from nobility according to *nomos*, so justice, as a sort of nobility according to *nomos*, has nothing to do with nature (889e).
- (5) Sophists thus assert that winning by violence is the most just thing according to nature (889e–890a).

Social circumstances:

- (6) The arguments above are widely disseminated across the whole Greek world (891b).
- (7) Among young people, Sophists are encouraging an alleged »true« life, which consists in dominating others instead of serving them according to *nomos* (890a).
- (8) *Nomos* is being corrupted by wicked men (891b).

The argument of the Sophists here is obviously self-contradictory because they attribute the justice of violence to nature while rejecting the unity of justice and nature. Plato does not seem interested in denouncing this self-contradiction, however, because *reductio ad absurdum* alone does not help resolve social problems. To find real solutions, therefore, the later Plato remakes the concept of the soul, with his aim not solely the theoretical reunion of natural things and *technika*. Rather, the concept of the soul in terms of *politike technē* is part of his strategic thinking, aimed at resolving social problems and building a good polis.

2.2 The Function of the Soul

Across Plato's complete works, there are extensive arguments about the soul that oppose each other to varying degrees. Since not all of these are formulated for the sake of the *politike*, however, this thesis deals exclusively with those relevant to *technē*, with a particular focus on Plato's final work: the *Nomoi*. Cooper (1997) elegantly suggests that the *Nomoi* perhaps offers concrete advice on establishing a good polis for the purposes of reforming existing poleis or founding new ones. Given that »Plato's Academy was not merely an institute for higher education and for research« but that Plato and his associates were also called upon for practical advice, it is reasonable to suggest that »in writing *Laws* [*Nomoi*] Plato was perhaps not engaging in pure constitutional and legislative theory, as in *Statesman* and *Republic*.« This means that »in considering *Laws* in relation to these other works, one should bear in mind this context of possible practical applications« (p. 1319) and that it is appropriate to consider the *Nomoi* *ergon*-directed.

Indeed, Plato clearly points out this *ergon*-directedness at the end of the third book, where Clinias reveals his current *ergon*: to found a new polis that is as good as possible (*Laws* 3.702c). With regard to this concrete *ergon*, the soul in the *Nomoi* is neither a mysterious entity, as it is described in Plato's earlier works, nor primarily an object that can be understood within the framework of the modern discussion of mind–body problems. Instead, the concept of the soul is primarily a theoretical model that serves to help the reader understand the motion of materials and

grasp the etiology of political phenomena. In short, defining the soul is part of the strategy of the *politike*. In *Nomoi* 10.896a, the soul is defined as

τὴν δυναμένην αὐτὴν αὐτὴν κινεῖν κίνησιν.

the motion that has power to move itself.

Why does Plato define the soul as such? There are several reasons. At first glance, this definition serves to reject the NPO and the related arguments formulated by the Sophists. In *Nomoi* 10.893b–893e, Plato presumes that everything is becoming and in motion. A thing in motion is moved either by itself or by others; motion that cannot move itself must ultimately be traced back to what Plato calls the »soul,« that is, the motion that has power to move itself. In this sense, the soul »ἐμπροσθεν πάντων γενομένη« [10.892a; is generated first among all things], »ἄρχει παντὸς μᾶλλον« [10.892a; rules over all other things], and is the »αἰτία ἅπασιν« [10.896a–b; cause of everything], as well as the »ἀρχὴ κινήσεως« [10.896a–b; principle of motion]. The phrase ἀρχὴ κινήσεως is a wordplay, meaning both »the beginning or the source of motion« in a descriptive and etiological sense and »the rule over motion« in a normative sense. One must thus conclude that not only *technika* but also all natural things are caused by the soul, if, indeed, one adopts the Sophists' definition of »nature« as »γένεσιν τὴν περὶ τὰ πρῶτα« [10.892c; the generation of the primary things]. In this context, the normativity derived from the alleged »nature« is by no means nobler than that derived from *nomos*.

In comparison to the educational *ergon*, however, this polemical use is a less important reason for defining the soul in this way (cf. Plato, *Laws* 10.907c). The argument of the Sophists is full of holes, and the popularity of the NPO among young men was by no means a result of the subtlety of Sophistic rhetoric. Plato himself realized that disproving the Sophists' arguments would not help solve the social problems of his time. His definition of the soul is, therefore, not a purely polemical design out of touch with the real world. Considering the suggestion of the Athenian in *Nomoi* 1.632d, it is clear that the definition of the soul is a consequence of empirical knowledge–*technē* concerning *nomos* (τῷ περὶ νόμων ἐμπείρῳ τέχνῃ).

The definition of the soul does not count as knowledge–*episteme*, which is based on truth discovered through intellectual inquiries regulated exclusively by the will to know. Instead, defining the soul as Plato does is a strategy of knowledge–*techne*, whose ultimate governing principle is its appropriateness for a specific *ergon*, which, as an object of the will to power, rules over the will to know. Plato acknowledges that while the soul is invisible, »much expectation« (ἐλπίς πολλή) allows us to presume that it is functioning and perceptible by rationality (νοητὸν δ' εἶναι) alone (*Laws* 10.898d–e). Given that Plato has disproved Sophistic arguments many times and in many different ways, the ἐλπίς πολλή, no doubt, refers to more concrete reasons.

The soul, then, is primarily a theoretical model designed to help us grasp the etiology of the generation of a good state. A state, as well as its *nomos*, is generated either by itself or by others. Given that a good state, for which laws are promulgated, should possess rationality (νοῦς), be free, and exist in friendly unity with itself (cf. Plato, *Laws* 3.701d: ἡ νομοθετουμένη πόλις ἐλευθέρᾳ τε ἔσται καὶ φίλῃ ἑαυτῇ καὶ νοῦν ἔξει), it should be generated by itself. Since the soul rules (ἄρχει) over all motion and transformation (cf. 10.892a–b), a good state must be generated by its own soul, which consists of its citizens' souls. In a similar sense, the human soul is a theoretical model designed to help one grasp the etiology of the generation and self-generation of the individual selves whose motions are the basic elements of *politeia*.

Due to the influence of the Romans, who translated the title of Plato's *Πολιτεία* as *Res Publica*, translations of this work into various languages are often inaptly titled *The Republic* or *The State*. Additionally, πολιτεία is often translated as »constitution« or »government.« While the term does refer to the constitution of a state or commonwealth, however, it does so in a way that is by no means consistent with the »constitution« in the sense of modern constitutional theory. For this reason, I prefer to transliterate it. *Politeia* is neither a constitution of a state created through a one-off constituent power, nor a promulgation of constitutional law, nor a purely theoretical design of a state, although the latter appears frequently in Plato's *Politeia*. If one seeks to consider *politeia* as the constitution of a state, it is better to understand the »state« from a Foucauldian per-

spective: »l'État est une codification de relations de pouvoir multiples qui lui permet de fonctionner« [1977, p.151; the state is a codification of multiple power relations that enables it to function]. In this view, as Mark Kelly (2015) notes, »power relations preexisted the state and it is ultimately to them that we must turn to understand politics« (p. 478).

It is an underappreciated fact that the later Plato, as a theoretician of the *politike*, holds a similar understanding of the structure of political unity to that of Foucault. The soul, as the motion that has power to move itself, is a concept of power relationships, that is, on the one hand, the self-relationship, and on the other, the relationship between souls. Souls continuously generate one another. Furthermore, the *politike*, the craft of the soul, denotes the local power relationships between *technitai* and their *erga* and materials. Through the *ergon*-directed strategy based on etiology, the souls of *technitai* are always subject to power relationships with animate and inanimate materials. These relationships form the basis of the *politeia* insofar as they enable the polis to generate itself, political unity to exist, and *nomos* to function.

Although the craft of the soul is divided into δικαιοσύνη (justice) and νομοθετική (legislation; cf. Plato, *Gorgias* 464b), Plato's emphasis is always on the former: This *technē* aims to produce just souls. The reason for this emphasis is clear: A free state is generated by the souls of its own citizens.

2.3 Justice as *Technē*

If one were to choose one key concept as the core of Plato's political philosophy, it would undoubtedly be »justice.« In Plato's vocabulary, however, there are three nouns that can be translated as »justice«: δίκη, δίκαιον, and δικαιοσύνη.

The first is probably the oldest of the three, since the capitalized Δίκη is also the name of the goddess of justice. Compared to the other two, δίκη has a relatively clear meaning, as it is primarily used in the context of legal proceedings. »Νικᾶν δίκην,« for example, means »to win a legal battle.« »Δίκη γίγνεται,« meanwhile, means »a judicial decision is made.«

An adjective derived from δίκη is δίκαιος, which means »just.« Its meaning is more general than that of δίκη, and it can be used in varied

contexts. The word δίκαιον, in turn, is a noun derived from δίκαιος, usually used to refer to »justice« as a feature of a person, behavior, institution, political unity, and so on. Plato's *Politeia* is subtitled »περί δικαίου« [On Justice], which precisely indicates the core topic of the work. While δίκαιον and δικαιοσύνη (*dikaiosyne*) are interchangeable in many contexts, it is inappropriate to consider them equivalent, since the latter is used to denote »justice« not as an abstract property but rather as a *technē*.

According to Plato's *Politeia*, justice-*dikaiosyne* is a kind of power that produces just citizens and a just state (cf. *Republic* 1.335c–d: Ἀλλὰ τῇ δικαιοσύνῃ δὴ οἱ δίκαιοι ἀδίκους; ἢ καὶ συλλήβδην ἀρετῇ οἱ ἀγαθοὶ κακοὺς; Ἀλλὰ ἀδύνατον, 4.443b: Ἐτι τι οὖν ἕτερον ζητεῖς δικαιοσύνην εἶναι ἢ ταύτην τὴν δύναμιν ἢ τοὺς τοιούτους ἄνδρας τε παρέχεται καὶ πόλεις; Μὰ Δία, ἢ δ' ὅς, οὐκ ἔγωγε). In other words, justice-*dikaiosyne* is defined by its *ergon*: a just state and just citizens. The entirety of the *Politeia* is formulated to help the reader grasp the nature and etiology of the *ergon* of justice-*dikaiosyne*. By the end of the fourth book, this goal has been partially achieved, as the features of the just state have been determined. *Callipolis*, the ideal state, »γε τῷ τὸ ἑαυτοῦ ἕκαστον ἐν αὐτῇ πράττειν τριῶν ὄντων γενῶν δικάια ἦν« [4.441d; is just insofar as each citizen does their own work in the city, consisting of three classes]. A state enjoying such harmony is free from injustice, that is, stasis and disorder (cf. 4.444a–b).

The idea of the individual, as conceived of by modern political philosophy as the opposite of the state, was unimaginable to the ancient Greeks, as Aristotle suggests (*Politics* 1.1253a). Against this backdrop, Plato argues that producing a just polis and producing just citizens are the same thing, at least in a logical sense: Consequently, analyzing the structure of *Callipolis* is a potential way to understand the *ergon* of justice-*dikaiosyne* (*Republic* 2.368d–369b). Following this methodology, Plato begins his investigation of *Callipolis* in *Politeia* 2.369b. This unfolds in the form of a detailed description of *Callipolis*' genesis and *politeia*, which continues for the remainder of the work. In the *Politeia*, etiological thinking entails thinking about how an ideally just polis produces just citizens who continue to (re)produce the polis.

Nevertheless, the *Politeia* is a purely theoretical work. It cannot be seen as a step forward in the development of *technē* either in the broad sense

or in terms of Plato's later thoughts on the topic. Put simply, the *Politeia* is a work that concentrates on the *ergon* without sufficient strategic thinking based on real circumstances. Plato's investigation of the etiology of *Callipolis* presupposes ideal circumstances, which differ greatly from real circumstances in both his time and ours. *Callipolis* produces just citizens autonomously and continuously because it consists of sufficient just citizens. In the real world, producing a just polis and producing just citizens are by no means the same thing in an etiological sense, since there are not enough just citizens to produce a just polis. This means that, in the real world, just citizens cannot be produced through the institutions of *Callipolis*, because *Callipolis* has not yet been produced.

Guided by strategic thinking that pays attention to concrete situations, in his late works, Plato recognizes that to produce a just polis in the real world, one must develop a *techne* that can produce just citizens in the absence of *Callipolis* (cf. *Laws* 6.751d). This *techne* is, after justice-*dikaiosisyne*, the second sub-*techne* of the craft of the soul: the *nomothetike* (νομοθετική).

Chapter 3: A Craft of Functional Lawmaking

Plato's *Nomoi* is neither primarily an investigation into laws that are good according to universal truth nor a work of legal philosophy aiming to develop a universal criterion to criticize or justify existing laws—nor does it have anything to do with justification in the sense of a political philosophy's conceiving of certain abstract norms or values as the fundamental principles of justifiable norms. Rather, this work is characterized by goal-directedness. Its aim is to develop a practicable *nomothetike*, that is, a kind of power-knowledge that citizens collectively implement in concrete situations to achieve a specific goal: cultivating their virtue, the highest form of which is justice—*dikaiosyne*. Unlike the *Politeia*, Plato's *Nomoi* is not an inquiry regulated by the will to know. Instead, it is a strategy governed by the will to power. Its principle is not truth that can be discovered but appropriateness determined by specific goals and power relationships among humans, as well as between humans and things.

3.1 The Purpose of Lawmaking

Θεὸς ἢ τις ἀνθρώπων ὑμῖν, ὃ ξένοι, εἴληφε τὴν αἰτίαν τῆς τῶν νόμων διαθέσεως; (Plato, *Laws* 1.624a)

A god or a man, who possesses the cause of the arrangement of *nomos* in your opinion, Strangers?

The first book of the *Nomoi* thus begins by asking what the cause (αἰτία) of *nomos* is. This is not an either/or question, because it is eminently clear that human actions are a cause of all functioning laws and orders; thus, the question is whether the causes (or the first cause) of *nomos* include divine elements. After Clinias has briefly established the divine elements causative of *nomos*, the Athenian turns to the purpose of the arrangement of *nomos*:

Κατὰ τί τὰ συσσίτια τε ὑμῖν συντέταχεν ὁ νόμος καὶ τὰ γυμνάσια καὶ τὴν τῶν ὅπλων ἕξιν;

For what purpose, in your opinion, did *nomos* arrange common meals, gymnastic school, and training in weapons?

What lies behind this question is a common belief held in ancient Greece: Law and order are products of *techne* exerted in service of certain goals that differ from those of observing laws. For both individuals and states, the act of following laws is a means, not an end. Clinias' first answer to the question is »πρὸς τὸν πόλεμον« [1.625d; for war] because victory over one's enemies is a necessary precondition for possessing property and almost all other political practices (cf. 1.626a–b). The Athenian is dubious of such an answer, since Clinias' understanding of war is, *prima facie*, limited to war between states. Clinias subsequently explains further, demonstrating the necessity of public war among citizens, as well as private war against oneself (cf. 1.626c–628b). This understanding, however, neglects the fact that fighting a war is merely a specific instrument resulting from strategic thinking based on specific situations and should not be considered an essential *ergon* of the *nomothetike*. This means that the *nomothetike*, as a *techne*, is not defined by war, which should, instead, be conceived of as an instrument or, in other words, a strategic *ergon* (1.628c–d):

Τό γε μὴν ἄριστον οὔτε ὁ πόλεμος οὔτε ἡ στάσις, ἀπευκτὸν δὲ τὸ δεηθῆναι τούτων, εἰρήνην δὲ πρὸς ἀλλήλους ἅμα καὶ φιλοφροσύνη, καὶ δὴ καὶ τὸ νικᾶν, ὡς ἔοικεν, αὐτὴν αὐτὴν πόλιν οὐκ ἦν τῶν ἀρίστων ἀλλὰ τῶν ἀναγκαίων [...]

The best thing is neither war nor civil war, which should never be desired, but peace and goodwill among each other; and the victory of a state over itself is obviously not one of the best things but something necessary.

Trevor J. Saunders (1997)⁹ elegantly translates »ἀλλὰ τῶν ἀναγκαίων« [but something necessary] as »it is just one of those things in which we've no choice.« This translation commendably illuminates the power relationship revealed by strategic thinking. We do not want war in any sense, but we are forced to fight wars against other states, against our fellow citizens, and against ourselves within each one of us: We have no choice in this, because we are forced by our *ergon* and strategy based on actual circumstances. Peaceful order in the state is a necessary condition of all political practices; similarly, peaceful order in an individual soul is a necessary condition of self-education. Fighting wars is thus a strategic *ergon* of the *nomothetike*, since order and law only exist in peaceful circumstances. If war is unavoidable, we must devote ourselves to fighting it, if we desire the *nomothetike*; and given that the ideal state has not yet been generated, if we desire to produce just individuals, the *nomothetike* is precisely what we must exert.

It is important to note that Plato does not advocate for some contemporary ideology in the name of the »rule of law« or »law and order.« In fact, he dislikes legal norms just as much as he dislikes war. In both the *Nomoi* and the *Politeia*, Plato argues that an ideally just state has no *nomos* in the form of legal order but only order produced by autonomous individuals (cf. Plato, *Republic* 4.425a–427a; *Laws* 4.739a–e). In the *Politeia*, legal order is considered pointless because a just state does not require it, while for a badly governed state, legal order by which the state is regulated is useless in that it accomplishes nothing (cf. Plato, *Republic* 4.427a). Nevertheless, based on strategic thinking (cf. *Laws* 4.739a–b), the later Plato attaches importance to legal order as an instrument of the *nomothetike*, whose essential *ergon*, as its goal, is »οὐκ ἄλλο ἢ πρὸς τὴν μεγίστην

9 See the English translations of *Plato Complete Works* edited by John M. Cooper (1997).

ἀρετὴν« [Laws 1.630c; nothing other than the highest virtue], that is, justice–*dikaiosyne*.

Lawmaking (νομοθεσία) is not equal to the *nomothetike* itself; rather, it is one of the instruments of the *nomothetike* that is applied in specific circumstances. Plato's dislike of legal order should not, moreover, be seen as a dislike of *nomos*, which can only be understood as »law« in specific contexts.

3.2 Plato's Concept of *Nomos*

The Greek word »νόμος« (*nomos*) is a polyseme whose meaning varies not only across time and between authors but also within a single author's work. It can be translated as »law,« »convention,« »custom,« »musical mode.« I suggest comprehending the term primarily as meaning »order,« which can be divided into the following categories:

- (1) An **order, in the broad sense**, is an ensemble of regularities in action shared by most individuals living in a given location.
- (2) I call it **legal order**, or simply **law**, when referring to an ensemble of statutes that command individuals to act in determined ways. If most people follow the commands of these statutes, then their actions will show regularities as obliged by the statutes.
- (3) I call it **autonomous order** when referring to an ensemble of regularities produced by individuals, each of whom acts either out of habit or out of rationality.
- (4) I call it **concrete order** when referring to an ensemble of regularities produced by individuals affected by a given synergy of various elements, such as laws, habits, rationality, tradition, productivity, relations of production, geography, or geopolitical situations.

In Plato's *Politeia*, *nomos* as legal order is, as mentioned in section 3.1, considered useless in terms of producing just order (4.425b):

Νομοθετεῖν δ' αὐτὰ οἶμαι εὔηθες· οὔτε γάρ που γίγνεται οὔτ' ἂν
μείνειεν λόγῳ τε καὶ γράμμασιν νομοθετηθέντα.

I think enacting it through lawmaking is silly, for commands and
statutes will never make it come into being or last.

So says Socrates. Conversely, autonomous order is highlighted, reflecting perfect unison among citizens' private *nomoi*. The autonomous order of a state is akin to a chorus without a conductor: When it is effective, all members seem to perform the same polyphony, even though each of them, in fact, sings independently, free from the conductor's command. In a just state, each individual acts exclusively according to their own nature, yet it appears that the ensemble of their actions can be described as an order, which continues to generate itself autonomously. To explain the relationship between the state's *nomos* and individuals' *nomoi*, Plato borrows Damon's music analogy (*Republic* 4.424c):

Δύδαμοῦ γὰρ κινουῦνται μουσικῆς τρόποι ἄνευ πολιτικῶν νόμων
τῶν μεγίστων.

For nowhere are modes of music changed without [changing] the
most fundamental political *nomos*.

This sentence entails a play on words, since νόμος also means »μουσικῆς τρόπος« (mode of music).¹⁰ The song sung by a single citizen is an individual *nomos*, that is, a private order produced by the nature of that person. Since the *nomos* of the state is an ensemble of individual *nomoi*, it is impossible for it to remain unchanged if some individual *nomoi* have changed.

Unlike the *Politeia*, which exclusively praises *nomos* as autonomous order, in the *Nomoi*, Plato obviously attaches importance to *nomos* as law in the form of statutes and rules. This does not mean, however, that his opinion on legal order has changed, as mere statutes are still consid-

10 Although μουσική often refers to »music,« it generally means any art over which the Muses presided.

ered useless. Rather, through the strategic thinking of the *nomothetike*, he develops a set of ways to make law effective and useful for collective education. Invoking Aristotle's commentary on the *Nomoi*, Schmitt (2011) accuses Plato of focusing excessively on contingent *nomoi* in the sense of statutes, opposing them to *politeia* (p. 37). Schmitt fails to recognize, however, that those statutes are part of the *nomothetike* that, as a *techne*, operates in contingent circumstances with regard to the necessary causality. Schmitt certainly overlooks important information in the text to which he refers, while Aristotle clearly points out Plato's purpose: »ταύτην βουλόμενος κοινοτέραν ποιεῖν ταῖς πόλεσι« [*Politics* 2.1265a; he wants to make this more suitable for adoption by actual states]. In *Nomoi* 4.709b–c, Plato applies an elegant analogy to explain the relationship between contingency (chance), causal necessity, and *techne*:

Ὡς θεὸς μὲν πάντα, καὶ μετὰ θεοῦ τύχη καὶ καιρὸς, τὰνθρώπινα διακυβερνώσι σύμπαντα. Ἡμερώτερον μὴν τρίτον συγχωρῆσαι τούτοις δεῖν ἔπρεσθαι τέχνην· καιρῷ γὰρ χειμῶνος συλλαβέσθαι κυβερνητικὴν ἢ μή, μέγα πλεονέκτημα ἔγωγ' ἂν θείην [...] Οὐκοῦν καὶ τοῖς ἄλλοις ὡσαύτως κατὰ τὸν αὐτὸν ἂν ἔχοι λόγον, καὶ δὴ καὶ νομοθεσίᾳ ταῦτὸν τοῦτο δοτέον [...]

As God controls all things, all human affairs are controlled by God, assisted by chance and opportunity. Indeed, it is more appropriate to acknowledge that God and chance/opportunity must be accompanied by a third factor, which is *techne*. In a winter storm, for instance, the *techne* of steering may or may not seize any opportunity. I would consider this *techne* a great advantage if it did. Consequently, the same logos should apply to other cases, including lawmaking.

Everything in the world is dominated by chance (τύχη) and the divine necessity of causality, meaning that the circumstances in which one acts are determined not primarily by humans but by chance. The *ergon* one attempts to carry out, moreover, is tied to the necessary chain of causal relationships, which is determined by God, not humans. If a steersman

hopes to guide his ship and crew out of a storm, all he can do is grasp the related etiology, namely the necessary causal relationship between navigating out of the storm and the contingent circumstances in which he finds himself. The concrete skills he uses must be specific and contingent because the circumstances are specific and contingent. Since the ship is a common metaphor for the polis in ancient Greek discourse, the *techne* of steering (κυβερνητική) is, in fact, a metaphor for political *techne*, the craft of the soul.

As section 2.3 demonstrates, producing a just *politeia* requires sufficient individuals who possess justice–*dikaiosyne*. The just *politeia* also presumes a specific, concrete order that enables it to function; recognizing the absence of such an order, in his later works, Plato realizes that the most important task for his time is not to imagine the details of his utopia but to organize collective education appropriate to the actual circumstances. The legal order that he designs in the *Nomoi* is part of the *nomothetike*, whose strategic thinking always keeps in mind the concrete order. Across both his early and later theories, Plato never ascribes the ahistorical universality of ideas to *nomos* in the sense of law or legal order: Law is merely a contingent instrument of the *nomothetike*, exerted in specific circumstances. Schmitt obviously fails to identify Plato's thinking on *techne*, that is, a kind of concrete-order thinking that Schmitt himself praises in *Über die drei Arten des rechtswissenschaftlichen Denkens*, as Montserrat Herrero (2015) summarizes: »Within the framework of thought on concrete order, decision is dependent on concrete order, which originates in both the need to restore order and in the need of find a new order« (p. 66). The legislation proposed by Plato's Athenian follows the same logic.

Plato primarily uses the word »*nomos*« to refer to order in the broad sense; it thus denotes not only law or legal order in a narrow sense but also autonomous order, which is free from laws. Although he never uses »*nomos*« to refer to a concrete order, however, it is always kept in mind when he strategically thinks of order from the perspective of the *nomothetike*.

3.3 The *Nomothetike* and the *Nomos* of Souls

As mentioned above, in the *Politeia*, legal order is considered useless, since laws in the form of commands and statutes are incapable of effective functioning (cf. Plato, *Republic* 4.425b). Merely promulgating laws in the form of decisions and commands does not ensure that individuals will follow them; similarly, statutes written as part of a legal code cannot guarantee perpetual compliance. These are two problems that Plato seeks to resolve in the *Nomoi*. Despite recognizing the effect of legal order in that work, he does not change his opinion: For him, what makes legal order functional is neither legal order itself nor elegant νομοθεσία (law-making) focused on the content of laws but the νομοθετική (*nomothetike*), the *technē* of deploying various instruments to create real order that, in Plato's view, serves to cultivate virtue in citizens' souls.

In his book *The Nomos of the Earth*, Schmitt (2006) emphasizes the relationship between land and order, as denoted by the original meaning of »*nomos*.« In his view, *nomos* is »the immediate form in which the political and social order of a people becomes spatially visible« and »the measure by which the land in a particular order is divided and situated; it is also the form of political, social, and religious order determined by this process. Here, measure, order, and form constitute a spatially concrete unity« (p. 70). Strangely, Schmitt ascribes »the utopian plan-character of modern laws« to Plato's *Nomoi* while neglecting the fifth book of the *Nomoi*, which shares a similar perspective. Although Plato uses the term »*nomos*,« primarily in the derivative verb »νομοθετέω« or noun »νομοθεσία,« to denote law, he never equates *nomos* with legal order, nor does he neglect the fundamental role of land in political and social order.

According to Plato, when a new state is founded, the most important thing is the equal distribution of land, not the design or promulgation of laws, since the distribution of land determines whether laws can come into being and endure. He emphasizes that »ταῦτα τὴν τε γῆν καὶ τὰς οἰκῆσεις ὅτι μάλιστα ἴσας ἐπινεμητέον« [*Laws* 5.737c; the land and the houses must be distributed equally so far as possible] in the sense that »τὰ μὲν ἀγαθῆς γῆς εἶναι μικρά, τὰ δὲ χείρονος μείζω« [5.745c; the parts consisting of good land are small, while those [consisting] of poor

[land] are larger]. The reason for this is that social inequality undermines friendships and leads to the instability of *nomos* (cf. *Laws* 5.737b, 743c). In order to produce *nomos*, people must appropriate land. If the measure and distribution of the land is unfair, however, stable *nomos*, as a product of citizens' souls, cannot come into being; in the same sense, a *nomos* based on a distribution that will inevitably lead to significant social inequality in the future does not have the power to endure. Geopolitical circumstances must also be taken into consideration (cf. *Laws* 5.737c–d), as the existence of a *nomos* depends not only on a state's citizens and allies but also on its current or potential enemies. In this sense, Plato's *Nomoi* is characterized by political realism, emphasizing the real existence of *nomos* in a concrete space rather than a utopia in an ideal space. Within the framework of this political theory, »the disordering of space is a danger to the conceptions of law and policy, since, in such a space, the notion of concrete is lost and opens up to arbitrariness and opportunism« (Herrero 2015, p. 27).

For Schmitt, the basis of *nomos* is men in space, not ideal human beings whose existence and features are free from any concrete space (cf. Herrero 2015, p. 27): In this sense, Schmitt and the later Plato share the same opinion. In comparison to Schmitt, however, Plato obviously pays more attention to men than land because human souls are the primary cause of all political phenomena. Although soul necessitates space (cf. Plato, *Timaeus* 34b), land is merely an instrument of Plato's *nomothetike* because appropriating land, much like fighting a war, is not the goal of that *nomothetike*. Schmitt's (2011) focus remains fixed on the »Ur-Aktes« [p. 47; original acts] that bring *nomos* into being, with the result that the continuous acts that make *nomos* last are neglected.

Nomos, whether in the sense of legal order or order in general, keeps existing if and only if sufficient individuals keep following it. Its power to exist is constituted by the obedience of those individuals' souls. Thus, from the perspective of the *nomothetike*, as one of the two typical crafts of the soul, making the *nomos* of a political unity last is primarily nothing other than making the *nomoi* of individual souls last. In this sense, the governance of individual souls is inextricably linked to the *nomothetike*.

Chapter 4: Governing Souls

Because of his theory of ideas, Plato is generally considered an essentialist. Given that his theory of ideas is criticized in his own *Parmenides* and plays a less important role in his later works, he is also considered a weak essentialist. Nevertheless, a subtle drama in this area has long been neglected: While Platonic essentialism reaches its peak in the *Politeia*, that essentialism, at least in terms of anthropology, gradually begins to be shaken by his theory of *techne*.

As the Hymn to Hephaestus conveys the possible transformation and producibility of the subject, human nature is considered producible in *Politeia* 4.424a, where Plato considers possible ways in which virtues can be cultivated in individual souls:

τροφὴ γὰρ καὶ παιδευσις χρηστὴ σφζομένη φύσεις ἀγαθὰς ἐμποιεῖ,
καὶ αὖ φύσεις χρησταὶ τοιαύτης παιδείας ἀντιλαμβανόμεναι ἔτι
βελτίους τῶν προτέρων φύοντα.

Useful nurture and education, if kept up, produce good natures, and useful natures, in turn, receiving such [a good] education, grow up even better than their predecessors.

Nature is thus considered producible through a system of education (παιδευσις), which is useful (χρηστὴ) in the sense that appropriate education propels appropriate subjectivation of human nature. In this context, the subject is no longer conceived of purely a priori; the transformation of the soul is possible. The ideal nature Plato seeks to produce is one

capable of both self-producing and producing a just state. This nature can be produced by a just state, the majority of whose citizens are just, or by collective education. The former, as the best way imagined in the *Politeia*, presumes an already-existing *Callipolis*. In almost all concrete situations, however, as the *Nomoi* demonstrates, a political unity is forced (by strategic thinking) to choose a less ideal but appropriate way to produce a relatively good nature (cf. *Laws* 5.739a–b). It is in this context that the later Plato shifts his focus from the idealistic depiction of *Callipolis* to the development of a feasible approach to collective education: the *nomothetike*.

The production of virtuous souls, as a practice in real space, presumes a stable *nomos* that guarantees the practice's continuation. Legal order might offer a practicable avenue for an averagely governed state. Given that mere statutes and commands are incapable of making law come into being and last, three sub-*technai* of the *nomothetike* are necessary: discipline (ἐπιτήδευμα), rhetoric (ῥητορικὴ), and the *nomos*-guard (νομοφυλακὴ).

4.1 Discipline

The *nomos* of a state is constituted through its inhabitants' *nomoi*. Legal order, as a kind of *nomos*, is no exception. In this context, Plato points out that to protect and maintain the legal order, useful individual souls should be produced from childhood through »δύναμιν ὅσα νόμους ἢ ἔθῃ τις ἢ ἐπιτηδεύματα καλεῖ« [*Laws* 7.793c–d; power as what one calls laws, habits, or discipline].

Inspired by the educational systems of Sparta and Egypt, in *Nomoi* 7, Plato proposes educating children through various practices of normalization. If we keep in mind that the soul is defined as »the motion that has power to move itself,« it is not difficult to discern that the ἐπιτήδευμα that propels this normalization is similar to what Foucault calls »discipline.« According to Foucault (1995), discipline is a kind of power that deploys a set of elements, such as norms, calculation of time, and the relevant distribution of practices, as well as rewards and punishments, to shape or correct the behavior of an individual »subject,« making it »more obedient as it becomes more useful« (p. 138). As Devonya N. Haris (2014) demon-

strates, the norm is a »positive« standard that »directs and sets the outer limits of acceptable behavior. It is not derived from natural law but comes instead from an attempt to make individual bodies both docile and socially useful« (p. 111). Given that the concept of the soul in the framework of the *politike* is primarily a model used to understand the motion of corporeal existence, it is inappropriate to set Foucault's disciplinary power, as a technology of the body, in opposition to Plato's craft of the soul.

Entailing a set of stable rules, games make up the main part of the normalization of *nomos* in individual souls between the ages of three and six. The aim of this normalization is to acclimate children to the specific rules that will continue to shape their behavior. In this process, punishment that sets the »border« of *nomos* is necessary for correcting their behavior (cf. Plato, *Laws* 7.793d–794c). For individuals over six years of age, education mainly takes place within the framework of two *technai*: γυμναστική (the *techne* of physical training) and μουσική (the *techne* of the Muses; cf. *Laws* 7.795d). Both are directed toward the internalization of established rules and norms within determined boundaries. During this process, any innovation in terms of rules and norms—except innovations that replace bad norms—is conceived as overstepping the border of the appropriate *nomos*: Consequently, it is considered a threat to the *nomos* of the community (cf. *Laws* 7.794c–798e). In this sense, the craft of the soul is a *techne* of governing individual mentalities, a »governmentality« that entails the disciplinary power exerted by teachers and *nomos*-guardians over individual souls. This power aims to produce individual *nomoi* that are useful for the *nomos* of the state. To ensure the stability of the latter, this governmentality also involves a set of institutions that collectively prevent individuals from overstepping the determined borders of *nomos* within their souls. Such governmentality is not a proposal that was never realized before early modern times; rather, it is a combination of the real experiences of the ancient Spartan educational system and Egyptian festival institutions. According to Plato, the Egyptians developed an efficient *techne* to cultivate and restrict the *nomos* of individual souls in a positive way (*Laws* 7.799a–b; cf. 7.798e–799a):

Τοῦ καθιερῶσαι πᾶσαν μὲν ὄρχησιν, πάντα δὲ μέλη, τάξαντας πρῶτον μὲν τὰς ἐορτάς, συλλογισαμένους εἰς τὸν ἐνιαυτὸν ἄστινας ἐν οἷς χρόνοις καὶ οἷσιν ἐκάστοις τῶν θεῶν καὶ παισὶ τούτων καὶ δαίμοσι γίγνεσθαι χρεῶν, μετὰ δὲ τοῦτο, ἐπὶ τοῖς τῶν θεῶν θύμασιν ἐκάστοις ἦν ᾧδὴν δεῖ ἐφυμνεῖσθαι, καὶ χορείαις ποίαισιν γεραίρειν τὴν τότε θυσίαν, τάξει μὲν πρῶτόν τινας, ἃ δ' ἂν ταχθῇ, Μοίραις καὶ τοῖς ἄλλοις πᾶσι θεοῖς θύσαντας κοινῇ πάντας τοὺς πολίτας, σπένδοντας καθιεροῦν ἐκάστας τὰς ᾠδὰς ἐκάστοις τῶν θεῶν καὶ τῶν ἄλλων· ἂν δὲ παρ' αὐτὰ τίς τῶν θεῶν ἄλλους ὕμνους ἢ χορείας προσάγῃ, τοὺς ἱερέας τε καὶ τὰς ἱερείας μετὰ νομοφυλάκων ἐξείργοντας ὁσίως ἐξείργειν καὶ κατὰ νόμον, τὸν δὲ ἐξειργόμενον, ἂν μὴ ἐκὼν ἐξείργηται, δίκας ἀσεβείας διὰ βίου παντὸς τῷ ἐθελήσαντι παρέχειν.

[The *techne*] of consecrating all dances and music. First, they [the Egyptians] arrange the festival by calculating for the whole year what feasts should be held on what dates and what gods, children of gods, and daemons should be honored. Second, they arrange what hymn is to be sung at each of the sacrifices and with what dances each such sacrifice is to be celebrated. These arrangements are first made by certain people, and then, after making a sacrifice to the Fates and other deities, all the citizens collectively dedicate, with a libation, each of the hymns to their respective gods and other divinities. If anyone disobeys this [arrangement] and introduces other hymns or dances for any god, the priests and priestesses, together with the *nomos*-guardians, in accordance with the sacred will and the *nomos*, expel him from the feast. If he resists expulsion, he is liable to be prosecuted for impiety for the rest of his life by anyone who wants to do it.

As mentioned in section 3.2, the ancient Greek word *nomos* also means μουσικῆς τρόπος, the mode of a *techne* of the Muses. Consecrating dances and music thus means the internalization of *nomos* in a sacred way or, in other words, normalizing the soul. Through feasts, the Egyptians facilitated individuals' acceptance of the norm developed through the calcula-

tion (συλλογίζομαι) and arrangement (τάσσω) of various elements of festival practices. By forbidding innovation in *nomoi*, priests, together with *nomos*-guardians, maintained, as surveillants, a constant constraint on the individual soul and, consequently, on the motion of the body. Here, deviation from *nomos* is punishable: To correct the wrongdoer's behavior, he must provisionally be expelled from the feast, that is, from the *nomos* of the state. If he is unwillingly expelled, he becomes akin to what Giorgio Agamben (1998) calls the *homo sacer*. As an impious man, he is outside the disciplinary system even as he, by denoting the boundaries of the *nomos*, paradoxically plays a constitutive role in it. Anyone, at any time, can prosecute him for impiety, since he has been expelled from the *nomos* of the state unwillingly. As Agamben states, »He who has been banned is not, in fact, simply set outside the [*nomos*] and made indifferent to it but rather abandoned by it, that is, exposed and threatened on the threshold in which life and [*nomos*], outside and inside, become indistinguishable. It is literally not possible to say whether the one who has been banned is outside or inside the juridical order. (This is why in Romance languages, to be »banned« originally means both to be »at the mercy of« and »at one's own will, freely,« to be »excluded« and also »open to all, free.«)« (pp. 28–29).

With regard to the collective cultivation of citizens' virtues—the ultimate goal of the *nomothetike*—the function of disciplinary power is limited. Disciplinary power ensures that the existing laws last, but it does not make new statutes come into being. To perfect collective education and adapt to changing circumstances, new statutes are always necessary. The reason for Plato's praise of the Egyptian *technē* lies not only in the efficient mode of the disciplinary system but also in the mode of lawmaking: While individual innovations in *nomos* were forbidden, the Egyptians placed a high value on the collective creation of *nomos*. Although new arrangements were initially made by a few people, their final promulgation required the collective practice of a democratic ceremony. Such lawmaking is based neither on abstract consensus envisioned by a single philosopher nor on the rational decisions of a few elites; rather, it is based on the citizens' obedience, produced by a process of collective persuasion. The subtlety of Egyptian lawmaking consists not in the democratic process itself but rather in the understanding of the etiology of functional statutes.

4.2 Rhetoric

The obedience of the multitude is the only source of power for any law. Existing statutes garner sufficient obedience in the form of individual habits produced by disciplinary power. A newly promulgated statute, however, lacks support from the disciplinary system and, consequently, requires obedience produced in other ways. A widespread but uninformative cliché is that obedience to laws is produced by »authority«: This statement reverses cause and effect, since a person or organization is considered authoritative not because they possess any magical quality called »authority« that makes people obey them but because many people are willing to believe or obey what they say. A command may force people to obey, but this is not because it is a command; it is because sufficient people are willing to obey it and help force others to do the same. Without sufficient obedience, a command cannot be distinguished from mere words. This is why Plato considers commands and statutes incapable of producing a good *nomos* (cf. *Republic* 4.425b). To make newly promulgated statutes function, legislators must produce initial obedience. A *techne* of obedience is thus necessary. It is worth noting in this context that the middle and passive form of the Greek verb πείθω (to persuade) is πείθομαι, which means not only »to be persuaded« but also »to obey,« while the related noun πειθώ means both »persuasion« and »obedience.« This implies an indistinction between the *techne* of obedience and the *techne* of persuasion.

According to Plato, useful laws should consist of both »πειθοῖ καὶ βία« [*Laws* 4.722b; persuasion and compulsion]. Compulsion is realized through punishment and threats. Persuasion can be achieved, as in the Egyptian case, through ceremony or, as Plato recommends, through a preface (προοίμιον), that is, a persuasive speech (cf. *Laws* 4.723a: ὁ λόγος οὗτος, ὃν πείθων εἶπεν ὁ λέγων). An effective legal order consists of »νόμος τε καὶ προοίμιον τοῦ νόμου« [*Laws* 4.722e; law and preface of law]. Legislators thus require a preface, a persuasive speech, to convince citizens to accept the arrangement as *nomos* (cf. Plato, *Laws* 4.718a–724b). As has been mentioned many times above, the *nomos* of a community is constituted through the *nomoi* in the souls of individuals. To become *nomos* that functions as legal order, statutes must first become part of the *nomos* of (most) citizens' souls.

It is notable that Plato's »preface« differs from today's legal commentaries not primarily because the former is completed before the relevant promulgation has been enacted but primarily because while the latter are accessible exclusively to legal professionals and scholars, the former should be understood by most citizens (cf. *Laws* 4.723c). The Platonic preface should also be distinguished from the preface in a modern legal code: The function of such a modern preface, as well as today's legal commentaries, is nothing other than to legitimize the compulsion produced by legal violence. Such legitimation, consisting of a set of propositions, is held within the framework of a purely normative theory. Conversely, Plato's preface is part of the *nomothetike* that, as a *techne*, is primarily part of a strategic act. In this context, the Platonic preface is an act that aims to produce real obedience in citizens' souls.

In Plato's view, the persuasive work involved in the *nomothetike* is carried out by three professionals: the rhetorician (ῥήτωρ), the musician (μελωδός), and the legislator (νομοθέτης; cf. *Laws* 4.723d). This means that the legislator (*nomothetes*), although the typical *technites* of the *nomothetike*, is not the only one. Unlike musicians, who, as Plato's account of the Egyptian *techne* demonstrates, produce obedience through disciplinary power, legislators produce obedience mainly through persuasive speech, characterized by a rational account of the related etiology of laws. In this context, the role of rhetorician may, *prima facie*, appear somewhat embarrassing, since rhetoric in general is a *techne* that produces persuasion (πείθω) by means of speech (λόγος; cf. Plato, *Gorgias* 449d–452d). Within the framework of the *nomothetike*, this work is taken by legislators, who use prefaces to persuade citizens. Why, then, does the *nomothetike* still require rhetoricians? Plato has an answer (*Laws* 2.663e):

Καλὸν μὲν ἢ ἀλήθεια [...] καὶ μόνιμον · ἔοικε μὴν οὐ ῥάδιον εἶναι πείθειν.

Truth is a noble and eternal thing; but to persuade men of it seems not easy.

The *nomothetike*, as a *techne*, is exercised in concrete situations. Through education, grasping truth through reason might be accessible to all, but it is unwise to ignore the fact that many people cannot be persuaded by rational accounts before they are educated. Ideally, most citizens will be persuaded by a rational account; if not, legislators should be bold enough to tell a lie (ψεύδεσθαι; cf. *Laws* 2.663d–e). As a *techne*, the *nomothetike* follows nothing other than its *ergon*, namely producing good *nomos*, and strategy based on concrete circumstances (*Laws* 2.664a):

ὥστε οὐδὲν ἄλλο αὐτὸν δεῖ σκοποῦντα ἀνευρίσκειν ἢ τί πείσας
μέγιστον ἀγαθὸν ἐργάσαιτο ἂν πόλιν, τούτου δὲ περὶ πᾶσαν μηχανὴν
εὐρίσκειν ὄντιν᾽ ἅ ποτε τρόπον ἢ τοιαύτη συνοικία πᾶσα περὶ τούτων
ἐν καὶ ταῦτὸν ὅτι μάλιστα φθέγγοιτ' αἰεὶ διὰ βίου παντὸς ἐν τε
ῥῥαῖς καὶ μύθοις καὶ λόγοις.

Thus, he [the legislator] must consider and investigate nothing other than what persuasion would do most good to the state. For this purpose, he must think up every possible device to ensure that, as far as possible, the entire community, throughout all life, preserves the exact same voice in song, mythos, and logos.

In comparison to lawmaking, rhetoric is more specific to persuasion and does not concern itself with whether a persuasive speech is based on truth. Ideally, legislators would be able to persuade citizens by explaining the related etiology of certain statutes. Otherwise, they will need the help of rhetoricians, or they themselves must work as rhetoricians to persuade citizens to obey new statutes.

Referring to Plato's accusation of factionalist lawmaking in *Nomoi* 4.714–715, many scholars interpret his emphasis on persuasion from a purely moralistic perspective. With a preference for consensus democracy, they claim that his reason for highlighting persuasion is to avoid factionalism or class domination. This moralistic interpretation, however, is incorrect and neglects Plato's thinking on *techne*. Plato's attitude toward lawgivers, allowing them rhetoric that uses lies as instruments, shows that he does not care about consensus. Additionally, consensus is incapable

of reducing factionalism. Plato pays the attention he does to voluntary compliance with the law exclusively insofar as the power of laws is ultimately constituted by the obedience of citizens or, in other words, by the *nomoi* of individual souls. In this sense, all average people in the community are *technitai* of the *nomothetike*, along with the legislators, musicians, and rhetoricians. Producing a *nomos* is akin to producing a huge warship, which is created through the cooperation of a group of *technitai*, including not only designers and foremen but also carpenters and ordinary shipbuilders. Alongside these *technitai* of the *nomothetike*, the role of the *nomos*-guardians seems to be of the utmost importance.

4.3 The Guardians of the *Nomos* in Individual Souls

In the lecture »The Political Technology of Individuals,« held at the University of Vermont in 1982, Foucault explained his understanding of the concept of the police from the end of the sixteenth century to the end of the eighteenth century, stating that this idea refers to a set of »specific techniques by which a government in the framework of the state was able to govern people as individuals significantly useful for the world« (p. 154). This concept bears similarities to the Platonic idea that emphasizes the importance of producing a useful (χρηστή) soul in each individual. Nevertheless, Foucault sees the similarities between certain Greek ideas and the ideas marking the literature on policing as merely apparent, despite the fact that »reference to Greek cities is very current in this political literature of the beginning of the seventeenth century.« In Foucault's view, the reason for this is that »the marginalistic integration of individuals in the state's utility is not obtained in the modern state by the form of the ethical community which was characteristic of the Greek city. It is obtained in this new political rationality by a certain specific technique called then, and at this moment, the police« (p. 153). With regard to Plato's *nomos*-guardians, however, it is doubtful whether this concept of policing can truly be distinguished from the ancient Greek »πολιτική,« that is, the etymological origin of »police.«

In the Cretan state Plato designs in the *Nomoi*, the *nomos*-guardians (νομοφύλακες) are the first appointed elected officials (cf. *Laws*

6.752d–763d). The word »νομοφύλαξ« is a compound of »νόμος« (*nomos*) and »φύλαξ« (guardian/watcher). It is inappropriate to translate the term as »guardian of law« because *nomos* here primarily means »order« in the broad sense, not exclusively »legal order«; although most of the *nomos*-guardians' tasks aim to render the law functional, their direct objects are mainly the *nomoi* of individual souls, not the *nomos* of the state. In addition, although the *nomos*-guardians are to act in accordance with the laws, specific statutes invest them with significant discretion.

Nomos-guardians are individuals possessing the *techne* of combat, as every candidate must have served or be serving in the army (cf. Plato, *Laws* 6.753b). Those elected are entitled to exercise various functions. They collaborate with a diverse range of officials to address matters pertaining to education, religion, cultural events, and the censorship of the liberal arts; meanwhile, they supervise those same officials and establish appropriate penalties for wrongdoing or bring wrongdoers to court. If an illegal activity relates to arranging religious affairs in private, stopping it is also a task of the *nomos*-guardians. In cases concerning private property, the prosecution of judges, divorce disputes, and the death penalty, they serve as judges or arbitrators. They are also responsible for some economic affairs, including arranging imports and exports, enacting executive measures concerning trade, and scrutinizing registered documents related to private property. When exiles are to return to the polis, twelve *nomos*-guardians will go to the border and investigate what they did during their exile so as to determine, based on statutes, whether to grant them permission to return. In some respects, *nomos*-guardians resemble today's social workers in that they provide consulting services concerning family and clan disputes. They also allocate other types of social workers, such as babysitters for children and food delivery staff for prisoners. In complex cases, three *nomos*-guardians are even to be assigned to take care of orphans (see appendix 1: List of Functions of the *Nomos*-Guardians).

Given that, in the *Nomoi*, the function of law is highlighted, and the monarchic, as well as despotic, elements disappear from the proposed society (cf. Plato, *Laws* 4.712c), many scholars today ascribe the »rule of law« to the state Plato designs therein (cf., e. g., Cohen 1993, p. 301; Mülke 2021, p. 76). Such an ascription is both semantically and chronologically inaccurate.

The rule of law is opposed to despotism. As Foucault (2008) points out, however, it is also »opposed to something different from despotism, and this is the *Polizeistaat*, the police state. The police state is different from despotism, although concretely they overlap, or aspects of them overlap« (p. 168). According to Foucault, »the police state establishes an administrative continuum that, from the general law to the particular measure, makes the public authorities and the injunctions they give one and the same type of principle, according to one and the same type of coercive value. Despotism, then, refers any injunction made by the public authorities back to the sovereign's will and to it alone, or, rather, it makes it originate in this will« (pp. 168–69).

Putting aside the fact that today's semantic extension makes the English expression »the rule of law« rather unclear, the idea of the rule of law, in the sense of state theory, as well as the German term *Rechtsstaat*, was the product of a rising class: the European bourgeoisie. As Otto Kirchheimer (1996) demonstrates, this idea »protested against an eighteenth century, police-state concept of individual freedom that would allow the state to busy itself with the personal happiness of the individual for which, according to Kant and Feuerbach, there was no general law« (p. 245). The appointment of the Platonic *nomos*-guardians emphasizes the necessity of official power's positive intervention in individual lives; in this sense, the Cretan state is characterized by precisely the opposite of the rule of law, that is, the police-state, not the *Rechtsstaat*.

The *nomos*-guardians are characteristic of most, albeit not all, of the features Foucault (1988) discovers in studying the police theories of Louis Turquet de Mayenne and N. Delamare. In Foucault's understanding of Turquet, the »task of the police was to foster civil respect and public morality« (p. 154) so that it »branches out into all of the people's conditions, everything they do or undertake. Its fields comprise justice, finance, and the army« (p. 155). Additionally, based on Delamare's encyclopedia, Foucault summarizes the matters the police must address as follows: religion, morals, health, supplies, roads, highways, buildings, public safety, liberal arts, trade, factories, manservants, factory workers, and the poor (p. 156). Except for those predicated on modern production modes, almost all of these functions can be found in Plato's *Nomoi*.

Obviously, to distinguish the »police« from the »*nomothetike*« at the level of function is impossible. Their distinction, in Foucault's (1988) view, thus lies primarily in their different foundations: »Police« are based on a new kind of political rationality, whereas the apparently similar Greek ideas are based on an ethical community (p. 153). What does »ethical« mean in this context? It refers to something related to either ἀρετή (virtue) or ἥθος (habit). The former, as section 3.1 mentions, is the goal of the *nomothetike*, and the latter, as section 4.1 demonstrates, is not something fundamental to human behavior but an effect of disciplinary power and an instrument of the *nomothetike*. As chapter 1 shows, for the ancient Greeks, virtue was primarily a *techne*. In this sense, it was regulated by rationality. According to the later works of Plato, cultivating individual virtue, as the goal of the *nomothetike*, ultimately means cultivating individual justice–*dikaiosyne*, that is, a kind of craft of the soul or, in other words, *politike techne*. Thus, justice–*dikaiosyne*, as a *techne*, along with the *nomothetike*, must function within the framework of the strategy whose objects are both the state and the interacting citizens in the state. Given that both ἀρετή and ἥθος are elements of the *politike techne*, characterized by »political rationality,« the »ethical« is not sufficient to distinguish the eighteenth-century concept of »police« from the Greek »*politike*,« especially the *nomothetike* that the *nomos*-guardians implement.

In Delamare's theory, »the police see to living,« or, to put it another way, »life is the object of the police« (Foucault 1988). A living being distinguishes itself from non-living beings by its power to move itself: In other words, in contrast to non-living beings, which are inanimate, a living being is animate because it possesses a soul (the motion that has power to move itself). The police's true object is humanity, insofar as its true object is the behavior and motion of humans. In this sense, the police are indistinguishable from the *nomothetike*, as well as the craft of the soul. The *nomos*-guardians are *technitai* of the *nomothetike*, as they continually guard the *nomos* and watch over its boundaries. To ensure the existence of the state's *nomos*, they watch over the borders of the *nomos* in each individual soul, which is an atom of the *nomos* of the state. They help educate individual souls because souls are the origin of *nomos*. To normalize the behaviors and the souls of citizens, they punish individuals whose

souls are productive of new *nomoi* that undermine that of the state. They create the lifelong impious man whose life is outside the laws' protection but denotes the borders of *nomos* in the sense that everyone within that *nomos* can prosecute him at will. They work as judges in cases involving the death penalty, meaning that they decide whether a defendant's life is so harmful to the existence of the state's *nomos* that the very goal of justice—*dikaioσύνη* must be suspended. In short, the *nomos*-guardians watch over the borders of *nomos* and decide on states of exception.

4.4 Ineliminable Sovereignty

Although Plato's design for the Cretan state shows the principle of mixed government, monarchic elements, including the philosopher king, are, indeed, excluded. Using the analogy of a herdsman's rule over the herds, Plato claims that a monarchical system presupposes the rule of a superior being. Consequently, just as people do not put cattle in charge of cattle, a monarchical state consisting of human beings requires a divine and immortal king (cf. *Laws* 4.713c–d). Thus, based on real circumstances, in which no divine ruler exists, the Cretan state must develop a political system without a monarch and, consequently, without a sovereign who decides on states of exception. Sovereign decisions on whether legal order at the level of totality should be provisionally suspended are almost impossible in the Platonic Cretan state. Nevertheless, sovereign power remains, since the *nomos*-guardians keep watch over the boundaries of the state's *nomos*.

Sovereignty is a »borderline concept« (Schmitt 2005, p. 5) denoting a kind of paradoxical act that constitutes the borders of legal order while simultaneously crossing them. In Schmitt's theory, the key to understanding sovereignty lies in the decision of the personalized sovereign. In contrast, as Jonas Heller (2018) points out, Agamben sees sovereignty primarily as a kind of structure, constituted by the existence of »bare life,« for which centralized decisions on exceptions are not particularly important (p. 127). Agamben's (1998) »bare life« is itself a borderline concept, suggesting that there »is a limit-figure of life, a threshold in which life is both inside and outside the juridical order, and this threshold is the place of

sovereignty» (p. 27). Alongside the impious men produced by the Egyptian *technē* discussed in section 4.1, the sixth book of the *Nomoi* presents another typical figure of the »bare life«: the disgraced warden. In the Platonic Cretan state, if a warden intentionally deviates from the disciplinary order of his position, then, according to the law, his name must be posted in the marketplace as a deserter from his post, and everyone who happens to meet him is entitled to beat him without being punished for it (cf. *Laws* 6.762c). The disgraced warden is thus »exposed and threatened on the threshold in which life and law, outside and inside, become indistinguishable« (Agamben 1998, p. 28). He is outside the *nomos* of the state because everyone is entitled to beat him without punishment, but, paradoxically, he is also still inside the *nomos*, as his existence is produced by law. Meanwhile, his soul still constitutes the *nomos* of the state, while his life continues to denote the borders of the *nomos*. His soul continuously produces a space of indistinction between legality and illegality, as before him, everyone is characterized by the sovereign power that suspends laws. In this case, the indistinction between the spaces outside and inside the law features every normal citizen, as well as the abnormal one.

What is the cause of sovereignty? The answer is given in the first book of the *Nomoi*, when Clinias points out the necessity of war (1.626b):

ἀν μὴ τῷ πολέμῳ ἄρα κρατῇ τις, πάντα δὲ τὰ τῶν νικωμένων ἀγαθὰ
τῶν νικούντων γίγνεσθαι.

If we had not won the war, all good things belonging to us, the conquered, would become good things belonging to the victorious.

This makes war an indispensable instrument of the *nomothetike*, as well as of all practices that require peaceful order to ensure that the process of the practice is not destroyed. *Technē*'s strategy forces Plato to always keep in mind the real possibility of war »γὰρ πόλεμός τις βιασάμενος ἀνέτρεψε πολιτείας καὶ μετέβαλε νόμους« [*Laws* 4.709a; because losing a war may destroy the *politeia* and alter *nomos*]. *Nomos* is altered by war not primarily in the sense that the content of statute law is rewritten but rather in the sense that the structure of its production is replaced. The *nomos* of a

conquered polis is permanently shaped by the violence of its enemies, not directly produced by the souls of its citizens: In such a case, the citizens are no longer the dominant *technitai* who produce the *nomos* of their state.

Warfare is the oldest space within which sovereign power is exerted, since the oldest feature of sovereignty is, as Foucault (2003) understands, the »right to take life or let live« (p. 241), that is, the right over the threshold between life and death. Contrary to Agamben's (1998) view that »the inclusion of bare life in the political realm constitutes the original—if concealed—nucleus of sovereign power« (p. 6), original sovereignty is neither the producer of »bare life« nor the ἀρχή (origin, principle, or rule) of *nomos*. Rather, it is an instrument of the *nomothetike*. In other words, sovereignty is an instrument used to protect the order that enables the *nomothetike* to be practiced.

If the most primitive political system is democracy where hierarchical order has not yet come into being, then the most primitive form of sovereignty must be purely technical and function exclusively during defensive war. Exclusively at such a time, the protection of *nomos* suspends the goal of *nomos* and lets soldiers die. Sovereign power is exerted by the commandant who directs the soldiers' actions: The sovereignty he thus exercises is not his own product but that produced by the majority of citizens, whose power in the form of obedience is the only energy resource of the *nomothetike*. If they wish their political unity and *nomos* to survive, they have no other choice than to entitle a commandant to exert sovereign power that risks the lives of soldiers to fight the enemy. The occurrence of war does not depend upon the members of a single political unity but upon God. Humans can do nothing in the face of such events but exert their *technē*.

In Plato's late political thought, it is clearly explained that the true origin of sovereignty is the reactive combination of three factors: (1) etiological necessity governed by God; (2) chance, embodied by the prevailing circumstances, which humans must inevitably face; and (3) the *technē* that humans use to deal with the circumstances and achieve their goals.

In a primitive political unity that uses sovereign power exclusively during defensive wars, citizens' tasks of watching over borders are limited to the physical borders of the territory. Consequently, their actions

are not characterized by sovereignty. As a political unity reaches a certain scale, however, circumstances change. The *nomos* of the state may require supervision of the borders of individual *nomoi* to prevent the state's *nomos* from being corrupted from the inside. If this change is grasped by *technē*, then governmentality must come into being. »Bare life« emerges as an additional instrument of such governmentality that enhances the state's *nomos* and protects it from the inside. Sovereignty does not disappear under these circumstances but becomes normal and persistent in peacetime. This is not only because the real possibility of war is ineliminable: On one hand, *nomos*-guarding, that is, watching over the borders of individuals' *nomoi*, becomes a new form of borderline concept that reveals sovereignty, while on the other hand, the existence of »bare life« produces the indistinction of borders, as well as the suspension of the goal of the *nomothetike* in the sense that those subject to bare life, as exceptions, are no longer seen as part of the collective cultivation of virtues.

The use of sovereignty renders the Platonic *nomothetike*, along with all other possible kinds of *nomothetike*, indistinguishable from the Sophistic type. In *Nomoi* 4, Plato describes the Sophistic understanding of the *nomothetike* as follows:

- (A) *Nomos* aims neither at war nor at virtue.
- (B) *Nomos* aims at safeguarding the interests of established *politeia* so that it can rule forever and never be destroyed.
- (C) The concrete form of the *politeia* is indifferent to the *nomothetike*.
- (D) The *nomothetike* defines justice and injustice on behalf of the interests of the ruling class.

Plato denies three of these four features. Along with considering the ultimate goal of the *nomothetike* to be the collective cultivation of virtue (contradicting A), he claims that the *nomos* must serve the interests of the entire polis (contradicting D) and, consequently, protect the *politeia* that is free from essential class differentiation (contradicting C; cf. *Laws* 4.713e–715b). Nevertheless, feature (B) is not rejected, as both the *politeia* and the *nomothetike* require protection. In the practice of *politike technē*, this requirement almost necessarily leads to the use of sovereignty.

As a borderline concept, sovereignty is not primarily characterized by the suspension of law, which is merely an instrument. Rather, sovereignty is characterized by the suspension of the goals that sovereignty itself serves, resulting in an indistinction between instrument and goal. In terms of such sovereignty, the *ergon* as productive act and the *ergon* as product become one and the same, as ensuring the process of production becomes the goal of that very production.

During a defensive war, sovereignty suspends its goal in the sense that it produces dead soldiers who are no longer part of the collective cultivation of virtue. In the case of the death penalty, it even suspends one of the most important principles of justice—*dikaiosyne*: According to Plato's *Politeia*, it is never just to harm anyone, because harm produces injustice in the harmed (1.335a–e). A citizen worthy of condemnation to death, however, is conceived of as incurable (ἀνίατος; cf. *Laws* 9.854e), and since the *nomos* of the state consists of its citizens' individual *nomoi*, the existence of such an incurable soul threatens the *nomos* of the state. This is the reason and justification for the death penalty in the Platonic Cretan state. This justification is not ethical but purely technical, aiming at nothing other than protecting the order that allows the *nomothetike* to be practiced.

Although the Cretan governmentality described does not produce death, it is still characterized by the suspension of the goal of the *nomothetike* and is never free from the indistinction of borders. In the Cretan governmentality, which is mainly exerted in peacetime, sovereignty is not centralized in a single person who decides on the total state of exception: Instead, it is decentralized among many *nomos*-guardians who decide not only whether the death penalty is necessary but also whether the suspension of the *nomothetike*'s goal is necessary. Furthermore, they also have discretion (though based on law) to decide whether an individual should be subject to bare life, which is useful for the *nomothetike* in a different way from normal citizens. Both sovereignty and governmentality consist of various concrete measures; they are, as it were, two groups of instruments in a toolbox that lacks dividers, leaving no clear border between sovereign and governmental tools. Which tools are used and which combination is established ultimately depend on the reaction between God, chance, and *techne*. Different practices are derived neither from different *technai*

nor from the same *techne* practiced by different people, nor indeed from causality altered by God. Rather, they are derived from different chances, embodied in concrete circumstances in which people practice the same *techne*. For *techne*, regulated by *ergon* and strategy, there is no general rule; only specific rules apply to specific circumstances. Because governmentality is characterized by *techne*, it is impossible for it to be deprived of sovereignty, since nobody can ensure that the circumstances in which sovereignty is the most appropriate instrument will never come to be.

In terms of the *nomos*-guardians, sovereignty in the Platonic Cretan state, while not monarchic, can be conceived of as aristocratic. This does not mean, however, that democracy is necessarily free from sovereignty. Regarding the education of children, for instance, watching over the borders of *nomos* in children's souls is the business of almost every adult citizen in the Platonic Cretan state (*Laws* 7.808e):

πᾶς ὁ προστυγχάνων τῶν ἐλευθέρων ἀνδρῶν κολαζέτω τόν τε παῖδα αὐτὸν καὶ τὸν παιδαγωγὸν καὶ διδάσκαλον, ἐὰν ἑξαμαρτάνῃ τις τι τούτων. Ἄν δ' αὖ προστυγχάνων τις μὴ κολάζῃ τῇ δίκῃ, ὀνειδίει μὲν ἐνεχέσθω πρῶτον τῷ μεγίστῳ.

Any free man who meets the child should punish both the child himself and his teacher, as well as his tutor, if any of them does wrong. And if anyone who meets them fails to punish them according to justice, he shall, first of all, be liable to the deepest disgrace.

In this case, sovereignty is democratic and embodied by average individuals. In comparison to sovereignty in the face of bare life, this sovereign power is exerted more actively. In dealing with children's *nomoi*, everyone is entitled to decide on exceptions, judge whether teachers or pupils have crossed the boundaries of the appropriate *nomos*, and take appropriate measures to address the state of exception at hand. It seems that Plato attempts to mobilize the multitude, which is rational in terms of its *nomothetike*, to produce and protect the *nomos* of the state, using its sovereign decision, as well as its sovereign power, to fight against the Sophists who use teaching to corrupt the *nomoi* in young citizens' souls. Even

the most ordinary citizens are entitled to exert this sovereignty within the framework of *techne*, provided that they see the state's stable *nomos* as one of their goals and conceive of sovereignty, in specific cases, as an appropriate instrument to achieve it. This idea seems never to have been realized, since no political unity has officially established this form of multitude-practice as part of its *nomothetike*. Nevertheless, spontaneous practices in similar forms are easy to find today. Mass movements fighting against the teaching of certain ideas can be found in countries with various cultures and on both the left and right wings. Despite having different or even opposed understandings of appropriate *nomos*, all of these actively try to intervene in education systems. To use *techne*, they need not learn what *techne* is; knowing their own goals and circumstances is sufficient for them to develop strategic thinking. Plato and other ancient Greeks simply used the word »*techne*« to denote this practical combination of *ergon* and strategy.

Chapter 5: Paradigms of Sovereignty

Formulating a general understanding of sovereignty is not an easy task, insofar as sovereignty appears paradoxical and is described through several apparently incompatible figures. It can be revealed through the act of making decisions on the state of exception as well as through the structure denoted by the existence of bare lives. It can be considered a principle of monarchy as well as an instrument of democracy. Sovereign power may be centralized in a single person as well as decentralized among many people. Sovereignty appears to be summoned exclusively in a state of emergency, whereas it also penetrates the state of normality and continuously denotes the border of normal order.

These varied understandings largely result from approaches that conceive sovereignty as a determined object, thereby making possible the description of its *marques* (marks) and *qualité* (quality). Since Jean Bodin (1993, p. 151) introduced the concept of »sovereignty« by placing the focal point on sovereign princes as a kind of person possessing features not shared by others, most investigations of sovereignty—including those of Hobbes (2021), Schmitt (2021), and Foucault (2003)—have concentrated on figures who exert power centralized in themselves.

Thematizing sovereignty through a determined object helps clarify its role in political phenomena. Nevertheless, this advantage is limited. On one hand, it is questionable whether the features, in terms of marks, exclusively possessed by determined figures are, to the extent of functions, not shared by others. On the other hand, sovereignty, in the sense of the attributes ascribed to a particular type of figure, is primarily an effect, so an understanding based solely on it is inevitably insufficient. As Spinoza

emphasizes in *Ethica I* ax. 4, »*Effectus cognitio a cognitione causæ dependet, et eandem involvit*« [knowledge of an effect depends on, and involves, knowledge of its cause].

By introducing the figures of the *homo sacer* and the concentration camp, Agamben addresses the first limitation: The properties of sovereignty, in terms of its function in the legal system, can also be exhibited by figures that do not wield centralized power. These figures, as historical phenomena, are treated by Agamben (2009, p. 9) »as paradigms whose role was to constitute and make intelligible a broader historical-problematic context.« Unlike Thomas Kuhn's (2012, p. 42) notion of scientific paradigm which denotes »the rules and standards for scientific practice« shared by certain scientists, the notion of paradigm here refers to a singular case that, in being exhibited, renders more intelligible what can be recognized in other cases standing »beside« it and belonging to the same group, a group that becomes visible through these cases. This is suggested by the Greek word παράδειγμα, from which the word »paradigm« derives: It is a compound of παρά (beside) and δῆγμα (the exhibited thing), the latter deriving from the verb δείκνυμι (to exhibit).

Bodin's sovereign prince, Schmitt's decision-maker on the exception, and Agamben's *homo sacer* can all be conceived of as paradigms, insofar as each makes sovereignty partly intelligible. Sovereignty is first thematized by Bodin through the demonstration of the hierarchical role of the prince in the commonwealth. The old definition of sovereignty as »the highest, legally independent, underived power,« (Schmitt 2005, p. 17) however, implies further features that lead to extensively varied understandings. By placing the person who decides on the exception beside Bodin's prince, Schmitt exhibits sovereignty in its relationship to the state of exception. Agamben, in turn, exhibits the threshold structure of sovereignty as an indistinction between the inside and outside of the functioning legal system by placing further paradigms—namely, the *homo sacer* and the concentration camp—among the classical paradigms of sovereignty. The newly identified figures, together with the classical ones, reveal the configuration of sovereignty by highlighting its borderline character and weakening the emphasis on centralized power. Nevertheless, this understanding of sovereignty remains insufficient insofar as the cause of sovereignty has not yet been made intelligible.

The varied paradigms of sovereignty suggest the difficulty of tracing the cause of sovereignty back to determined elements. None of the paradigms can be considered the origin of the others or of the entire group, because »in the paradigm, there is no origin or *arche*; every phenomenon is the origin, every image archaic« (Agamben 2009, p. 31). Between effect and cause, however, there is a third term: generation. In this regard, political *techne* can be placed among the existing paradigms as a case through which the question of sovereignty's generation can be raised.

5.1 Political Techne: The Generation of Sovereignty

Placed among the paradigms discussed above, the configuration of political *techne* makes sovereignty intelligible from the side of generation, insofar as it shifts attention from the visible figures of sovereignty to the practical mechanism through which such figures are produced.

To sum up the foregoing chapters, it is appropriate to return to the ontological proposition in *Nomoi* 4.709 with which this thesis begins. In this picture, nothing in the world is outside the chain of causality governed by divine necessity: Everything is conceived of as an effect generated through certain causes. Accordingly, if someone operates within this picture and wishes to produce a specific effect, they must use something capable of causing it. In terms of human affairs, however, the presence of causal order is articulated with contingency insofar as every productive act must be undertaken in concrete circumstances that determine the available materials and instruments. Humans are unable to affect what circumstances they encounter.

At this point, *techne* appears to be the only possible mode of intervention: If practitioners wish to produce a specific effect without leaving the result entirely to fate, they must grasp the relevant etiology, assess the given circumstances, and select the things that can function as appropriate causes of the desired effect. In this context, *techne* is primarily a strategic act immanent to a field structured by necessity and contingency, rather than merely propositional knowledge concerning what should be done in general. If practitioners fail or refuse to choose the appropriate resources,

the result is left fully to fate; if they still wish to produce the desired effect, they are forced by their own *techné* to choose those resources. *Techné* thus reveals the power relationship between practitioners, their goals, and the things they use to achieve those goals: Practitioners do not simply apply knowledge–*epistémè* to passive objects. Their own action is constituted by the relation between what they want to produce and what their circumstances allow them to use. Like all humans, they are dominated either fully by fate or by the interplay of fate and their own *techné*.

This interplay reveals that *techné*, in real practice, does not follow any general principle independently of the situation: It is regulated exclusively by practitioners' goals and strategies. In other words, all normative principles of *techné* are situational; they are followed only insofar as following them is appropriate for achieving a specific goal in specific circumstances. Truth, for example, can function as a principle of *techné*, but it is not unconditionally binding upon *techné*. As section 4.2 shows, this principle may be suspended when doing so is more appropriate for achieving the goal. What matters for *techné* is not the unconditional validity of a normative proposition, but the appropriateness of a strategy within a concrete configuration of action.

This structure becomes especially significant when *techné* operates in political practice. For Plato, political *techné* is directed toward goals that ultimately serve the cultivation of virtue in citizens' souls. These goals, however, cannot be realized instantaneously but require a continuous process. To maintain this process, a stable order of the polis is necessary, insofar as an implemented *techné* must first preserve the order within which its production remains possible. At this point, a paradox becomes visible: A goal-directed practice may be forced, by its own strategy, to suspend its own goal in order to preserve the conditions of its realization.

This paradox is the point at which political *techné* becomes relevant to the problem of sovereignty as a borderline concept, although »sovereign power« appears here neither as a principle of the commonwealth, nor as a centralized will; it does not even possess a name within Plato's framework. It appears as a sub-*techné* of political *techné*, one whose function is to preserve local order at all costs, including the cost of the goal served by the political *techné* within which it operates. As an instrument, this sub-*techné* may render indistinct the distinction between itself and the

super-*techne* it serves, insofar as the preservation of order becomes the immediate condition of every further political production.

The ultimate goal of Plato's engagement in political theory is justice-*dikaiosyne*. In the real world, however, justice requires the *nomothetike*, a *techne* whose *ergon* is to produce an appropriate *nomos* for cultivating virtue in citizens' souls. Yet precisely because the cultivation of virtue requires a functioning *nomos*, and because this *nomos* must be preserved under contingent circumstances, the *nomothetike* generates figures, functions, or structures that may suspend the cultivation of virtue in order to protect the *nomos* within which virtue is to be cultivated.

This paradoxical mechanism can already be seen at the beginning of the *Nomoi*. After rejecting Clinias' view that the norms of the polis are primarily arranged toward war, the Athenian soon turns to claim that war is necessary (cf. Plato, *Laws* 1.628c–d). Although the goal of the *nomothetike* is not victory over enemies but the cultivation of citizens' virtue, warfare is not really eliminated from the operation of *nomos*. The real possibility of war is sublated into the *nomos* of the polis, insofar as the polis must still be organized in such a way that it can confront war when circumstances require it. Thus, an instrumental figure that Plato attempts to subordinate to the cultivation of virtue in citizens' souls remains one of the necessary conditions for preserving the order in which virtue can be cultivated. War, as a state of exception, is not allowed to become the highest principle of *nomos*, but neither is it removed from the operation of the *nomothetike*. The same can be said of the sovereign as decision-maker. By denying the power of a mortal person to pasture mortal people (cf. *Laws* 4.713c–d), Plato denies the legitimacy of a mortal prince's centralized power to decide on the exception concerning the *nomos* of the entire state. Yet the power to decide on the exception does not disappear. It is decentralized in the functions of *nomos*-guardians and ordinary citizens, whose duty to protect the borders of individual souls' *nomoi* may require the production of bare lives and the local suspension of laws. Although none of these figures is conceived of as a goal of the *nomothetike*, they are not attached to it from outside; they are generated within the *nomothetike* in operation, within the interplay between causality, chance, and *techne*, in which citizens' souls participate.

With respect to the *nomos* of the polis, citizens' souls are not merely the passive objects upon which political *technē* works. They form part of the ἀρχή (origin) from which the *nomothetike* of their polis proceeds and through which it is implemented, not as a unity without remainder, but as participants in the relations that sustain the *nomos*, including those in which exclusion itself becomes a mode of inclusion. The *nomothetike* seeks to produce just souls through education, persuasion, discipline, and supervision because the *nomos* of the polis functions only if its citizens' souls obey and continuously reproduce it. This means that citizens' souls are both products and producers of *nomoi*: They are materials of the craft of the soul, while also participating in the ἀρχή through which this craft continuously operates.

The dual figure of the soul makes political *technē* a paradigm in which the mechanism of sovereignty's generation becomes intelligible. Sovereignty, as a borderline phenomenon, is produced neither only by a personalized sovereign nor exclusively by an institutional center that suspends laws from above. It is generated through strategic practices operating in a concrete space of order, within which individual citizens occupy different roles and positions. The production of bare lives, the local suspension of laws, and the decentralized power of making decisions on the exception emerge within practices directed toward other goals. They are effects generated within strategically directed practices when the preservation of concrete order becomes the condition for achieving their actual goals.

The Platonic picture of political *technē* thus exposes the paradoxical mechanism of *poiesis*: Rational practices directed toward certain goals may require unwanted productions as part of »τῶν ἀναγκαίων« (Plato, *Laws* 1.628d; things necessary) for preserving the order that makes achieving those goals possible, even at the cost of suspending them. Its specific contribution lies in showing, among the existing paradigms, a configuration in which the mechanism of sovereignty's generation becomes intelligible.

5.2 Reason of State: Sovereignty Generated within Governmentality

In his investigation of political power, Foucault (2003) famously contrasts governmentality with sovereignty, highlighting the diverse practical forms involved and the different objectives of the two approaches. In Foucault's view, sovereignty is exercised in a centralized form and aims to enhance the bond between a personalized prince and his kingdom. In contrast, governmentality is deployed in decentralized forms and focuses mainly on individual lives. Sovereignty is a kind of power that functions primarily by producing death, whereas governmentality, especially in the form of biopolitics, operates mainly through producing lives in specific forms (pp. 239–56). This statement is only true, however, if sovereignty is strictly defined in the narrow sense, as power over life and death centralized in a personalized figure. This definition may render Foucauldian theories of power coherent, but it does not seem helpful for understanding the mechanisms of political phenomena. Conversely, if we understand sovereignty primarily as a borderline concept, as Schmitt and Agamben do, then Foucault's investigation of governmentality becomes more illuminating.

In Foucault's (2004) view, the opposition of Machiavelli's *The Prince* to theories of »reason of state (*raison d'État*)« and policing is a typical example of the opposition between sovereignty and governmentality, despite their apparent similarities (pp. 241–48). Placed beside the Platonic political *techné* reconstructed in the foregoing chapters, the early modern idea of »reason of state,« described by Foucault in *Security, Territory, Population: Lectures at the Collège de France 1977–1978*, becomes more intelligible as a paradigm. According to Foucault's account, reason is »a means of knowledge, but it is also something that allows the will to adjust itself to what it knows, that is to say to adjust itself to the very essence of things. So reason will be the essence of things, knowledge of the reason of things, and that kind of force that enables, and up to a point obliges [the will] to go to the very essence of things.« A state or, in Latin, *res publica* »is first of all a domain, a territory. It is then a milieu of jurisdiction, a set of laws, rules, and customs. If it is not one state, the republic is at least a set of states in the sense of individuals defined by their status. And finally

the republic is a certain stability of these three preceding things, domain, jurisdiction, and institution or the status of individuals.«

For theories concerning reason of state, the state constitutes a kind of stability necessary and sufficient for a political unity to preserve its integrity. Considering the subjective side of the word »reason,« reason of state can be understood as »a rule or an art (...) which makes known to us the means for obtaining the integrity, tranquility, or peace of the republic« (pp. 256–57).

The paradigmatic affinity between reason of state and political *techné* becomes especially clear in their relation to law, insofar as both do »not have to abide by the laws, and (...) in [their] basic functioning [are] always exceptional in relation to public, particular, and fundamental laws, [but] usually (...) respect the laws« (Foucault 2004, p. 262). Both reason of state and the *nomothetike* usually function in cooperation with laws, but they make use of laws precisely because they deem those laws necessary or useful. When circumstances have changed so that reason of state and the *nomothetike* »can no longer make use of these laws and due to a pressing and urgent event must of necessity free« themselves from them (p. 262), they simply do so. Both reason of state and the *nomothetike* thus count as »something that allows departure from all ›the public, particular, and fundamental laws of whatever kind they may be.« Reason of state, as well as the *nomothetike*, »must command, not by ›sticking to the laws,‹ but, if necessary, it must command ›the laws themselves, which must adapt to the present state of the republic.« This indicates that reason of state implies possible decisions on states of exception, most clearly in the form of the *coup d'État*, through which the legal order of the state is suspended. From this perspective, Foucault unconsciously points out that sovereignty, understood as a borderline concept, is paradoxically inseparable from governmentality when he claims that »the *coup d'État* does not break with *raison d'État*. It is an element, an event, a way of doing things that, as something that breaches the laws, or at any rate does not submit to the laws, falls entirely within the general horizon, the general form of *raison d'État*« (p. 262).

In this case, governmentality and sovereignty no longer appear as simply opposed forms of power. Read through the paradigm of political

techne, governmentality appears as a goal-directed practice regulated by its goal and strategy. Like the *nomothetike*, governmentality presumes a stable order in which achieving its goal is made possible. When changed circumstances threaten this order, governmentality, by its own rationality, may be deployed in a borderline form, insofar as it suspends its own goals for the sake of preserving this order. At this point, the distinction between governmentality and sovereignty becomes impossible.

Through their analysis of US government policy on Guantanamo Bay, Judith Butler (2004) accurately identifies the coexistence of sovereignty and governmentality in modern society, refuting the problematic idea that sovereignty has been replaced by governmentality or biopolitics. In Butler's view, sovereignty is exercised not only »in the acts that suspend and limit the jurisdiction of law itself« (p. 53) but also »in the self-allocation of legal prerogative« (p. 54). Because »the suspension of law can clearly be read as a tactic of governmentality,« it »has to be seen in this context as also making room for the resurgence of sovereignty« (pp. 54–55).

5.3 Guantanamo Bay: Sovereignty Generated through Citizens' Souls

The case of Guantanamo Bay can now be placed beside the Platonic account of souls in the generation of *nomos*. It makes clear why the most illuminating aspect of Plato's thought on political *techne* lies in the role of souls.

Nomos is a product of the *nomothetike techne*. By emphasizing the supervision of *nomos* by individual souls and the willing obedience of citizens, Plato suggests that a state's *nomos* is not produced through a *techne* exercised exclusively by a single *nomothetes* or a group of officials and intellectuals. Rather, the *nomothetike* is a *techne* that requires the majority of citizens to act as its *technitai*. In the same sense, within the framework of the *nomothetike*, sovereignty, which paradoxically suspends actual goals, is produced only insofar as a sufficient number of citizens obey and thereby enable the *nomothetike* to be exercised in the form of sovereignty.

In the case of Guantanamo Bay detention camp, it is etiologically incorrect to conceive of the US government's decision, based on legal author-

ization, as the ultimate origin of the decentralized sovereignties exerted by officials there. The detention camp would not have remained until now without sufficient people authorizing this decision through their obedience. While it is likely that none of them obeys consciously as part of the strategy of the *nomothetike*, they may be acting according to strategies directed toward various goals whose achievement is conditioned by a stable order. Due to its pure instrumentality, sovereignty can serve as a meeting point and a consensus point for practices directed toward different, and even opposed, goals, insofar as it is generated to preserve stable order.

This does not justify the detention camp's existence; rather, it clarifies the mechanism of sovereignty and the source of energy by which it is sustained. If the sovereignty embodied in the Guantanamo Bay detention camp is considered a humanitarian crisis that should be overcome, the generation of the sovereign structure embodied there must first be understood. Criticism that remains solely at the level of a normative principle or description of truth does not help resolve problems. It is probably true that defending public security through the detention camp is futile. As a product of strategic practices, however, sovereignty is primarily regulated by situational appropriateness and the power of its *technitai*, not by objective truth. Those who wish to abolish the detention camp must either find a more appropriate replacement or persuade those people whose obedience produces sovereignty.

Placed beside the paradigms discussed above, Guantanamo Bay becomes a case in which the mechanism of sovereignty's generation can be recognized more effectively. This may help those who wish to solve problems of sovereignty and realize good politics. Across history, intellectuals have imagined various visions of good politics. It seems very difficult, however, to imagine realizing such visions without relying on strategies directed toward their realization, since etiological necessity and chance are governed by »*deus sive natura*« [God, or Nature], not by humans. Nonetheless, the danger of sovereignty that suspends all concrete goals should not be overlooked. When chance provides the right circumstances, sovereignty may derive energy from practices that presume a stable order and are characterized by the combination of goal and strategy. There is no evidence that the known forms of implemented sovereignty, such as the

suspension of laws and the production of bare lives, have exhausted all possible forms. Generated through strategies in concrete circumstances, sovereignty does not follow any fixed rule. It may manifest in many different forms if the circumstances require it.

Whether sovereignty should be eliminated remains uncertain, because this appears to entail three options. The first requires giving up all goals whose achievement is conditioned by a process and stable order. The second requires abandoning strategy and trusting in luck. The third requires changing the circumstances in which we live so as ultimately to make sovereignty unnecessary. The first two options appear unacceptable if good politics are desired. The third is difficult but possible. Nevertheless, this appears impossible without the help of some strategic practice that presupposes the existence of stable order.

Appendix 1: List of Functions of the *Nomos*-Guardians

List of Functions of the <i>Nomos</i> -Guardians in Plato's <i>Nomoi</i>		
Function Category	Specific Function Description	Stephanus Reference
Property-Related & Economic	Take control of the documents that register each citizen's total property.	754d
	Adjudicate cases involving »money-grubbing« and scrutinize registers of private property.	754e
	Enact regulations concerning foreign trade.	847d
	Collaborate with relevant officials to govern markets and commercial activities.	849e, 920c
Political & Judicial	Convene the gathering for selecting military officials before the selection of the council and its presiding committee.	755e–756a
	Supervise the activities of officials, prevent transgressions, and punish those who commit offenses.	762d–e
	Judge the case of any judge accused of knowingly delivering an unjust verdict.	767e
	Serve as judges in cases involving the death penalty.	855c–d
	Investigate the activities of exiles and decide whether to grant them pardons and permission to return.	867e

List of Functions of the *Nomos*-Guardians

Edu- cational, Cultural, & Religious	Be eligible for election as minister of education.	765d–766b
	Cooperate with relevant officials in the arrangement of choruses and dances.	772a, 816c
	Collaborate with priests, based on the law, to expel or punish wrongdoers from public feasts.	799b–800b
	Cooperate with appointed assessors to scrutinize the work of poets.	801d
	Supervise the educational activities of children, teachers, tutors, and guardians.	808d–809a, 926e
	Censor and approve common teaching materials and curricula.	811c–812a
	Collaborate with relevant officials to manage religious and educational public affairs.	828a–835b, 871c–d, 924a–c
Ethical (Private & Public)	Chastise those who disobey marital laws as uncultured philistines untrained in the melodies of the Muses of marriage.	775b
	Arbitrate divorce disputes.	784c
	Appoint women responsible for supervising nurses and groups of children, while nurses regulate children's conduct.	794a–c
	Provide consultation and assistance in resolving problems concerning family and clan matters.	878e–879a, 929e–932d
	Serve as guardians and overseers for orphans.	924b–927d
	Suppress private religious rites and decide whether those responsible should be prosecuted.	910c–d
	Decree food rations for impious prisoners in the central prison, where no free person may visit them.	909b–d

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