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THE RELATION BETWEEN CLASSICAL AND LEGAL EDUCATION – THE ROLE OF MYTH IN EDUCATING LAWYERS

Abstract

The purpose of this article is to explore the classical understanding of the concept of myth and its potential usefulness in legal education. Its primary objective is to show, by analysing Aristotle's ways of obtaining knowledge, that the idea of myth (*mythos*) should not be viewed as contradictory to reason (*logos*). Rather, it can be interpreted as a practical mode of reasoning that aligns with the Aristotelian concept of *phronesis*. In the initial section, the concept of myth is examined in relation to *logos* and *aletheia*. They are portrayed as distinct types of knowledge positioned on opposite ends of the spectrum, with myth embodying the notion of a "golden mean" between them. This trio is then contrasted with the methods of acquiring knowledge, namely *techne* – *phronesis* – *episteme*. These comparisons introduce a new conceptual framework and suggest the potential application of the concept of "myth" in legal sciences by juxtaposing *mythos* and *phronesis*. *Mythos* represents a fluid, changeable, and relational knowledge, while *phronesis* represents the ways of acquiring it. For legal studies, which still predominantly align with either *episteme* or *techne*, acknowledging the novel role of knowledge presented by myth can offer an alternative framework of education and practice. This could lead to the creation of lawyers who are not solely passive (as described by Arendt), nor are the "mouth that merely pronounces the words of law" as Montesquieu desired, but rather as the *phronimoi* that can evaluate reasons, consider social context, deliberate well, and make thoughtful judgments and decisions that impact present-day society.

Key words: myth, *logos*, *phronesis*, education, law, Aristotle

"It's all in Plato, all in Plato:
Bless me, what do they teach them at these schools?".
Digory Kirke in C.S. Lewis, *The Last Battle*[1]

1. Introduction

The quote cited above appears in the final part of C.S. Lewis' Narnia series, where the protagonists arrive at the REAL Narnia. Although similar to the one they know, it is quite distinct. This is due to the fact that the previous Narnia, in which they experienced their adventures, was just an imperfect reflection. Professor Kirke's exasperated sigh arises from the heroes' complete failure to grasp this concept. Over time, the characters become aware of and understand the nuances. Indeed, it is all in Plato. The Narnia they were familiar with was merely a reflection of the True Narnia. Now they finally discover the idea of "Narnianness". If they had known about Plato's theory of objective idealism, they could have grasped the situation earlier.

Professor Kirke highlights an important fact – classical education is no longer as widespread as it was in his youth. There can be no doubt that the culture of ancient Greece and Rome provides the foundation for European culture. This concept is ingrained in our subconscious, although we only occasionally approach it receptively or critically. In the legal sciences, which are the subject of this paper, the achievements of Roman jurisprudence and Greek philosophy are of great importance. The former established the foundation of present-day legal concepts and institutions, whereas the latter stimulated a broader reflection on the state, constitutions, and the role of a man.

However, there are still some aspects that are disregarded or reinterpreted to an extent that reduces or alters their original meaning, thereby giving the ancient terms entirely new connotations. Foremost among these is myth. Although myths and mythologies have long been of interest to researchers who explore history, culture, religions, and literature, they have become distorted in the political and legal spheres. Myths, frequently understood as political myths, are, according to dictionary definitions, forms of justification of stereotypes, legitimisation of a particular way of perceiving the world, or simply untrue stories. However, the notion of "myth" may be an exceedingly valuable

[1] C.S. Lewis, *The Last Battle*, New York 2000, p. 195.

educational tool, as I will explain in this text. For that purpose, it is essential that we reconsider its ancient meaning and examine the myth on the basis of Greek thought.

At the outset, I will introduce the fundamental dichotomy, which modern thought emphasizes but which has its roots in antiquity, the distinction between *mythos* and *logos*. My aim is to demonstrate, through the examination of Aristotle's discussion of knowledge, that myth should not be seen as opposed to reason. Rather, it is a practical form of thinking and as such is valued by Aristotle, and might be useful to lawyers and politicians.

However, it is important to note that the objective of this text is not to solely discuss the relationship between mythos and logos, nor to provide an exhaustive analysis of the ancient epistemological tradition.[2] Instead, the aim is to present the formation of a triad of *logos–mythos–aletheia*, in which mythos occupies a unique position "in between". Relating this triad to the Aristotelian one (*episteme–phronesis–techne)*, aims to present mythos as a different type of knowledge, closely related to the *phronetic* – practical one. This provides a new conceptual framework and methodological approach that allows for the analysis of myth as a form of "practical" knowledge, related to human action and social relationships, and its application to the field of social sciences, particularly in the context of legal studies, as a valuable educational tool.

2. *Mythos* and *logos*

"Myth organizes this space we cannot comprehend with reason."[3] The juxtaposition of myth (*mythos*) and reason – *logos* – has a long tradition. Numerous scholars assert that "myth" centres on irrational thought, whereas *logos* necessitates logical reasoning.[4] The differentiation between these two concepts is deemed to be

[2] As it has already been extensively done. It is worth mentioning the classical work of Wilhelm Nestle, *Vom Mythos zum Logos*, which was written already in the 1940s. Other researchers who have analysed this matter include, among others, such renown researchers as Michael Gagarin, Martin Ostwald, Ryan Balot, Robert Fowler or Kurt Hildebrandt.

[3] A. Sepkowski, C*złowiek w przestrzeni mitycznej*, [in:] *Mity historyczno-polityczne*, *wyobrażenia zbiorowe*, *polityka historyczna: studia i materiały. T. 1*, eds E. Ponczek, A. Sepkowski, Toruń 2010, p. 19.

[4] P. Grimal, *Mitologia grecka*, Warszawa 1998, p. 7.

a significant accomplishment of the Greek philosophy, capable of distinguishing "truth" from "fiction", and rational from the irrational. Nevertheless, it should be acknowledged that this distinction is not uniformly employed in Greek works. It is much more pronounced in philosophical treatises, focusing on the issue of Truth and its epistemological characterization. However, in literature, the terms are often used interchangeably with differing and sometimes overlapping meanings. The original meaning of *logos* and its derivatives is in fact very close to that of *mythos*.[5] Both terms refer to words and speeches. Hesiod, in his description of the creation of Pandora, states that Hermes "contrived within her lies and crafty words (λόγους)."[6] Yet shortly after, the poet makes a pledge to the reader:

> "I will sum you up another tale (λόγον)
> well and skilfully"[7]

and he goes on to discuss the renowned myth of five ages of humankind. These fragments are situated less than thirty lines away from each other, and it can be observed that λόγος is employed to denote both a narrative that is presumed to be genuine and words used to deceive. Thus, *logos* denotes a spoken word that has a rational aspect to it, i.e. a deliberate formulation of a statement that is intended either to deceive (as in the Pandora example) or to tell a compelling story (as in the story told by Hesiod himself). The word's most commonly cited etymology derives from *legein* – to collect. However, act of "collecting" does not need to consist only of thoughtless accumulation, but also of making of a reasonable selection, and in terms of language – of the rational arrangement of words.[8]

The second term used in the archaic Greek literature to describe speech was *mythos*. In Homer's epics, *mythos* is a specific form of expression. According to Richard Martin, the term *mythos* is used when the poet desires to highlight the speaker's words' importance and authority.[9] This term applies to the communication of gods or heroes on significant matters, often under divine inspiration or to convey the will of the

5 I. Trzcińska, *Logos, mit i ratio: wybrane koncepcje racjonalności od XV do XVII wieku*, Kraków 2011, p. 41.
6 Hesiod, *Works and Days*, pp. 77–78.
7 Ibidem, pp.106–107.
8 K. Narecki, *Logos we wczesnej myśli greckiej*, Lublin 1999, pp. 17–18.
9 R.P. Martin, *The Language of Heroes. Speech and Performance in the Iliad*, Ithaca and London 1989, p. 12.

deities.[10] It typically has a persuasive effect on the recipient, leading them to act in line with the speaker's wishes.[11] A different form of speech is *epos*, which is used much more frequently for short, matter-of-fact statements that provide specific information to the addressee.[12] The conversation using *epos* is founded upon the principle of equality and the absence of visible dominance between participants. During the early stages of the archaic culture, up until the 6th century BC, when Heraclitus of Ephesus lived, *mythos* and *logos* were not distinctly separated.[13]

On the contrary, as Jerome S. Bruner pointed out, these concepts complemented each other.[14] Additionally, Marcel Detienne and Geoffrey Lloyd argue that the use of the term *mythos* or the differentiation between *logos* and *mythos* could have been used to devalue certain categories of discourse.[15] Poets tell "myths", fantasy, while Philosophers, even if they use such stories, do it mindfully and intelligently, elevating them to a dimension of "rationality" – *logos*. Detienne argued that 19th-century thinkers and positivists, who desired to ground scientific discourse solely on facts, mirrored the actions of ancient philosophers: their desire to rationalise and factualize science necessitated the rejection of all "supernatural" fragments and consequently – mythological narratives.[16]

Already in 5th century BC, in Pindar's poetry, *mythos* carries a meaning similar to the contemporary one – a false story.[17] Despite this connotation, Pindar himself frequently alluded to myths and drew comparisons between winners of the games and mythological heroes in his odes. *Logos* in this context evolved in two directions: it retained its emotive

10 I.e. Athena's words prevent Achilles from attacking Agamemnon; Agamemnon uses *mythos* to dismiss Chryses; the Greeks praise Odysseus' wise words – *mythos.* Homer, *Iliad*, I,282; I,25; II,335

11 R.P. Martin, op. cit., pp. 22–23.

12 R.P. Martin, op. cit., p. 12; B.B. Powell, *A Short Introduction To Classical Myth*, Upper Saddle River, (NJ) 2001, p. 3.

13 Heraclitus is frequently attributed with establishing *logos* as a noteworthy new cognitive category and differentiating it from myth. Pindar, mentioned later in the text, also contributed to this change, making this time a critical period for the development of these ideas. Further exploration of this topic can be found in: K. Narecki, op. cit., pp. 12–14; I. Trzcińska, op. cit., p. 149–151.

14 J.S. Bruner, *On Knowing: Essays for the Left Hand*, Harvard 1979, p. 31.

15 G.E.R. Lloyd, *Demystifying Mentalities*, Cambridge 1990, p. 46.

16 M. Detiennne, *The Creation of Mythology*, Chicago 1986, pp.18, 43–44.

17 G. Nagy, *Homeric Questions*, Austin (TX) 1996, p. 125.

and expressive meaning, whilst also gaining a technical one that implied the rational assessment of a situation.[18] The *First Olympian Ode* contains the following excerpt:

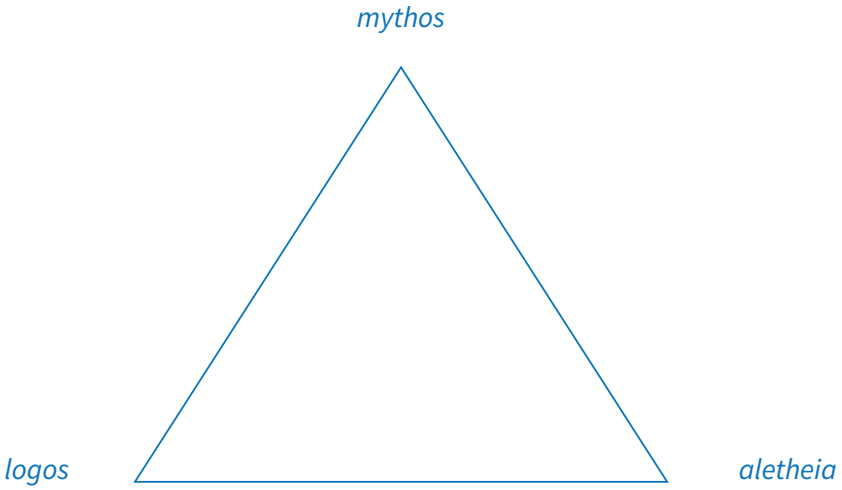
> "yet I suppose the speech (λόγον) of mortals beyond the true account can be deceptive, stories (μῦθοι) adorned with embroidered lies."[19]

Therefore *logos* may transform into a myth only when it becomes distorted and false. These two concepts were juxtaposed, however, given the fact that this opposition requires further clarification, it may not be not as obvious as we currently assume: Pindar explains when story may become a myth (words must get distorted, embellished, changed), not simply forms an opposition (speech may be a myth). Yet many of later scholars agreed with the idea that these concepts are fundamentally opposed and aim to rationalize myths by stripping away fictional and supernatural elements. As a result, the myths are often seen as distorted accounts of the past – early forms of history – or as simplified narratives that offer a model of ethical behaviour. Due to this phenomenon, the heroes from myths, who are often flawed and conflicted individuals, become idealized as role models, embodying the perfect man. This approach was already taken by Plato, followed by the Stoics, Seneca and writers of the Renaissance.

Moreover, as Gregory Nagy points out, the emergence of later terms describing specific forms of verbal expression, has led to the marginalisation of the meaning of *mythos*. Interestingly, Nagy's main reason for this is the popularisation not of the term *logos*, but of *aletheia*, which suggests that the statement is not only important/rational, but also true. Thus, it was not "reasonable/rational" speech but "true" speech that led to the displacement of *mythos*. If we take into account Nagy's assumption that *aletheia* led to the restriction of the semantic scope of the word *mythos*, we get an interesting tripartite division, or rather the relationship *logos–mythos–aletheia*. However, I would not present this system in a linear form, but rather on the plan of a triangle, where *logos* and *aletheia* in a sense "push" *mythos* out of the horizontal line, while at the same time *mythos* itself retains elements derived from the "base" of the triangle.

[18] K. Narecki, op. cit., pp. 44–45.
[19] Pindar, O.I, pp.28–30.

Illustration 1. Relation between *logos*, *mythos* and *aletheia*



Source: author's own project.

Going back to the connection of these terms with words and speech, I would say that *logos* is a speech prepared according to all the rules of grammar, based on literary "know-how", taking into account argumentative and rhetorical techniques, and additionally aimed at convincing the recipient. It has an instrumental value, aimed at a specific goal. It will be an "intelligent" speech in the sense of "technically refined", but it may contain both a "skilful tale" and "crafty words", like Pandora's speech.

Aletheia would be a philosopher's speech. Its purpose is not to convince the listener, but to present him with autotelic knowledge – the truth that he must accept unconditionally. For this reason it may often remain incomprehensible and difficult to understand for the "average" listener, who will find it much easier to follow the specific argument of the *logos*.

Mythos is a speech that combines elements of the previous two – it remains logical and reasonable in its construction, while conveying certain values and rules, and at the same time it is directed at the recipients and adapted to the circumstances. Therefore, myths can be told both to children, for whom the form can be simplified and the moral clearly emphasised, and to adults, for whom the plot can be more complicated and the discovery of the content can require a greater intellectual effort.[20] The "reasonableness" of the myth is therefore "practical": it not only arouses emotions,

[20] Such was the argument made by Lucian of Samosata in his *True History*: that his tale, full of lies, might not only be enjoyable, but also "give occasion of some learned speculation to the

but also presents various social attitudes, patterns of behaviour and desired values and ways of behaving, and thus serves education, ethics and politics.

The reference to the question of practice and the rationality associated with it inevitably bring to mind associations with Aristotle, who considered "practical wisdom" to be one of the "qualities through which the mind achieves truth". The others were: technical skill, also called art (τέχνη), scientific knowledge (ἐπιστήμη), wisdom (σοφία), and intelligence or intuition (νοῦς).[21]

Episteme, *sofia* and *nous* refer to the knowledge of truth – *aletheia*, i.e. of necessary and eternal things. *Nous* is also often translated as "intuitive thinking", which allows for a direct grasp of the highest principles that govern scientific knowledge. Sophia, translated as theoretical (or philosophical) wisdom, is a kind of mastery that requires both knowledge of the highest principles themselves and of what follows from them. Finally, *episteme*, scientific knowledge, can be taught and acquired, and is a disposition to prove, requiring reliance on true and primary premises, and therefore applying nous. These three dispositions are therefore treated together as leading to Truth.

The situation is different with *techne* and *phronesis*, which are concerned with things that can vary and therefore are not universal, unchanging truths. *Techne* is concerned with creation, whereas *phronesis* – "practical knowledge" or "prudence" – is concerned with action, and moreover with action based on reflection, which enables good, accurate decisions to be made. Those qualities deal with "knowing the truth" in different ways: *techne* and *phronesis* refer to the "earthly" world, i.e. our reality, while *episteme*, *nous* and *sofia* focus on the Truth itself, understood as Platonic "ideas", truths about the way the world works, eternal, permanent and universal that can only be known through reason. Is there room for myth in this case? The Stagirite does not deny his cognitive role, as he writes directly: "It is through wonder that men now begin and originally began to philosophize (…) thus the myth-lover is in a sense a philosopher, since myths are composed of wonders".[22]

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mind". See: Lucian, *True History* [in:] *Works*, transl. by A.M. Harmon, Cambridge (MA)–London 1913.

21 Aristotle, *Posterior Analitics*, 89b7; *Nicomachean Ethics*, VI,3.

22 Aristotle, *Metaphysics*, I,982b.

Inspired by G. Nagy, the triad *logos–mythos–aletheia* has already been introduced. None of these three concepts is a way of acquiring knowledge, but rather a variant of it. Therefore, it seems reasonable to compare this triad with the Aristotelian ways of acquiring knowledge, i.e. *techne–phronesis–episteme*. This will not only allow for the introduction of a new conceptual framework, but will also make it possible to position myth as a way of acquiring knowledge and to point out its potential applications in the legal sciences. In the rest of the article we will consider the relationships and similarities between the appropriate elements of these triads: *aletheia* and *episteme*, *logos* and *techne*, and lastly *mythos* and *phronesis*. The latter, in particular, will highlight the practical role of myth in legal education. It will point to possible ways in which the practitioners of this discipline can be shaped not only as excellent theorists or dogmatists, but also as people capable of making thoughtful judgments and decisions that influence contemporary reality.

3. *Aletheia* and *episteme*

Episteme is scientific knowledge, and its objects are at the same time necessary and eternal.[23] It is certain knowledge, related to truth, knowable by reason. The concept of "theory" is inseparable from the concept *episteme*. Theory has many meanings. In the most common modern understanding, it is a set of concepts and axioms of a particular science, aimed at systematising knowledge and establishing relationships between its various elements. We distinguish theoretical knowledge from practical one. To "theorise" means to consider hypothetical situations and the possibilities of solving, dealing with or evaluating them. Plato uses the Greek word θεωρία in a similar sense in the dialogue *Philebus*, where Socrates encourages Protarchus to "contemplate" the difference between true and false judgement and the pleasure that results from each.[24] However in Greek it can also mean "watching a spectacle" as well as "observing the divine" (*theos*).[25] Thus, this word also includes and refers to the object of contemplation – something sacred, divine. Θεωροί were special delegates, usually sent to places and events related to the gods, to observe

[23] Aristotle, *Nicomachean Ethics*, VI,3.

[24] Plato, *Philebus*, 38b.

[25] E. Smolka-Drewniak, *Kobieta, polis i boskość w tragediach Eurypidesa: antropologiczne, aksjologiczne i estetyczne aspekty kobiecości*, Nysa 2011, p. 24.

other customs and rituals. Therefore, as G. Nagy points out, the word "theory" itself (Greek: *theoria*) can also be translated as a "sacred journey"[26] undertaken by the one who is to experience the said observation. In this context, *theoria* presupposed the need to go to a place where one could meet a god, a place usually located outside the safe confines of the polis. One of the possible forms was participation in worship, mysteries or listening to an oracle.

Włodzimierz Lengauer draws attention to a clear illustration of the connection between "observation", and therefore "seeing", and knowledge.[27] Oedipus, who lived a happy life in Thebes, believed that he had escaped his fate. Earlier he had shown great wisdom in solving the riddle of the Sphinx, but it turned out that his knowledge was illusory. In fact, he didn't even know who he was.[28] The real knowledge was revealed to him by the prophet Tiresias. So, thanks to the words of the seer, who had contact with the divine, Oedipus learned the truth. This led him to gouge out his own eyes.[29] Having gained insight into divine things, he lost his earthly sight. Tiresias himself is said to have been blind, as was Homer. Thus the perception of "something more" affects the perception of temporality – as in the case of the Platonic sages who, having seen the world of ideas, will be reluctant to return to the earthly world and "blinded" by the light of *episteme*, almost divine knowledge, which allows to reach the truth, the world of ideas, or – the real Narnia. It allows one to become φιλοθεάμων – one who likes to see (implicitly: the truth).[30] It is a "certain" knowledge.

It seems this would be exactly the kind we would like to see in a lawyer or a politician: they will make the right decisions (and give only the right answers) based on the knowledge they have acquired.[31] However, this approach, especially in law, has some significant drawbacks.[32] First of all, a certain, divine knowledge does not allow

26 G. Nagy, G., *The Ancient Greek Hero In 24 Hours*, Cambridge (MA)–London 2013, p. 625.

27 W. Lengauer, *Religijność starożytnych Greków*, Warszawa 1994, p. 27.

28 P. Vidal-Naquet, J-P. Vernant, J-P. Brisson, E. Brisson, *Zrozumieć demokrację i obywatelskość*, Warszawa 2007, p. 77.

29 To punish himself for incest, as he (unknowingly) married his own mother.

30 Plato, *Republic*, V,475E.

31 For example, Ronald Dworkin invents a model of judge-Hercules, with unlimited time and resources who can search for the one "right answer" to complicated law cases. R. Dworkin, *Law's Empire*, Cambridge (MA) 1986, p. 239.

32 A. Korczak, *Od mitu do logosu*, Warszawa 2011, pp. 116–117.

multitude of opinions nor does it allow persuasion, which is necessary in political and social life, unless we want to settle for tyranny. But absolute truth is the one and only and so can only demand respect. The sage, thanks to his contact with truth and ideas, has already become a better being, full of virtue, even equal to the gods. He merely pronounces the words of truth but does not engage in discussion.[33] Such a sage loses his usefulness to the society. He does not deal with nor solves the actual problems, but lives "outside" – in the world of ideas, without caring, as Aristotle put it, about what is good for human beings, as he cares only for wisdom. In connection with the philosopher's "detachment" from the affairs of the polis, the anecdote of Thales, who, while observing the sky, failed to notice a well on his way, is often quoted.[34] The truth preached by the philosopher could influence both the development of man and the conditions of his life, but for this to happen, the sage would have to mingle with the crowd, like Socrates, and try to persuade them. Otherwise he can either remain a philosopher, detached from earthly affairs, or, on the contrary, by becoming involved in world affairs, he can become an authoritarian ruler.

A lawyer/politician who has *episteme* (or thinks he has it) is on the fast track to becoming a tyrant. He does not have to use force to impose his will on others, on the contrary, they can listen to him, believing unquestioningly in his knowledge, but at the same time he does not allow for discussion, dialectic, exchange of views, i.e. fundamental values, especially in a democratic system. Moreover, the one who has seen the *episteme* loses his orientation in the world of men, because having perceived the ideas, that is to say, having left the metaphorical cave into the light, he returns blinded by it to the darkness of human relations and so is no longer able to move smoothly among them. And finally, there is no guarantee that they will act according to the Socratic principle that knowing the right thing necessarily means doing so, but they may take a different path, as Ovid summarised: "The best I see and like: the worst I follow headlong still."[35] Having the ultimate knowledge may tempt and corrupt the individual to use it for their own benefit and against the unknowing community.

33 H. Arendt, *The Promise of Politics*, New York 2009, p. 13, 25.
34 Aristotle, *Nicomachean Ethics*, VI,7; Plato, *Theaetetus*, 174a.
35 Ovid, *Methamorphoses*, VII,20–21.

4. *Logos* and *techne*

Perhaps then the legal profession could benefit from seeking a model from the opposing perspective. There, we discover *techne*, which is translated as craft or art. It involves creating and bringing into existence things that may vary. Their source is therefore in the Creator.[36] *Techne*, then, is the knowledge of the producer. The art of rhetorics also belongs to *techne*. The sophists who taught it, like craftsmen, created new people – potential politicians, philosophers, demagogues – by giving them a tool, but without reference to the truth. *Logos* initially functions in a similar way, before further evolution gives it the value of truth. But at the very moment when it struggles for domination over *mythos*, *logos* is closer to the "technical" understanding. Used skilfully, *logos* can both deceive and proclaim true things, but it is not truth in itself. It remains only a tool in the hands of those who use it.

For the sophists, *logos* was a "reason" with which every human being is endowed, but it is only a technique that can be practised, not the ability to make the best decisions (called "prudence"). Philosophy thus becomes not a search for wisdom, but a science requiring formal (logical) proofs.[37] It is not a question of "truth", but of the efficiency of the argument that will allow the effect intended by the speaker to be achieved. Thanks to the use of *logos* understood in this way, a good "craftsman" will be able to express both truth and falsehood, and both will serve his own purposes and even, in his personal opinion, the purposes of the whole. The final effect is therefore similar to the use of *episteme*. The listener will have to accept the thesis presented by the sophist, not because it is true, but because it has been exhaustively, even irrefutably, proved. Moreover, a good craftsman – speaker will be able to "create" – through words – people over whom he can rule. *Techne* thus allows us to treat people and materials completely as objects.

Therefore, the possession of *logos*, like the possession of *episteme*, makes it possible to control the society and to impose on it the chosen, proclaimed values, ideas or truths. Izabela Trzcińska draws attention to deities that can be associated with *logos*. Zeus and Hermes are the two divine patrons most often mentioned. The first,

[36] Unlike those things that are subject to *episteme*, because they have it within themselves – they are something necessary.

[37] A. Korczak, op. cit., p. 123.

Zeus, combines most of the desirable virtues that his predecessors lacked, including wisdom (or rather shrewdness).[38] Hermes, as the patron of all kinds of "clever" people: inventors, craftsmen, but also thieves, was from the beginning associated with the possession of *techne*, and the development of these abilities led to his later association with *logos*. As a child, this son of Zeus and the nymph Maia is said to have kidnapped flocks belonging to Apollo himself and escaped punishment by giving the other god a lyre he had just created. Later, he is said to have invented, among other things, weights and measures, the musical scale and the alphabet.[39]

In the Hellenistic period, as a result of his fusion with, among others, the Egyptian Thoth, he was given the title Hermes Trismegistos – "thrice great" – and became the creator of Hermeticism and the patron of secret knowledge. He is a messenger of the gods, which allows him to be associated with *logos*. As a messenger, he travels between the divine and human worlds, conveying the will of the gods to man, the only rational being on earth.[40] In fact, the divine messenger often appeared to help selected people (usually heroes), suggesting reasonable or cunning solutions, such as warning Odysseus about Circe and giving him a herb that would weaken her spells.[41] He thus remained a mediator and a "dispenser of knowledge" for men, putting the advice of the gods into words and passing it on to mortals. In later centuries, the Stoic quest to define a universal *logos* that would unite all aspects of reality, would lead to the union of Hermes with another son of Zeus – Heracles.[42] Originally, however, Hermes is primarily the guardian of *techne*, the arts and crafts, who is even sable to avoid punishment and responsibility, while at the same time arousing the sympathy of the victims.

38 Hesiod, *Theogony*, 889–890. The poet describes him as such because of the union with Metis. Zeus "craftily deceived her with cunning words (λόγοισιν)" and so absorbs her wit and wisdom within himself. That allows him to become the supreme deity, while many minor gods are in fact only manifestations of his different aspects and virtues, thus elevating Greek religion towards henotheism instead of polytheism. Zeus becomes not only the god but also the "father" for both gods and mortals.

39 R. Graves, *Mity greckie*, Kraków 2012, pp. 50–53.

40 A. Świderkówna, *Bogowie zeszli z Olimpu*, Warszawa 1991, p. 323.

41 Homer, *Odyssey*, X, pp. 277–301.

42 See for example: Lucian, *Hercules*.

The problem with Hermes the craftsman, however, is his instrumental treatment of people, analogous to the sophists and *techne*-possessors. He does this not because he is a "bad" person, but because he is aware that in the "earthly" (meaning "not ideal") world both truth and falsehood can result in positive (from his point of view!) effects, and so he uses them according to his need. In the legal world, he would be either a populist, skilfully manipulating his audience to achieve the desired effect, or a legislative expert, able to create, apply or enforce complex regulations, and at the same time a radical positivist, focused solely on his art.

5. *Mythos* and *phronesis*

However, in the centre there still remains *phronesis*, translated often as "prudence" or "practical knowledge". For Aristotle, it is neither scientific knowledge nor art, but the ability to act, based on accurate consideration of what is good or bad for a person. Therefore, it requires the ability to reflect and assess. *Phronesis* is not based on any form of certain knowledge – neither derived from the ultimate truth contained within *episteme* nor the expertise of an experienced artisan. It is a precarious form of knowledge, as it demands action that must be customised for the changing circumstances, with no guarantee of success. It must be preceded by reflection and done in a manner that is best for both the actor and the entire community, as it is intended to be "good for themselves and for mankind".[43] Right from the beginning, there is an inherent link between *phronesis* and social life. Practical wisdom pertains not only to the benefit of the individual but also to that of the entire community.[44]

Myth plays a comparable function. This is defined by Lillian Feder in the following manner: "Myth is not art, though it is used in all the arts (…) Myth is a form of expression which reveals process of thought and feeling."[45] When retelling myths, the *aoidoi* – singers used *techne*, for example by using the traditional formulas. Consequently, they utilised *logos* to arrange and categorise the information, enabling

43 Aristotle, *Nicomachean Ethics*, VI,5.

44 In this place, I want to express my gratitude to Iwona Barwicka-Tylek Hab. PhD from the Jagiellonian University, whose constant research into the subject of prudence has been most inspiring, and without whose intellectual support this text could not have been produced in this form.

45 L. Feder, *Ancient myth in modern poetry*, Princeton 1971, p. 28.

easier recall. A singer also frequently played a lyre – an invention of Hermes.[46] On the other hand, he related specific information, concerning rather interpersonal relations than mere historical data. He provided evidence of the existence of an enduring "mythical" reality, encompassing primary events, laws and morality which still influenced the social fabric of future generations.[47] A considerable proportion of these elements underwent subsequent rationalisation, which was meant to integrate them into the structure of modern knowledge and science. Like Detienne claimed, the "supernatural" got to be omitted and avoided so that the rest of the story could be called "scientific". However, the distinctiveness of Greek myth lies in its responsiveness to changes and interpretations, often in alignment with real-world progressions.

The knowledge it contains and presents is not universal but rather adaptable, as the myth reveals the reasoning, "thinking process" of both its' heroes and narrators. This process must remain fluid and active as situations change and evolve. Myth is not a simplistic fairy tale with a clear-cut moral; for instance, it would be an oversimplification to assume that the message of the story of Oedipus is "do not marry your mother". Instead, this is a nuanced tale of a person navigating their way through life, grappling with difficult choices and decisions, searching for truth and facing the consequences. Since it focuses on the relations between individuals and their surroundings and between people in general, it is constantly relevant. Search for truth, pride, bad judgment are the main themes of the myth, all wrapped in the timeless garb of ancient mythology or tragedy.

This relational aspect of myth is what ensures its' continued significance. Myth is more than a mere story, it is also a subsequent action on that story, the interpretation and adaptation. Socrates himself recognizes the value of myth in the teaching process as shown in his dialogue in *Gorgias*, regarding the judgement of the dead, conducted by Minos, Rhadamanthus and Aeacus: "you regard this as an old wife's tale (μῦθός), and despise it; and there would be no wonder in our despising it if with all our searching we could somewhere find anything better and truer than this".[48]

[46] B.B. Powell, op. cit., p. 70.
[47] B. Malinowski, *Mit*, *magia*, *religia*, Warszawa 1990, p. 359.
[48] Plato, *Gorgias*, 527a.

Therefore, myth is not just a mere form of expression, the product of the teller, but it is not an eternal, objective truth either. It rather captures the individual's thought process and can provide a convincing and appealing explanation to the audience. As mentioned earlier, it presents a theory, a "sacred journey". In this sense, myth conveys *episteme* – genuine knowledge, knowledge of the divine. Nevertheless, this knowledge of "unchanging things" is of little practical value in the real world which is subject to diverse transformations and uncertainties. Individuals who attain certain knowledge are in fact unable to act within society, as they are elevated above it: they can either enforce actions upon others based on their knowledge, ultimately becoming a tyrant, or reside outside of the human community, as was the case of Oedipus.[49] Aristotle discusses this issue in relation to philosophers, who "possess a knowledge that is rare, marvellous, difficult and even superhuman, they yet [people – note by the Author] declare this knowledge to be useless, because these sages do not seek to know the things that are good for human beings."[50]

In the social sphere, what counts above all is action – the capacity to make choices and decisions that benefit all – not the passive knowledge. The latter is insufficient in shaping societal realities unless we submit to the governance of a wise philosopher. However, there is no guarantee that this ruler will make good use of the knowledge they possess to our advantage and for benevolent purposes, as despite knowledge being neither positive nor negative in itself, its possessor, contrary to Socrates's idealistic presuppositions, may still succumb to human emotions or desires and apply it towards their own ends. The true sage, who can see something more than the illusory shadows of the mundane world, must still strive to impart their knowledge and inspire change in others. This can be achieved through, metaphorically, leading (or at least trying to) people out of the cave. "Contemplative" wisdom requires implementation in practice to have any impact on the world.

49 Cassandra, another renowned prophet, despite maintaining her sight suffered from a different curse: her prophecies were never trusted. Pythia conveyed her auguries through intricate enigmas that allowed for various interpretations by the receivers. Hence, acquiring divine knowledge was always challenging.

50 Aristotle, *Nicomachean Ethics*, VI,7.

Meanwhile, modern philosophy recognized *vita contemplativa* as the highest form of life and lauds passivity and non-participation as a means of maintaining objectivity.[51] Especially those who are expected to remain impartial, like judges, should refrain from action in favour of contemplation. This is because taking action inevitably involves entering into the world's affairs, thereby adopting a position.

However, it is noteworthy that despite Plato's creation of a self-sufficient philosopher model who does not require practical action after obtaining full knowledge, most of the renowned philosophers, including Plato himself, were significantly involved in active pursuits. Socrates talked and taught, Plato wrote about his conversations and the world of ideas, and Aristotle produced numerous treatises covering almost every scientific field. A genuine philosopher cannot be satisfied with just observing passively. A judge cannot remain passive while observing injustice. On the contrary, their aim should be to prevent it and in the process – educate the society, thus creating the ethically and politically conscious citizens. When a Platonic philosopher realizes the truth, they go back to the cave and attempt to persuade their former companions to depart by giving them knowledge – scientific knowledge, as Aristotle's translators put it – about the real world.

Moreover, the very original meaning of "theory" necessitates action – if it is a journey, somebody has to begin it and then come back to share the acquired knowledge. The singers, proclaiming the *mythos*, shared the knowledge gained by listening and observing others during their journey and so, just like the *theoroi*, they must have possessed the abilities to observe their surroundings, notice relationships and causal links, narrate stories, and pass on the acquired experience. The necessity of action is clearly demonstrated by myths, particularly heroic ones: the hero embarks on an expedition during which they have no opportunity to remain passive. Theseus's primary objective in his expedition is not to acquire knowledge of the outside world (Crete), and its customs, but to overcome the monstrous Minotaur. His development and transformation occur not through observations, but through heroic actions that benefit himself (achieving the glory of the hero) and the community he represents (saving the lives of the Athenian youth who would have been devoured by the

[51] More on the topic: Ch. Segal, *Słuchacz i widz*, [in:] *Człowiek Grecji*, ed. J-P. Vernant, Warszawa 2000, pp. 221–258; A. Ceglarska, *Od widza do uczestnika. rola mitu w kształtowaniu postaw obywatelskich*, „Ethos" 2022, vol. 138, pp. 138–155.

monster). Moreover, he learns to accept help (from Ariadne), which enables him to return and announce victory over the beast. With some knowledge of the situation (there was a possibility of victory), but neither certain (he lacked detailed information on the Minotaur) nor complete (he did not know how to escape the maze), the hero deliberated well and took action, relying on a limited number of premises and so his decisions carried significant risks. That is why, according to Aristotle's criterions, he could be deemed prudent.

6. Conclusion: myths and lawyers

Polish researcher Stanisław Filipowicz notes that contemporary mythologists have acknowledged the genuine function of Greek myths within their society.[52] Additionally, drawing on research from scholars such as Eliade and Bronisław Malinowski, it is recognized that myths hold knowledge and present a "model history". The "truth" of a myth according to Greek understanding does not pertain to historical accuracy (there is no doubt that the mythical Heracles never existed). Instead, it alludes to the universal concepts conveyed through the myth, including interpersonal connections, motivations and actions of individuals, as well as the cause-and-effect relationships and consequences of their behaviour. These principles hold true due to their grounding in nature, human psychology, and in our shared culture.

However, it is important to note that the Greek myth, as told by the *aoidoi*, recorded by poets, and adapted by dramatists, does not fit Eliade's definition of a ritual. Rituals are characterized by their constancy, whereas Greek myths have undergone numerous transformations, revisions, and reinterpretations. Nonetheless, identifying the relationships between myth and ritual has been a significant achievement in the advancement of comparative anthropology and in our understanding of their significance in traditional societies.[53] Still, Greece transcends the primordial. Greek myths function within society by evolving and adapting to it, focusing not on "model histories" but on relationships. This conception of myth holds particular significance for lawyers, since law similarly forms a certain relationship. However, this relationship extends beyond strictly legal one, as in contracts or employer-employee law, to a more

52 S. Filipowicz, *Mit i spektakl władzy*, Warszawa 1988, p. 11.
53 O. Taplin, *Greek Tragedy in Action*, London–New York 2003, p. 118.

broader social plane. Law shapes potential relationships between entities, including those between the subject and the object of rights, as well as between the legislator and the subjects of law. Additionally, in a broader, more practical perspective, it impacts the development of social behaviour and attitudes, and therefore, also extends to non-legal relationships, closer to pedagogy. Yet nowadays, still mostly two things are expected from legal professionals: the discovery – or at least the pursuit – of ultimate truth, and effectiveness. These objectives may not always align, but they place lawyers on opposing sides of the same conflict.

One side represents the quest for *episteme*, and the individual who acquires an accurate understanding of the law will become a super-lawyer – capable of making decisions with unwavering confidence, knowing that they are the only correct conclusions. This is how Ronald Dworkin, a renowned contemporary legal philosopher, employed Greek mythology to conceive of the judicial role as that of Hercules – infallible, understanding legal complexities, and committed to upholding the law's internal coherence. Despite being named after a mythic hero, Dworkin's judge is, in fact, a Platonic sage. He lacks the uncertainties that typically accompany a hero, and is not required to consider a multitude of unexpected changes. In contrast, he operates within a coherent and well-defined realm of ideas – the world of law. With ample knowledge, he has the capacity to solve any problem and is not concerned with the intentions or objectives of the lawmakers, but rather focuses solely on the essential element – the coherence of the system. However, a judge construed in this manner can only exist within an ideal system – one that is coherent, complete, and consistent – as in the real world, they would have to yield to the constraints of time, workload, and terminological ambiguities.

On the other hand, we have a proficient solicitor, a lawyer who can secure a favourable outcome for their client. We might refer to this individual as a "practitioner" who expertly utilises their legal expertise to achieve their objective. For Aristotle, such lawyers would be similar to technicians who possessed the knowledge and skills necessary to obtain a desired outcome from the given material. Like a craftsman who utilises suitable wood for creating furniture, a lawyer possesses adequate knowledge of the appropriate methods of inference and syllogisms, as well as of all possible "legal tricks" and ambiguities.

However, the more technical skills a lawyer possesses, the more they may become like a "machine" – a specialist in regulations with no regard for social costs or ideals.

For such a lawyer, the principles of social coexistence may be nothing more than an additional getaway or part of the larger equation, lacking any deeper ethical significance. Thanks to his skill, he can shape others' opinions, so that they ultimately believe in his arguments' validity. This changes him not so much into the "mouth that merely pronounces the word of law",[54] as Montesquieu put it, but rather into a complex calculating machine that can consider potential risks and changes in course to achieve the goal no matter what.

Therefore, I would suggest a third option: a lawyer that would be the *phronimos* in the Aristotelian sense, using both their knowledge – *episteme*, and technique – *techne*, while also exercising moderation – the golden mean between them. They should carefully evaluate the reasons, taking into account the social context, neither pursuing success blindly nor ignoring emerging alternative possibilities and methods of accomplishing the desired outcome. When constructing his argument, the speaker cannot predict how it will be received by the opposing party and the judge. He frequently takes chances by relying on arguments that may or may not be advantageous to him (and his client), as it also hinges on the other party's argumentation and efficiency. The lawyer aims not to impress the parties with their expertise or to exert authority through their judgment. Rather, they seek to convince by justifying their opinions and arguments.

Moreover, as Chaim Perelman, philosopher of law and theorist of legal argumentation put it, "legal reasoning is almost always contentious in nature and therefore, (…) can only very rarely be judged correct or incorrect in an, so to speak, impersonal way."[55] It depends on the context, on the small details raised by all the parties in their arguments and can be deemed successful only when it ends, just as a person can be deemed *phronimos* after they have undertaken their action. Similarly, *mythos*, understood as a type of knowledge, does not possess the "certainty" of *aletheia* or *logos*, nor does it ensure success. While *logos* shapes reality and *aletheia* proclaims its truth, *mythos* prompts reflection on the conditions specific to a situation: social relations, values, political landscape, and so on. Avoiding a narrow focus on technical possibilities for change or the pursuit of absolute knowledge, *mythos* enriches analysis

[54] Ch. Montesquieu, *The Spirit of the Laws*, Cambridge 1989, p. 163.
[55] Ch. Perelman, *Logika prawnicza. Nowa retoryka*, Warszawa 1984, p. 35 [transl. by the author]

through a consideration of broader contextual factors. But, as in the case of Theseus, it is a precarious process, as the effects of deliberation can only be judged afterwards.

What is important, however, is that *mythos* should not take the place of *logos* or *aletheia*, and *phronesis* should not dominate *episteme* or *techne*. The aspiration to substitute one element with another is what caused the alteration and corruption of their meanings and, consequently, their depreciation. Modernity, with particular emphasis on positivism, determined law and the science of law within the framework of "science". Other intuitive or insufficiently scientific terms were necessarily rejected – as was the case with myth. However, legal and political issues are not solely contained within rational *logos* or absolute truth. Furthermore, previously neglected elements can also prove to be useful tools for practitioners, theoreticians, and law teachers. Myth, when understood in its ancient sense and as a constituent of a wider conceptual framework, can serve as a valuable instrument owing to its potential for striking a balance between truth and craft, in line with Aristotle's postulates. In essence, it comprises themes that stimulate contemplation, scrutiny, and vigilance towards the connections arising among individuals and in the communal realm.

Law is shaped by culture and responds to contemporary needs and behaviours. It is enacted through expected actions, not simply as pure knowledge imposed within legal texts or as a technique of governance that relies on coercion and rewards. Rather, law is a form of social action that prioritizes mutual relationships and evaluations. Just as the Greek myth involved not only a retelling of a story, but also its interpretation, adaptation, and updating, the law comprises not solely of normative acts but also serves as a catalyst for reflecting on the construction of social reality, while considering the common good. Law emerges as a consequence of a specific relationship.

The attempt at "scientificization" separated myth from its original purpose, which is particularly important in the field of law – to explain and teach in a way understandable not only to those in power but to the whole societies, while at the same time emphasizing the fluid, variable nature of the world and sensitizing to the context and relationships within it. Achieving this effect requires those who make and enforce the law to recognise and take into account its relational aspect and prudent judgement, already present in the myths.

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SUMMARY

The Relation Between Classical and Legal Education – the Role of Myth in Educating Lawyers

The objective of this article was to illustrate the value of classical education and ancient concepts in contemporary legal education, with a particular focus on the concept of myth. Firstly, the long and troubled relationship between *mythos* and *logos* was examined, noting that at the outset, these two concepts were used interchangeably and both referred to speech. Then it was demonstrated how *mythos* was eventually reduced to the "untrue" story. This discussion, however, was not intended to provide a comprehensive analysis of the ancient epistemology and the evolution of these two concepts. Instead, it sought to introduce a triad that presents different variants of knowledge: *logos–mythos–aletheia* (the reasonable/rational, mythological, and true knowledge), with the addition of the latest inspired by G. Nagy. This triad of knowledge types was then compared with another, the Aristotelian ways of acquiring knowledge, namely *techne–phronesis–episteme*.

This comparison allows the observation that myth occupies the space "in between" *logos* and *aletheia*, in a similar manner to *phronesis*, which is positioned between *techne* and *episteme* and serves a similar function. The one possessing *phronesis* – the *phronimos* – is defined as one who is able to deliberate well and act for the benefit of themselves and others, thereby becoming an active member of society. And myth not only arouses emotions but also presents various social attitudes, patterns of behaviour, values, but also difficult situations, lack of control and the need (and risk) of decision-making. This is precisely the "practical" knowledge needed by the *phronimos* but presented in a fictionalised form.

The fluid and variable nature of the world and human relations presented by mythic narratives provides a framework for desired ways of acting but also the difficulties and risks related to it. The relationship between *mythos* and *phronesis* allows for the analysis of fiction (understood as a form of abstract thinking, not mere analysis of the concrete situation) and the extraction of knowledge that can be applied in practice, particularly in the social sciences and legal education. This is because fiction addresses the complexity of human behaviour and relations.