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Plato and the Biopolitical Purge of the City-State

Mika Ojakangas

1. Introduction

In *Homo Sacer*, one aim of which is to correct Michel Foucault's thesis on the history of biopolitics, Giorgio Agamben introduces Plato's "law of nature" as an antidote to the sophistic confusion of violence and law. Citing a passage from the *Laws* (3.690b–c) in which Plato supplements Pindar's axiom of sovereignty, according to which it is natural that the strong rule the weak, with his own axiom of the natural superiority of the prudent ones, Agamben writes:

In the passage from the *Laws* cited above, the power of law is defined as being in accordance with nature (*kata physin*) and essentially nonviolent because Plato is most of all concerned to neutralize the opposition that, for both the Sophists and Pindar (in a different way), justified the "sovereign" confusion of *Bia* and *Dikē*.

(Agamben 1998, 34)

In this chapter focusing on Plato's mature works, I argue that Plato's law "according to nature" is neither nonviolent nor an antidote to violence, inasmuch as for Plato, the use of violence in the mode of political and legal therapy is not only a necessity in a well-ordered city-state but also entirely in accordance with nature.¹ Although it is true that Plato criticizes the sophistic idea that violence creates justice, it is also evident that the Platonic natural justice is not antithetical to violence as such. In Plato's view, it is naturally just to be violent (for instance, to kill those whose body or soul is so "deformed" that it is incurable), particularly if and when this violence contributes to the well-being of the city-state—like amputation contributes

¹ With the expression "mature works" I refer to the *Republic* and the (presumably authentic) books written (again, presumably) after it, including primarily the *Sophist*, the *Statesman*, the *Timaeus*, and the *Laws*. A few references are also made to *Gorgias*, where Plato first introduces his medical model of politics.

to the health of one's body if an organ is deformed by a disease. Plato does not believe that violence *creates* justice, but he believes that the implementation of justice *presupposes* violence.

Furthermore, I argue that Platonic violence is essentially biopolitical, representing what Foucault identifies as biopolitical state racism, in particular. Just like biopolitical rationality in general, biopolitical state racism aims to improve the welfare of the population in terms of its physical and mental health, morality, and intelligence. Yet biopolitical state racism adds a significant twist to biopolitical rationality: the welfare of the population presupposes the elimination of the bad elements of the very same population (Foucault 1990, 135–9; 2003b, 239–64). Hence, a state racist mentality looks at the population as a gardener looks at her garden: without weeding, the garden does not flourish. This is the mentality that permeates Plato's political philosophy. In Plato's view, this mentality is lacking in the Greek democratic city-state in which the weeds (the inferior many) repress the flowers (the superior few), but it is not altogether absent from Greek society as he discovers it in a variety of other practices from selective animal breeding to the art of medicine. A good statesman, as Plato argues in the *Laws* (5.735b–736a), imitates stockbreeders who separate the healthy from the unhealthy and the purebreds from the degenerate stock, keeping only the purebreds and healthy animals to look after. Otherwise, animals endowed with healthy and pure bodies and characters are contaminated by the faults of the sick and impure through interbreeding.

2. Health as the Paradigm of Justice

In *Homo Sacer*, Agamben maintains that Plato's "law of nature" aims at undermining the sovereign confusion of violence and law. Yet it is well-known that the notion "law of nature" (*nomos physeōs*) appears only once in Plato's works, more precisely, in the *Gorgias* in a passage in which Callicles defends his thesis that it is the right of "the superior rule the inferior" (*ton kreittō tou hēttonos archein*; *Grg.* 483d). Asking by what right Xerxes marched against Greece, or his father against Scythia, Callicles famously proclaims:

I believe that these men do these things in accordance with the nature of what is just [*kata physin tēn tou dikaiou*—indeed, by Zeus, in accordance with the law of nature [*kata nomon ge ton tēs physeōs*], and presumably not with the one we institute. We mold the best [*beltistous*] and the most powerful [or: the

healthiest—*errōmenestatous*] among us, taking them while they are still young, like lion cubs, and with charms and incantations we subdue them into slavery, telling them that one is supposed to get no more than his fair share, and that is what is admirable and just. But I believe that if a man whose nature is equal to it were to arise, one who had shaken off, torn apart, and escaped all this, who had trampled underfoot our documents, our tricks and charms, and all our laws that violate nature [*nomous tous para physin*], he, the slave, would rise up and be revealed as our master, and here the justice of nature [*tēs physeōs dikaion*] would shine forth. (Grg. 483e–484b)

Hence, it is not unproblematic to refer to Plato's doctrine of "natural law," unless one erroneously thinks that Callicles' position in *Gorgias* is actually that of Plato. In fact, even the expression "justice of nature" (*tēs physeōs dikaion*) is absent from the texts supposedly representing Socrates' or Plato's views. On the other hand, it is true that in Plato's late works, nature (*physis*) is the criterion of justice. Real justice is based not on customs or opinions but on nature. According to Plato, in fact, everything that is "according to nature" (*kata physin*) is just, while anything that is "contrary to nature" (*para physin*) is unjust. Hence, Agamben is at least partially correct when he speaks about Plato's "law of nature." But to what extent is this "law of nature" an *antithesis* of that of the sophists? Callicles argues that it is according to nature that the best (*beltistous*) and the strongest (*errōmenestatous*) rule; but if we read Plato's *Republic* or the *Laws*, it becomes immediately obvious that also Plato advocates the rule of the best. In the *Republic*, the guardians are "the best [*beltistai*] of all the citizens"—and to the extent that health, psychic health in particular, is one of the essential features of the best, they are in this sense also the strongest. In Plato's view, it is also "according to nature" (*kata physin*) that the superior rule the inferior (*Resp.* 5.474b–c).

What, then, is the difference between Callicles and Plato? The difference resides in their conceptions of the *intention* of nature. While Callicles believes that nature expresses itself in the degrees of power preferring the strong to the weak, Plato's concept of nature resembles that of ancient physicians. Justice is the natural balance between the different parts of the soul in the same sense as health (*hygieia*) in medicine is the natural balance between the different parts of the body. As the body is healthy when each of its parts performs its proper function in the hierarchical constitution of the body, the soul is just and virtuous when each of its parts performs its proper function (*ergon*) in the hierarchical constitution of the soul in which the rational part dominates the appetitive and the spirited parts. As Plato writes in the *Republic*:

To produce health [*hygieian*] is to establish the relation of ruling and being ruled between the elements of the body according to nature [*kata physin*], while to produce disease [*noson*] is to establish the relation of ruling and being ruled contrary to nature [*para physin*].

That's right.

Then, to produce justice is to establish the relation of ruling and being ruled between the parts of the soul according to nature [*kata physin*], while to produce injustice is to establish the relation of ruling and being ruled contrary to nature [*para physin*].

Precisely.

Virtue [*aretē*] seems, then, to be a kind of health [*hygieia*] and beauty [*kallos*] and good disposition of the soul [*euexia psychēs*], and badness [*kakia*] would be disease [*nosos*], ugliness [*aischros*], and weakness [*astheneia*].

(*Resp.* 4.444d–e; translation modified)

In the *Republic*, the same pattern holds true with entire city-states. As there are three different parts of the soul, there are three different natural classes (*genē physeōn*) in the city-state. Consequently, to produce justice in the city-state is to establish the relation of ruling and being ruled between the classes according to nature (*kata physin*), while to produce injustice is to establish the relation of ruling and being ruled contrary to nature (*para physin*; *Resp.* 4.434a–c). Further, to the extent that the soul is just if it is dominated by the reasonable part, the city-state is considered to be just if it is dominated by the class in which the reasonable part of the soul is the leading part. Or, more precisely, the city-state is just if each individual performs the function (*ergon*) proper to the nature (*physis*) of that individual and the class or race (*genos*) he naturally belongs to (435b),² meaning the class of manual laborers, auxiliaries, or leaders, respectively.

3. Democratic Anomaly

This conception of justice is not an antithesis of Callicles' natural justice. From Plato's point of view, in fact, Callicles is on the right track by assuming that justice has its basis not in customs or in opinions, but in nature. Callicles' mistake is just that he misinterprets nature's intention: he believes that nature expresses itself in the degrees of power. According to Plato, however, it is not power but health, understood as the natural balance between the parts of the

² *Genos* can be translated as either "race" or "class," depending on the context. On the notion of *genos* in Plato, see, for example, Kamtekar 2002.

whole in the hierarchical structure of the soul and the city-state, that is the true end of nature. Although they both agree that it is natural that the best and the strongest rule, Callicles' mistake is, according to Plato, that he identifies excellence, strength, and health with physical power. In Plato's view, it is not only physical but also—and above all—mental excellence, strength, and health that should determine, if we are to follow the intention of nature, the hierarchy of the positions of power in the city-state. Instead of Callicles, or Thrasymachus for that matter,³ Plato's real adversary is Greek *democracy*. In the democratic city-state, there are neither rulers nor hierarchy (*Resp.* 8.558c), as it distributes equality to "both equals and unequals alike" (558c). Such a leaderless equality is contrary to nature, as "it is by nature fitting [*prosēkei physei*] for some... to lead the city, whereas for others [it is fitting] to obey the leader" (5.474b–c; translation modified). It is also contrary to nature because natural equality does not entail equal share but "dispenses more to the greater and less to the smaller" (*Leg.* 6.757c; translation modified). In democracy, secondly, because there are no leaders in the state and everybody (including foreigners, women, and even slaves) is equal with one another, everyone is also absolutely free. Even domestic animals enjoy this democratic equality and freedom:

Even horses and donkeys are accustomed to roam freely and proudly along the streets, bumping into anyone who does not get out of their way; and all the rest are equally full of freedom. (*Resp.* 8.563c)

In Plato's view, justice prevails when each individual performs the function (*ergon*) proper to the nature (*physis*) of that individual and the class (*genos*) he belongs to, but in the democratic city-state there is no proper place or function either for the individuals or for the classes (as there are none)—not even for animals. Justice finds its place in the well-ordered city-state ruled by the superior race, but in the democratic city-state, there is no order or rule whatsoever. This disorder and unruliness is the main characteristic of the democratic city-state—and the same unruliness describes the soul of the democratic individual:

And so he lives on, yielding day by day to the desire at hand. Sometimes he drinks heavily while listening to the flute; at other times, he drinks only water and is on a diet; sometimes he goes in for physical training; at other times, he's idle and neglects everything; and sometimes he even occupies himself with what he takes

³ Because Thrasymachus in the *Republic* does not employ the *nomos/physis* framework in his defence of the concept of justice as the advantage of the stronger, I leave it aside in this analysis.

to be philosophy. He often engages in politics, leaping up from his seat and saying and doing whatever comes into his mind. If he happens to admire soldiers he's carried in that direction, if money-makers, in that one. There's neither order [*taxis*] nor necessity [*anankē*] in his life, but he calls it pleasant [*hēdyn*], free [*eleutherion*], and blessedly happy [*makarion*], and he follows it for as long as he lives.

(*Resp.* 8.561c–d)

Rather than Callicles' natural law, it is this unruliness (form of life without a proper form, without a proper function, without necessity), which, for Plato, is a logical consequence of absolute equality and freedom, that annoys him the most.⁴ The democratic soul and the city-state are thoroughly contrary to nature (*para physin*)—and to the extent that they are contrary to nature, they are manifestations of injustice *par excellence*. Democratic man calls his life pleasant and blessedly happy, but in Plato's estimation, happiness (*eudaimonia*) is possible only for a well-ordered soul in a well-ordered city-state organized according to natural justice: "The whole point of our legislation is to allow the citizens to live supremely happy lives" (*Leg.* 5.743c).⁵ Instead of happiness, the democratic soul and the city-state characterized by unbounded and unnatural freedom are in a state of miserable disease. Against this disease of freedom, Plato establishes a system of natural hierarchy by means of the total control of individuals and populations:

The vital point is that no one, man or woman, must ever be left without someone in charge of him [*anarchon*]; nobody, whether at work or in play, must get into the habit of acting alone and independently. In peace and war alike, we must give our constant attention and obedience to our leader, submitting to his guidance even in tiny details. (*Leg.* 12.942a–b; translation modified)

⁴ Recently, there has also appeared a tendency to depict Plato as a *defender* of democracy. In her *Poetic Justice*, for example, Jill Frank argues that the negative representation of democracy in the *Republic* does not apply to democracy as such but only to its imperial form assumed by Athenian democracy, seeking for "power, glory, and honor" (Frank 2018, 143). She justifies her argument by stating that the *Republic* stages the need to develop human capacities, offering an education in ethical and political self-governance. Due to this noble aim, the *Republic* endorses democracy, Frank claims. However, such an interpretation is not very plausible. Nowhere in the *Republic* do we find criticism of *democratic* desire for power, glory, and honor—simply because they were not considered as democratic values either by Plato or by the Greeks. For Plato, they were timocratic values. Further, although the role of education (*paideia*) is central in the *Republic*, there is, in the Greek context, nothing particularly democratic about it. For the Greeks, *paideia* was an aristocratic ideal. The main values of the Greek democracy were freedom and equality ("freedom based on equality"; *Pol.* 6.2.1317b16–17), and, based on these principles, the right to live as one likes (1317b10–15; see also Hdt. 3.83; Thuc. 2.37, 7.69; pseudo-Xenophon, *Ath. pol.* 1.10–12). For Plato, they were precisely these fundamental democratic values—particularly the one that gives everyone the right (*exousia*) to "arrange his own life in whatever way pleases him" (*Resp.* 8.557b)—that were the main faults of democracy. Hence, rather than criticizing Athenian imperial democracy seeking for power and glory, he is criticizing democracy as such—democracy based on individual freedom and equality.

⁵ "We take ourselves," Plato writes also in the *Republic* (4.420c), "to be fashioning the happy city, not picking out a few happy people and putting them in it, but making the whole city happy [*eudaimōn*]."

4. Disease of Injustice

Now, although Plato believes that both the soul and the city-state can be just or unjust, it is the condition of the soul—the disposition (*hexis*) and character (*ēthos*) of men—that determines the condition of the city-state, including the form of its government.⁶ Hence, a city-state cannot be just if there are bad men among its inhabitants: “Statecraft truly according to nature [*kata physin*] will never voluntarily compose a state of good [*chrēstōn*] and bad [*kakōn*] men” (*Plt.* 308d; translation modified). This is why Plato pays so much attention to the physical and mental qualities of the individuals in his books on politics, rather than the institutional structures of the city-state. Further, because Plato thought that heredity, in particular, but also the environment, especially in childhood, determine the physical and mental quality of individuals,⁷ he not only deals extensively with such biopolitical issues as sexual intercourse, marriage, pregnancy, childbirth, childcare, healthcare, physical training, and education, but regards them as the most *essential* issues of politics and legislation (see, for example, *Leg.* 8.842d–e). Only if the city-state guarantees all of its inhabitants a healthy inborn nature, a healthy physical environment, healthy childcare, a healthy diet, a healthy physical training, and good education, will they be of high quality, which in turn is the precondition for the just city-state governed according to nature.

Yet Plato admits that even in the best-governed city-state, bad individuals may be born. Healthy parents sound of body and mind may sometimes produce a deformed child (*Resp.* 5.460c). Bodily diseases, even transient ones, may also give rise “to all manners of rashness and cowardice, and of forgetfulness also, as well as of stupidity” (*Ti.* 87a). In Plato’s view, moreover, it is almost a natural necessity that even the leaders of the best-governed city-state at some point join brides and grooms at the wrong time with the

⁶ As Plato puts it in the *Republic* (8.544d): “And do you realize that of necessity there are as many forms of human characters as there are constitutions? Or do you think that constitutions are born ‘from oak or rock’ and not from the characters of the people?”

⁷ Plato believes that for the most part physical and mental traits are inborn—though in his view, even acquired habits may be inherited (see *Leg.* 6.775d–e). This explains why he pays so much attention not only to the regulation of sexuality and reproduction but also to the parents’ physical and mental condition before and during the sexual act in the *Republic* and the *Laws*. For a more detailed analysis of the regulation of sexuality and reproduction in Plato, see Ojakangas 2016, 59–100. However, Plato is not a determinist in matters of heredity. In his view, healthy parents may give birth to a deformed child (*Resp.* 5.460c). Moreover, a bad environment may ruin even the best individuals (8.550b). The physical environment has also an effect on the bodies and characters of individuals (*Leg.* 5.747d–e). Nonetheless, Plato is a determinist: for him, the combination of heredity and environment (from the physical environment to the political organization of the city-state) determines the character and the conduct of man. It is not good or bad will but the combination of inborn nature (*physis*), nurture (*trophē*), and education (*paideia*) that renders a man good or corrupts him. On biopolitical and reproductive social justice in Plato, see also chapter 3 by Kathy L. Gaca in this volume.

consequence that the children will be neither well-formed (*euphyeis*) nor fortunate (*eutycheis*; *Resp.* 8.546c–d). Now, if there are no well-governed city-states consisting of both good and bad men, an urgent question arises: What to do with the bad ones?

Before looking at what Plato suggests with regard to the unjust ones, let us consider his definition of injustice. We recall what Plato said in the *Republic*: injustice is a disease (*nosos*), ugliness (*aischros*), and weakness (*astheneia*) of the soul. This passage already indicates that for Plato, justice and injustice are attributes not of *action* but those of *disposition* (*hexis*) or *character* (*ēthos*). A bit earlier in the same book, he states this explicitly. Justice “does not concern man’s external action but what is inside him” (*Resp.* 4.443c–d; translation modified). The same holds with injustice. While justice is a balance of the soul, injustice is its imbalance: a disturbed state of the soul, be it permanent or transient. Hence, an individual can be unjust *irrespective* of what the individual possessing such a disturbed soul has done or left undone: “My general description of injustice is this: the mastery of the soul by anger, fear, pleasure, pain, envy and desires, whether they lead to any actual damage or not” (*Leg.* 9.863e). An individual endowed with a disturbed soul is not bad because he is guilty of an unjust offense, but because his soul is in a bad condition. He is unjust because there are bad acquired and natural habits (*Resp.* 10.618d) in his soul. Inversely, an injury when caused by a just man is *not* an injustice, simply because his disposition is just: if justice prevails in the soul of man, his actions are always just, even if he happens to err (*Leg.* 9.864a). Further, the acquired and inborn habits *determine* the bad man to be unjust against his will: “All bad men are, in all respects, unwillingly bad” (860d; translation modified).⁸ Thus, instead of being an autonomous person endowed with a free will, responsible for his actions, and, therefore, a site of legal imputation, a bad man is determined to be bad either by his (sick) body or by his (corrupted) environment, “both entirely beyond [his] control” (*Ti.* 87b). Indeed, he himself—that is, his soul—is suffering from a disease.

We should not take the metaphor of disease too lightly. On the one hand, disease of the soul (*psychēs nosos*) is one of the most often employed metaphors of moral badness in Plato’s corpus (*Grg.* 480a–b, 524e; *Resp.* 4.444d–e, 10.610a–611a; *Soph.* 228d–e; *Ti.* 86b–87b; *Leg.* 9.853d, 854b–c, 862c).⁹ Given Plato’s assumption that nobody is voluntarily bad, the metaphor of disease is

⁸ In the *Timaeus* (86d–e; translation modified), Plato likewise writes: “No one is voluntarily bad but the bad man becomes bad by reason of some bad condition of body [*ponēra hexis tou sōmatos*] and unskilled nurture [*apaideutos trophē*].” Plato does not explicitly say that a good man is also determined to be good, but given Plato’s anthropological determinism, this should be the case.

⁹ On medical metaphors in Plato, see Lidz 1995. On medical metaphors in Greek political language in general, see Brock 2013, 69–76, 147–56.

also an apt metaphor for injustice: surely, nobody *wants* to be sick. Yet the real reason why we should not take this metaphor lightly is that in Plato's late writings, some exceptions aside, it is not a metaphor in the first place: injustice *is* a disease. For Plato, all psychosomatic imbalances are diseases: "Disease [*nosos*] and discord [*stasis*] are the same thing" (*Soph.* 228a). While a disease of the body is a discord (*stasis*) between the parts of the body, a disease of the soul is a discord between the parts of the soul.¹⁰ In Plato's estimation, injustice is also such a disease of the soul. Ordinary people call it wickedness (*ponēria*), but "it is very clearly a disease (*nosos*)," as Plato asserts in the *Sophist* (228d). Hence, rather than a metaphor, injustice is literally a disease of the soul. Evidently, not all the diseases of soul are moral diseases.¹¹ Yet, as already said, injustice entails discord in the soul, and is therefore always a disease. Further, because injustice is a disease of the soul, it should be *treated* like a disease. Instead of being punished, individuals suffering from the vices in their soul must be provided with "the therapy [*therapeias*] of body and mind" (*Ti.* 87c; translation modified).

5. Political Therapy

Now we are perhaps ready to answer the question what to do with the unjust ones. They should be cured by therapy. This holds true with all unjust people and as we will see, even with those bad men who happen to commit crimes and cause injuries. Yet instead of the art of medicine, this therapy is the task of politics. The task of the art of politics, Plato writes in the *Laws* (1.650b; translation modified), is to "give therapy [*therapeuein*] to men's souls."¹² In the *Gorgias* (464b), Plato famously divides this political therapy into two branches: preventive and rehabilitative. Legislation is preventive activity, as its aim is to prevent diseases and promote health of the soul, while the administration of justice, needed only if somebody's soul is unhealthy, aims at healing his disease:

I'm saying that of this pair of subjects [body and soul] there are two different arts. The one for the soul [*psychē*] I call politics [*politikēn*]; the one for the body [*sōmati*], though it is one, I can't give you a name for offhand, but while the

¹⁰ In the *Timaeus*, diseases, including the diseases of soul, are not so much a result of an imbalance between the elements of the body or the parts of the soul but of the imbalance *between* body and soul: "In determining health and disease or virtue and vice no proportion [*symmetria*] or lack of it [*ametria*] is more important than that between soul and body" (*Ti.* 87d).

¹¹ On a detailed analysis of mental illness in Plato's works, see Ahonen 2014, 35–67.

¹² Even the entire city-states can be given therapy (see Plato, *Plt.* 278e, *Resp.* 4.443e).

therapy [*therapeias*] of the body is a single art, I'm saying it has two parts: gymnastics [*gymnastikēn*] and medicine [*iatrikēn*]. In politics, the counterpart of gymnastics is legislation, and the part that corresponds to medicine is the administration of justice [*dikaiosynēn*]. (Grg. 464b; translation modified)¹³

In other words, legislation is preventive health care of the soul (“mental hygiene”) and jurisdiction is treatment of mental diseases (“psychiatry”) in the same sense as gymnastic is preventive healthcare of the body and medicine is treatment of bodily diseases.

In Plato's view, preventive health care of the soul must start early in childhood—in fact, already in the womb (*Leg.* 7.792e)—for “any living creature that flourishes in its first stages of growth gets a tremendous impetus towards its natural perfection and the final development appropriate to it” (6.765e).¹⁴ However, if a statesman neglects this issue and a child's upbringing therefore becomes misguided, the child will become “the wildest animal on the face of the earth” (766a). He will become a bad citizen suffering from a disease of the soul, be it ambition, anger, avarice, cowardice, desire, fear, folly, ignorance, impulse, insanity, jealousy, lust, pain, pleasure, senility, sloth, or whatever.¹⁵ As already said, the task of politics in general—and also of the famous Socratic method (elenchus)¹⁶—is to prevent these kinds of diseases of the soul in the city-state. Yet if an individual suffering from such a disease happens to cause *injuries*, justice (courts and judges) must intervene.¹⁷

In a well-ordered city-state in which there are only people of good quality, thanks to good inborn nature and well-organized nurture and education, there is no need for doctors or judges (*Resp.* 405a–b), but to the extent that such a city-state is exceptional, even nonexistent, both doctors and judges are needed. Judges are the doctors of the soul. However, in what way are they supposed to heal diseases of the soul that cause injuries? In Plato's works, perhaps surprisingly, the most frequently mentioned therapy for the morally sick soul that has caused injuries is *penalty*. Given his definition of injustice

¹³ See also *Soph.* 228a–229a. Here, gymnastics corresponds to instruction and medicine to what Plato calls the art of discipline (*kolastikē technē*).

¹⁴ For a detailed analysis of childcare in Plato's *Laws*, see Ojakangas 2016, 88–90.

¹⁵ Trevor J. Saunders (1991, 187–8) enumerates as many as twenty-four states of mind that Plato considers psychic injustices in the *Laws* alone.

¹⁶ The aim of the elenchus is to cure citizen's intellectually or morally ill souls by admonishing, reproofing, and disgracing them so that citizens will become better. From this perspective, it is not surprising that Socrates in the *Gorgias* (521d) calls himself the best of politicians.

¹⁷ In his detailed analysis of Plato's penal code in the *Laws*, Saunders (1991, 142–5) demonstrates that although injustice for Plato is always involuntary, injuries (*blabai*) are not. An unjust man may cause injuries voluntarily, but injuries themselves are not the criterion of injustice. For instance, when a just man causes an injury, it does not render him unjust, because a just man—due to his disposition—does not have an unjust intent to injure and therefore, his injury should be considered as a mere accident (see *Leg.* 9.861e–862b).

as disease, this sounds paradoxical. Indeed, Plato himself writes: “The unjust man deserves just as much pity as any other sufferer” (*Leg.* 5.731c–d). Why, then, punish him? How is penalty supposed to heal a sick soul? The answer may be found in Plato’s understanding of penalty.

6. Curative Penalty

In an Athenian court, punishment had the status of recompense and retribution: a criminal was punished according to his crime in order to inflict suffering on an offender in return for suffering inflicted. In Plato, the status of punishment is entirely different. Firstly, a criminal is not to be punished according to his crime but according to his state of mind: “Penalty [*dikēn*] is to be inflicted not because of the crime (what is done cannot be undone), but for the sake of the future,” that is, in order to change the character of the offender (*Leg.* 11.934a–b). Accordingly, punishment must be tailored to each individual separately, focusing not on the crime he has committed but on the disturbed state of mind from which he is suffering. In the *Laws* in particular, with regard to punishment, even the seriousness of one’s crime is often irrelevant (see *Leg.* 12.941c–942a)—even though Plato also seems to believe that the more serious the crime, the more severe the mental illness of the criminal. For Plato, secondly, punishment does not entail suffering but *relief*. To be sure, some punishments cause pain, but so do some medical operations such as surgery. In other words, although a punishment may cause pain, its *aim* is not to cause pain but, on the contrary, to relieve the criminal from suffering from the disease of his soul. Penalty is a remedy and hence, in a sense, not a penalty at all but a *reward*. One who pays no penalty for the wrong he has done, Plato writes in *Gorgias* (479e), is the most miserable man on earth. Therefore:

If he or anyone else he cares about acts unjustly [*adikēsēi*], he should voluntarily go to the place where he’ll pay his due as soon as possible; he should go to the judge as though he were going to a doctor, anxious that the disease [*nosēma*] of injustice shouldn’t be protracted and cause his soul to fester incurably.

(*Grg.* 480a–b)

Finally, the number of remedies available to the judges of the Platonic city-state, in the *Laws* in particular, is virtually infinite. Hence, a penalty inflicting pain is only one among many other penalties—or, rather, remedies. In the

Laws, the judge, in order to cure the patient, may use any imaginable method. He may use actions, words, pleasure, pain, honor, dishonor, fines, and even gifts—or, as Plato continues, “absolutely any means” (*Leg.* 9.862d). This is quite remarkable, particularly if we take into account the historical context. Indeed, even to a modern reader—to whom the idea of a criminal suffering from personality disorder or the idea of justice as restorative rather than retributive is certainly familiar—the idea that criminals should be given *gifts* may sound paradoxical. From the point of view of the Platonic penology, however, it is not a paradox. The aim of a penalty is to heal, not to punish, and if a judge, after the diagnosis of the mental illness the offender is suffering from, concludes that the best way to cure his illness is a gift, it is then the best possible penalty for him. To be sure, Plato does not single out a case in which a gift would be an appropriate penalty, but he suggests, for example, that a fit punishment for a coward is to let him live “according to his nature” (*kata physin*), that is, *without danger* (12.945a).

In Foucault’s estimation, that a lawbreaker is suffering from mental illness or that the task of the state is to heal such a disorder are eminently modern ideas (see Foucault 1995, 2003a), but if our analysis is correct, these ideas are as old as Western political philosophy itself.¹⁸ This also holds true with the institution Plato introduces in the *Laws*—for although at odds with the ancient Greek system of penalty, it was nonetheless introduced in the context of ancient Greek society, and thus well before modernity.¹⁹ Plato calls this institution *sōphronistērion* and its purpose is to reeducate foolish (*anoia*) individuals suffering from atheism, agnostic ideas, heretical views, or idolatry. The inmates of this institution are isolated from everybody else but the members of the Nocturnal Council, the highest authority in the city-state (*Leg.* 12.961a–969a).²⁰ The members of this council meet regularly the inmates of the *sōphronistērion* in order to restore their mental health:

Those who [among the impious] have simply fallen victim to foolishness [*anoias*] and who do not have a bad impulse and character [*aneu kakēs orgēs te kai êthous*] should be sent to the reform center [*sōphronistērion*] by the judge in accordance

¹⁸ Foucault admits that the premodern tradition recognized the idea of crime as a disease of the social body but not the idea of the criminal as someone suffering from a disease (Foucault 2003a, 91). In Plato’s texts, both conceptions are clearly present.

¹⁹ As Kenneth R. Moore (2012, 79) puts it, nothing comparable to a *sōphronistērion* was “properly established until the nineteenth or twentieth centuries.”

²⁰ On the role of the Nocturnal Council in the *Laws*, see Klosko 1988.

with the law for a term not less than five years, and during this period no citizen must come into contact with them except the members of the Nocturnal Council, who should pay visits to admonish [*nouthetēsei*] them and ensure their spiritual salvation [*tēs psychēs sōtēriai*]. When his imprisonment is over, a prisoner who appears to be enjoying mental health [*sōphronein*] should go and live with sensible people, but if appearances turn out to have been deceptive, and he is reconvicted on a similar charge, he should be punished by death. (*Leg.* 10.908e–909a)

7. The Incurable

As the quotation above indicates, not all diseases are curable—and it is here that Plato’s biopolitical program is gradually transformed into thanatopolitical state racism. If an inmate of the *sōphronistērion* has not come to his senses (*sōphroneō*) in five years, he will be punished by death. It should also be noted that it is not only foolish individuals who have turned out to be incurable after five years of imprisonment that must be put to death but also all those who, unlike the curable inmates of the *sōphronistērion*, do have a bad natural impulse (*orgē*) and character (*ēthos*; *Leg.* 10.908e). Only the curable individuals should be cured, while the incurable must be destroyed:

Suppose the lawgiver finds a man who is beyond cure [*aniatōs*—what legal penalty will he provide for this case? He will recognize that the best thing for all such people is to cease to live—best even for themselves. (*Leg.* 9.862e)

Indeed, to the same extent that a good physician, according to Plato, understands that there are lives beyond cure and therefore not worth medical treatment, a good statesman must kill those people whose souls are ill-formed and incurable:

Together they’ll [medicine and jurisprudence] look after those who are naturally well endowed [*euphyeis*] in body and soul. But as for the ones who are not, such as are defective in body, they will suffer to die, and those whose souls are ill-formed and incurable [*kata tēn psychēn kakophyeis kai aniatous*], they will themselves put to death. (*Resp.* 3.410a; translation modified)

Further, it is not only that a good judge is like a good physician when he treats diseases of the soul, but a good physician is also a good statesman (*politikos*) when he treats diseases of the body. A good physician, according to Plato, leaves a man incapable of living the “established order of life” to

suffer and die (*Resp.* 3.407e). Hence, Karl Popper is right when he asserts that “Plato interprets medicine as a form of politics” (Popper 2005, 147), but the same can be said of Werner Jaeger, who in his *Paideia* maintains that Plato understand politics as a form of medicine (Jaeger 1947, 135). Together they—medicine and politics—constitute the Platonic medico-political sanitary machine:

Now, these two groups [democratic leaders and their supporters] cause problems in any state, just as phlegm and bile in the body. And it is against them that the good doctor and lawgiver of a city must take advance precautions, first, to prevent their presence and, second, to cut them out of the hive as quickly as possible, cells and all, if they should happen to be present.

(*Resp.* 8.564b–c; translation modified)

8. State Purge

As the quotation above indicates, a disease in the psychophysical constitution of an individual is also a disease of the city-state (*poleōs nosēma*). This is why the Platonic therapy of the soul—even the Platonic therapy of the body—is inevitably always also political therapy of the city-state. The Platonic city-state is not an abstract entity hovering above the inhabitants of the city but the sum of these inhabitants. The inhabitants of the city are like the members of the body—and if one member of the body suffers from a disease, so does the whole body (*Resp.* 5.462c–d). What, then, are the consequences of the mental illness of immorality in the city-state? On the one hand, it is a burden to the city-state because a mentally ill individual is “of no use to the state” (3.410a). On the other hand, it is more than a mere burden: it is deadly dangerous because it is *contagious*. Moral illness is contagious through example but particularly through *interbreeding*. Through interbreeding, moral illness necessarily leads to the destruction of the entire city-state.

In the *Republic* (8.547a), the intermixture of different classes and races, and the intermixture of the superior and the inferior individuals in the guardian race, in particular, entails an “anomaly out of harmony” (*anōmalia anarmostos*) in the city-state and is thus the primary cause of its ruin. Therefore, in Plato’s view, certain drastic measures are needed to preserve the purity of the race of guardians (5.460c). Firstly, bodily and mentally inferior guardians must be prevented from reproducing (459d). Secondly, if it nonetheless happens that they have sex and a woman becomes pregnant, the fetus

must be aborted (461c). Thirdly, if such a child is born, he or she must be left without nurture (461c).²¹ The same holds true even with the children born to the superior guardians endowed with a sound body and mind, in case their children, for some reason, are born with defective traits:

They'll [officials appointed for the purpose] take the children of good parents to the nurses in charge of the rearing pen situated in a separate part of the city, but the children of inferior parents, or any child of the others that is born defective [*anapēron*], they'll hide in a secret and unknown place, as is appropriate.

(Resp. 5.460c)

In the *Republic* (5.459a–b), this eugenic program is illustrated employing selective animal breeding as an analogy.²² A good statesman must not only train his “tame animals” as a dog-trainer trains his dogs. He must also pay attention to the unions (*gamos*) and procreations (*paidopoiia*) of the human herd (*agelē*) as a breeder of dogs pays attention to these in order to improve the quality and to prevent the degeneration (*kheiron*) of the race (*genos*) of his dogs (459a–b).²³

In the *Statesman*, Plato deals with the same theme employing the analogy of weaving. As a weaver, or anyone practicing “constructive science” (*synthetikos epistēmē*), rejects the bad and takes only the good and fitting materials when he starts to work, the statecraft “according to nature” (*kata physin*), when it is about to construct a city-state, purges it from the bad elements (*Plt.* 308c–d). After testing all the inhabitants, to those who appear to be incurably vicious, it inflicts “the punishments of death and exile and deprivation of the most important civic rights,” while those who “wallow in ignorance and craven humility” it places under the yoke of slavery (308e–309a). For the interweaving and binding together of the bad (*kakos*) with the bad or of the good (*agathos*) with the bad will never create an enduring fabric, and thus no art—be it weaving or statecraft—ever seriously engages in such a business. With regard to the city-state, a good fabric can be woven only if the materials used in it are of “noble nature from their birth [*tois eugenesi*

²¹ “If our herd [*poimnion*] is to be of the highest possible quality, the former’s [superior individuals] offspring must be reared but not the latter’s [inferior individuals]” (Resp. 5.459d–e).

²² On Plato’s eugenic policies in the *Republic*, the *Statesman*, and the *Laws*, see Rankin 1965; Fortenbaugh 1975; Klosko 1991; Halliwell 1993; Ajavon 2001; Popper 2005; Ojakangas 2016.

²³ When Plato speaks of different races (*genē*) of dogs, he means qualitatively different dogs *within* a breed of dogs. Some dogs are of high quality, superior by nature (*euphyeis*), while others are of low quality, inferior by nature (*kakophyeis*). It is these two groups of dogs, distinguished from each other by their inherited qualities, that constitute two different races of dogs—and the same holds true for human beings.

genomenois] and have been nurtured in accordance with nature [*kata physin*]" (309e–310a; translation modified).

In the *Laws*, after the so-called introductory part (*Leg.* 5.734e), Plato returns to the weaving analogy he introduced in the *Statesman* but abandons it right away, shifting instead to selective animal breeding theme again—even though now, the breeder of dogs is replaced by a stockbreeder. A good statesman, Plato starts his argumentation, should perform a similar purge (*katharmos*) in the state as a good cattleman performs in the stock of his animals. He must separate (*dialeō*) the healthy from the unhealthy and the purebreds from the degenerate stock (*ta te hygiē kai ta mē kai ta gennaia kai agennē*), keeping only the purebreds and healthy animals to look after. Otherwise, animals endowed with healthy (*hygiēs*) and pure (*akēratos*) body (*sōma*) and character (*ēthos*) will be contaminated by the faults of the sick and impure through interbreeding. As Plato writes:

He knows that otherwise he would have to waste endless effort on sickly and refractory beasts, degenerate by nature and ruined by incompetent breeding, and that unless he purges the existing stock these faults will spread in any herd of animals that are still physically and temperamentally healthy and unspoiled.

(*Leg.* 5.735b–c)

In other words, degenerate and defiled animals are a burden to the whole stock, not only because they are weak—and therefore a burden to the sound—but also and above all because the healthy and undefiled are contaminated by the faults of the weak.

Of course, Plato is not interested in animal breeding and only mentions it “by way of illustration” (*Leg.* 5.735c). He is interested in humans: “With human beings it is vitally important for the legislator to search out and declare the appropriate measure in each case regarding the purge and other modes of treatment” (735c–d). Thus, it is more important and definitely more necessary to use these horse breeder’s methods to improve the human stock than with the horses themselves: “Every legislator must do it, by one way or another” (736a; translation modified). Among humans, Plato continues, the leaders of the city-state may use either mild or drastic measures, depending on the form of government. A tyrant may use harsh methods and carry out a “state purge” (*katharmos poleōs*) drastically, “which is the best way”—for “like drastic medicines, the best purge is a painful business” (735d). It takes the punishment to the point of exile or death. In the non-tyrannical city-states, based on people’s consent, the purge must be milder because people do not necessarily accept tyrannical methods. For Plato, however, if

the leaders of a non-tyrannical state are clever enough, they can achieve the same good results as tyrants. Although people do not normally accept harsh methods, they may accept them at a moment of crisis, especially if the leaders of the state are able to convince them that the unhealthy and degenerate people are the cause of the crisis. The same method can be applied to the poor:

When there is a shortage of food, and the poor show themselves ready to . . . attack on the property of the rich, they are to be regarded as a disease that has developed in the body politic [*hōs nosēmati poleōs empephykotī*]*—and in the friendliest possible way they should be, as it will tactfully be put* [*di' euphēmias apallagēn*], “transferred to a colony.” (*Leg.* 5.735e–6a; translation modified)

We may speculate on what this euphemism (“transferred to a colony”) actually means. What no longer requires any speculation, however, is whether Platonic politics is biopolitical state racism. It is biopolitical state racism at its purest. The physical and mental health and happiness of the population legitimates and necessitates the elimination of the “sick” and the “poor”—and it does so because their inherent weakness, irrespective of whether they have done something illegal or immoral, is contagious: without a thorough purge, the rest of the population will degenerate too. Such racism must be distinguished from traditional ethnic racism (antibarbarism), prevalent in Plato’s lifetime in Greek society (see, for example, Isaac 2004; Lape 2010). Plato’s racism is not antibarbarism (even though his writings occasionally show antibarbaric sentiments) but an entirely new kind of racism based on medico-political principles of psychosomatic health: one must not kill barbarians but the members of one’s *own* community suffering from a “defective body” or an “ill-formed soul” (*Resp.* 3.410a; translation modified).

9. By Way of Conclusion: Tyranny

This said, it is obvious that the “law of nature” of the sophists is not an antithesis of Plato’s “natural justice,” as both the sophists and Plato intimately link justice and violence. Yet this link is not identical in them either. In Callicles’ view, violence *creates* justice, while in Plato, justice *presupposes* violence. The incurable must be either killed or expelled from the city, since otherwise there can be neither justice nor happiness in the city-state. Rather than the natural law of the sophists, the true antithesis of Plato’s justice according to nature is democratic freedom and equality—the democratic form of life without a proper form, function, or necessity. In democracy, everyone—including the incurably deformed souls (*Resp.* 8.558a)—has the license “to arrange his own

life in whatever manner pleases him" (557b), but for Plato, for whom justice is based on the hierarchical order of nature, such a license is contrary to nature in every respect: it is a license to destroy the entire city-state.

However, would it be more correct to say that *tyranny*, rather than democracy, is the antithesis of Plato's political order based on justice according to nature? We know well that in the *Republic*, tyranny is the end point of the piecemeal process of degeneration of the souls and city-states, the point reached only after the collapse of democracy. Not democracy but tyranny is the "ultimate disease of the state" (*eschaton poleōs nosēma*; *Resp.* 8.544c; translation modified). Further, if the sophistic natural law of the strongest is interpreted as legitimization of a tyrannical mode of government (Calicles praises tyranny in the *Gorgias*), we may conclude that it is, after all, the sophistic natural law and not democratic equality that is the ultimate target of Plato's criticism.

Before concluding, however, we must take a closer look at what Plato says about tyranny. Although the *Republic* dedicates a number of pages to the analysis of tyranny, Plato says relatively little about tyranny as a form of government, focusing mainly on the tyrant's character. In the *Statesman*, however, we find a lengthy passage on the institutional arrangements of different forms of government in which Plato discusses the nature of tyranny in detail. Here, Plato distinguishes as many as seven forms of government: democracy governed by laws, democracy governed without laws, aristocracy, oligarchy, kingship governed by laws, kingship governed without laws, and tyranny (always governed without laws). Then he states that the worst and the best forms of government are both monarchies—forms of government in which there is a single ruler (*monarchia*). The worst possible form of government is tyranny (always governed without laws) and the best possible one is kingship (*basileia*) but again, *without* laws.²⁴ Hence, when it comes to the fundamental institutional principles, the worst and the best forms of government are *identical* (excluding the name). They are forms of government in which there is but one ruler and he rules without laws (and, if possible, preferably also without people's consent; see *Plt.* 293b–c).²⁵ The only difference pertains to the *character* of the monarch. In the best form of government, the monarch is

²⁴ In a well-governed city-state, there are no laws because laws are dogmatic and inflexible, incapable of taking into consideration "the differences of man and of actions" (*Plt.* 294b). Therefore, as the captain of a ship relies on his art (*technē*) rather than on written rules when steering his ship, a good statesman makes his "art [*technēs*]" more powerful than the laws [*nomōn*]" when governing the city-state (296e–297a; translation modified).

²⁵ Here, Plato employs the medical analogy again: "Whether [physicians] cure us against our will or with our will, by cutting us or burning us or causing us pain in any other way, and whether they do it by written rules or without them, and whether they are rich or poor, we call them physicians just the same, so long as they exercise authority by art or science, purging [*kathairontes*] us or reducing us in some other way, or even adding to our weight, provided only that they who treat their patients treat them for the benefit of their health" (*Plt.* 293b–c). On *katharmos* as a philosophical method, see *Soph.* 226d–227d.

wise, inspired by knowledge, while in the worst he is ignorant, inspired by desire (301b–c).

From this perspective, it is not surprising that in the *Laws*, tyranny is *not* depicted as the worst form of government. On the contrary, if the tyrant happens to be kinglike (to have a good memory, quick intelligence, courage, and nobility of manner by nature), tyranny is the *best* form of government: “The best state will be the product of tyranny, thanks to the efforts of a first-rate legislator and a virtuous tyrant” (*Leg.* 4.710d; translation modified). But why call him a tyrant and not a king? The answer may pertain to the problematic nature of kingship. In the *Statesman*, after asserting that kingship without laws and people’s consent is the best form of government (*Plt.* 293a–d), Plato nevertheless returns, at the end of the dialogue (301d–302e), to the traditional understanding of kingship as a form of government based on the rule of law and the consent of the people—not only because of the rarity of truly royal characters but also in order to distinguish it from tyranny. In the *Laws*, however, it seems that Plato has learned the lesson: Why call tyranny kingship, if the only difference between the best form of kingship and tyranny is the character of the monarch? Indeed, if a tyrant is as virtuous as a king, tyranny is a better form of government than kingship because the king needs the consent of the people but the tyrant does not: a tyrant may invoke whatever methods when governing the city-state. In particular, he may carry out the inevitable state purge drastically, which is the best way to do it (“the best purge is a painful business”; *Leg.* 5.735d). The only problem with tyranny is that the tyrant is not usually virtuous and therefore, he is not able to figure out the biopolitical aim of the government (the happiness of the entire city-state). This is also the reason why his state purge goes astray. Like a good king, a tyrant performs a state purge in his city-state, but unlike a king who like a good doctor “draws off the worst and leaves the best,” a tyrant “does just the opposite” (*Resp.* 8.567c). Yet if a tyrant be wise enough to draw off the worst and leave the best, tyranny would be the best form of government absolutely. For it does not matter whether the city-state is governed by laws or without laws, with people’s consent or without it (*Plt.* 293a)—the most essential is to purge the city-state and render it thus better and happier:

And whether they [statesmen] purge [*kathairōsin*] the state for its good by killing or banishing some of the citizens, or make it smaller by sending out colonies somewhere, as bees swarm from the hive, or bring in citizens from elsewhere to make it larger, so long as they act in accordance with knowledge [*epistēmēi*] and justice [*dikaiōi*] and preserve and benefit it by making it better than it was, so far as is possible, that must at that time and by such characteristics be declared to be the only right form of government [*politeian*]. (*Plt.* 293d–e; translation modified)

In Agamben's estimation, the Platonic law in accordance with nature (*kata physin*) is essentially nonviolent, but if my analysis is correct, in Plato everything according to nature, be it law, knowledge, or justice, presupposes the violent elimination of everything that is incurably contrary to nature (*para physin*). A happy city-state inhabited by healthy characters and dispositions is possible only by means of the expulsion or extermination of the incurable. And to the extent that there are always such incurables around, it is not a mere option. It is a necessity: "Every legislator must do it, by one way or another" (*Leg.* 5.736a).

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