Brought to life as a literary character by Plato, Socrates still influences us today through his philosophy and his teaching. He is tightly associated with his intriguing theory of anamnesis, a process by which we recollect the Forms, which are the ideals of reality that we knew in a past incarnation but that we have forgotten in our present state of oblivion. Socrates’ philosophy is often framed by this theory, and his dialectical, truth-seeking mode of elenchus—a question-and-answer conversation that leads to debate—has been identified as the agent of curing forgetfulness (Fine 207-215). Because of its perceived importance, elenchus has been widely adapted by modern pedagogues in such settings as American law schools. By labeling the mode of elenctic pedagogy that is common in law school as the “Socratic method” and the practitioners of such a mode as “Socratic professors,” legal pedagogues have associated this mode with the Platonic figure of Socrates. However, this association tells only half the story.

In this paper, I posit that Socrates had a variety of methods in his pedagogical toolkit besides dialectic, and I focus on Socrates’ engagement in a more playful

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1 See Plato’s Meno 81-86 and Phaedo 65-67, 73-78 for Socrates’ exploration of anamnesis and the theory of Forms.
experience: mythologizing, rather than truth-seeking. Using the ideas in Marc Augé’s 1998 essay *Les formes de l’oubli*, I argue that this engagement is a type of forgetting, whose resulting state of oblivion is not always detrimental to the soul. I therefore question the simplicity of defining Plato’s oblivion as the failed state of soul’s recollection. I base my analysis on Plato’s *Phaedrus* because of its intimate and mythical speech-giving, its allusion to *anamnesis*, and its discussions of rhetoric and dialectic. With this middle dialogue as a case study, I characterize Socrates as a playful and artistic teacher. By demonstrating that telling myths and listening to others mythologize is a useful form of forgetting for students, I argue that playful discourse has a place in legal education. I give an example of how law professors are already changing their curricula to include nondialectical activities, and then I point out that Plato has always depicted Socrates utilizing those very same techniques. My paper therefore works towards a more informed, complete concept of the “Socratic” teaching method—a concept encouraging playful pedagogy that is complementary to serious dialectic.

With its “allegory of the chariot,” a mythological portrayal of humanity’s oblivion and recollection of the Forms (τὰ ὄντα), the *Phaedrus* uses vivid imagery to make it clear that wingless oblivion is decreed by Destiny to be an undesirable, unfortunate outcome:\(^2\)

Whichever [winged] soul, having become a companion to a god, obtains a view of any of the true things (τῶν ἀληθῶν) is unharmed until the next period, and if it is always able to do this, it is always unharmed; but whenever it does not see any one of the true things because it was unable to follow, and having been filled by some accident with both forgetfulness (λήθης) and evil, it is weighed down (βαρυνθῆι), and having grown heavy (βαρυνθεῖσα), it both sheds its wings and falls to earth… (248c)

The oblivious soul is heavy (a fact emphasized by the repetition of the aorist passive of βαρύνω), wingless, and no longer close to the divine. By definition, it can no longer see the “true things,” which are equivalent etymologically to things that are not forgotten (ἀ-λήθεια) and conceptually to the Forms. Oblivion here on earth is therefore in every sense a base state, an energetic minimum that takes at least three thousand years of philosophy to overcome (249a).

To recover from this wasted state, a soul must practice philosophy through dialectic—the process of investigating or discussing the truth of opinions, often

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2 All translations of Plato are my own. They are based on Harvey Yunis’ *Phaedrus* (Cambridge: Cambridge University Press, 2011) and John Burnet’s *Theaetetus* and *Republic* (*Platonis Opera*, Oxford University Press, 1903).
through question and answer—in order to recollect the Forms and regrow its wings. The soul is immortal, and it has lived through past incarnations, during each of which it recollected its knowledge of the Forms. Now, the current incarnation of the soul also must discover this past knowledge of the Forms. In the *Phaedrus*, the lover’s wings begin to regrow through a double mechanism (251b-e). Firstly, when the lover is successfully reminded of the Form of Beauty by an earthly instance of beauty, his soul rebegins the process of discovering all of the remaining Forms and rebuilding its remembrance (symbolized by the regrowth of the wings). Secondly, his soul begins the equally important step of forgetting the confounding factors and malnourishing opinions that had weighed it down in total oblivion. When a human soul was traveling with god, it “disregarded (ὑπεριδοῦσα) the things we now say are real and lifted up its head to that which is truly real instead” (249c3). In mimicry of that, a soul that begins to recollect from an image of beauty here on earth, reminded of true Beauty (τοῦ ἀληθοῦς ἀναμμηνησκόμενος), tries to fly up and “looks upward like a bird, without care (ἀμελῶν) for the things down below” (249d7). While carelessness and disregard are not synonyms for forgetfulness, the translation of this neglect into action is how recovering from oblivion becomes possible. For Plato in the *Theaetetus* describes memory as a waxen surface that has variable elasticity and is imprinted by perceptions (ταῖς αἰσθήσεσι... ἀποτυποῦσθαι), preserving traces in the mind (*Theae*. 191d). Without dialectic, these traces in a pre-philosophical soul may likely be formulated into false opinions that hinder the search for truth (Krell 25-27). It is therefore necessary for a philosopher to disregard these earthly traces, to question the ideas and opinions shaped in the wax, and to rely instead on the truths that he finds through dialectical reasoning.

As Socrates made heavy use of elenchus—the question and answer method that often leads to the refuting of arguments—in seeking out the truths of the soul, so did American law schools before the 1970s feature it in their first-year curriculums in order for their students to practice proper reasoning and rhetoric. Deemed the “Socratic method,” this question-and-answer pedagogy, derived from Plato’s dialogues, involved putting one student at a time on the “hot seat”: A professor would choose a student at random, ask the student a hypothetical question, then question the student with follow-ups that arose from the student’s answer. The rest of the classroom would look on and were assigned to learn vicariously through the elenchus. The method was used widely in legal pedagogy in the 1950s and 1960s, but the societal turbulence of the late 1960s and early 1970s led to doubts about its efficacy. The 1973 movie *The Paper Chase*, which
shows a first-year Harvard law student vomiting in the bathroom after being humiliated by his professor’s use of the Socratic method, is a testament to these changing views. Still, debates over the practice raged on into the late 1990s. There were staunch proponents such as Phillip Areeda, professor at Harvard Law School, who described himself as “a relic in a declining group of those who use [the Socratic method],” and who argued in 1996 that the pedagogical tool “is cooperative. It is the varied viewpoints – sound as well as those that prove unsound – that make the classroom interchange an effective teaching vehicle for all” (911, 917).

Opponents’ responses to the Socratic method, as summed up by Orin Kerr in the 1999 Nebraska Law Review, include that the method is “cruel and psychologically abusive,” that “non-traditional students such as women and minorities are particularly vulnerable,” and that the true work of a lawyer “does not pivot around the abstract legal rules, principles, and theories explored in Socratic dialogue” (118-119). Although Kerr’s conclusion is that, after the counterculture movement of the 1960s, the Socratic method today is only one pedagogical tool that is used by law professors in a toned-down manner (131), many law schools still include websites that explain and defend their use of the Socratic method. For instance, University of San Diego School of Law’s website lists the Socratic method as a study skill and advises students that “the questions are often more important than the answers given by the students,” and that “it’s a waste of time to be concerned with what other students think of your performance: many aren’t listening anyway, and those that are will likely not have a lasting memory of the incident.” Grappling with the conception of the Socratic method by legal pedagogues is therefore a relevant endeavor even today.

I will not attempt in this paper to evaluate the merits of the Socratic method as a pedagogical tool in legal education. Instead, I wish to explain how the use of the word “Socratic” and of the historical figure of Socrates in the definition of this method creates a simplistic and misleading association of Plato’s Socrates with elenchus. When Areeda writes in the Harvard Law Review that “such mega questions [as ‘what is justice’] can be pursued socratically. After all, Socrates did so” (913), and Rob Reich in the Stanford Newsletter on Teaching quotes a passage from Plato’s Gorgias (2), these teachers are appealing to the historical authority of an ancient man as support for the validity of the method. Indeed, the use of Socrates’ name as an adjective has gone beyond simply specifying a

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3 My thanks to Susan McCall for her bringing this film to my attention.
pedagogical method of questioning to even pinning labels on professors, as Kerr reports that a certain professor at Harvard says that “there are no pure Socratic professors on the faculty [any more]. . . . Modern sensibilities make it much harder for classes to accept the pressure” (127). The professor’s contrast between “modern sensibilities” and older practices that are implicitly supported by classical tradition carries an interesting psychological notion in itself, but even more fascinating is his inaccurate and misleading idea of Socratic “purity.” For although Socrates is today associated predominantly with dialectical reasoning, no doubt through the continued uses of his name in identifying the described method of questioning, Plato depicts the interlocutor in other significant pedagogical roles besides dialectician. Indeed, the implementation of other forms of teaching by law schools after the 1970s was a pedagogical decision that Socrates himself makes in several of Plato’s dialogues.

To demonstrate the creative variety behind Socrates’ pedagogical decision-making, I will now focus on an aspect of Platonic dialogues that is not dialectic, but that is still useful for education: mythologizing. From the Greek words μῦθος (“tale,” “narrative,” or “fictional account”) and λόγος (“speech”), mythologizing is the practice of giving narrative speeches—often with fictional elements—in order to vividly make a point understandable. The act of mythologizing distinguishes itself from dialectic in several ways. Its rhetoric does not involve questioning and answering, its imagery is strengthened by adjectives and figures of speech, and its structure is such that the point of the speech is stated explicitly at the beginning and recapitulated at the conclusion. These features contrast with the directed conversation of dialectic, with which Plato’s writing is most often associated.

At first glance, it appears that the practice of telling stories has little merit of seriousness, because it does not work towards rediscovering truths to cure oblivion as dialectic does. As Daniel Werner puts it, Plato’s inclusion of a “seemingly nonphilosophical and alien mode of discourse (myth)” (14) seems confounding, especially to those who have strong associations of Socrates with rigorous truth-seeking. Although it is a challenge “to understand why Plato wishes to construct this textual encounter” (Werner 14), we should not shrink from this challenge for a number of reasons. First, as I have argued above, it does Plato a disservice to boil down the multifaceted rhetoric of Socrates with a one-dimensional pedagogical method to be excessively exalted. And second, I argue that the playful and artful practice of myth-telling does merit seriousness, because it is useful for a student’s learning, both when she hears her teacher’s
rhetoric and when she is assigned to produce her own rhetoric. As Werner writes, “engaging in this process can thus help the individual both to learn what it means to be a philosopher and to start to become one (or become a better one)” (15). To define this process more specifically, I posit that “to learn what it means to be a philosopher” is to play around with one’s ideas and then to construct theories with one’s present knowledge. I also posit that “to become a better [philosopher]” is to begin the pursuit of more knowledge and the improvement of one’s dialectical reasoning. Werner’s idea, coupled with my definition, suggests that mythologizing is a stepping-stone to dialectic, because it introduces the individual to the field of philosophy and prepares her to engage in it. I will now characterize these two pedagogical components of mythologizing: introduction and preparation.

The task of introduction is carried out by the pedagogue when he gives narrative speeches that accessibly bring his student into the material he is teaching. The Phaedrus presents Socrates preparing Phaedrus to engage in dialectic with him about rhetoric by first mythologizing on the nature of the soul. It is paramount for Socrates to address the issue of the soul first, because Socrates argues that the artful rhetorician delivers a speech that is befitting the soul of his audience member (271d-272a). Indeed, Socrates’ whole speech is a huge demonstration of how he has learned the very nature of Phaedrus’ complex soul and has delivered a grandiose, allegorical speech to match that soul. Listening to artful rhetoric and mythologizing primes Phaedrus the student to relate to and wrestle with the topic at hand, sparking associations and thoughts in Phaedrus’ head before he engages in the upcoming question-and-answer method. So, when Socrates engages in a reversal of roles and becomes orator instead of dialectician, he begins the educational process of his audience, Phaedrus, whom he will convert into a budding philosopher.

The task of preparation is carried out by both the pedagogue and the learner in a two-part assignment: the philosopher (in the literal sense of a “lover of wisdom”) first enters a state of playful oblivion, and once in this state, he then proceeds to manipulate the alien discourse within him into artful rhetoric. This assignment is an ongoing one for every philosopher, so that even Socrates, already a skilled dialectician, engages in it in his Great Speech of the Phaedrus in order to prepare himself for the upcoming definition of rhetoric. As important as this assignment is, I will now examine each individual part of this task: the playfulness mythologizing inspires, the forgetfulness it requires, the alien discourse it manipulates, and the artistry it develops.
The very spirit of myth-telling is playful and fun, and Plato makes this fun explicitly clear in the *Phaedrus*: “Socrates, you are contrasting a trivial amusement with a completely beautiful one (παγκάλην . . . παιδιάν)—with the amusement of a man who can play (παίζειν) by words, mythologizing (μυθολογοῦντα) about justice and the other matters you mentioned” (276e1-3). Plato’s use of the two words παιδιάν and παίζειν, both coming from the word παῖς (“child”), identifies mythologizing as a game. Indeed, the rhetorical variety, the vivid imagery, and the epic proportions of Socrates’ Allegory of the Chariot in his second speech of the *Phaedrus* all point to a pleasurable and playful rhetorical practice in mythologizing. Socrates’ own admission is hardly surprising when it comes: “The rest [of my second discourse] seems to me to have been childish play (παιδιᾶι πεπαῖσθαι)” (265c8). Yet Plato also makes it clear that the “completely beautiful” game is that which deals with serious topics such as justice; the material of the mythologizing, therefore, determines its worth. This is understandable given how persuasive and seductive myth is, and Plato is therefore careful to identify “the merit of seriousness (ἀξίον σπουδῆς)” in only “the discourses that are taught and spoken for the sake of learning and truly written in the soul concerning the just, the beautiful, and the good things” (278a2-4). Plato’s educational vision of mythologizing is explained by Luc Brisson and Gerard Naddaf: “[T]his is a serious game because it has a powerful effect on the soul of the addressee. The game is all the more serious, in fact, in that it is addressed to every citizen from his earliest years and therefore constitutes the first stage of his education” (83). To clarify this point, the game of mythologizing merits seriousness because of its pedagogical implications, but the manner in which the rhetorical practice is conducted is still very much play by virtue of its nature as a game.

As playful as it is, mythologizing requires that the practicing philosopher temporarily suspend his business and forget his serious self to undergo a refocusing on the present; I define this state of suspending and forgetting as a state of oblivion. This is exactly what Socrates engages in during his pastoral conversation with Phaedrus, as he is divinely inspired by the local gods and the cicadas to give two speeches that he does not attribute to himself. It is as if, lying down in the countryside, he has forgotten himself and the seriousness with which he conducts his dialectical business within the city, allowing a temporary

4 See Phdr. 262d: καὶ ἔγωγε, ὦ Φαῖδρε, αἰτιῶμαι τοὺς ἐντοπίους θεούς: ἱσος δε και οἱ τῶν Μουσῶν προφήται οἱ ὑπὲρ κεφαλῆς ὡδοὶ ἐπεπενευκότες ἢν ἡμῖν εἶεν τὸ ἄγαμον τῷ γέρας: οὐ γάρ που ἔγωγε τέχνης τινὸς τοῦ λέγειν μέτοχος. See also Phdr. 244a: ὃ μὲν πρότερος ἄρθρο τοῦ λόγου Φαίδρου τοῦ Πυθοκλέους, Μυρρινουσίου ἀνδρός: ὃν δὲ μέλλω λέγειν, Στησιχόρου τοῦ Ἑυρήμου, Ἰμεραίου.
suspense as he waits for the midday heat to leave (241e-242a).

Such a phenomenon of forgetting is not unique to Platonic philosophy; the French ethnographer Marc Augé identifies in his 1998 essay *Les formes de l’oubli* a “figure of oblivion” in North African rites that is very similar. Augé’s essay significantly argues that oblivion is not an entirely negative phenomenon; rather, “oblivion is a necessity both to society and to the individual. One must know how to forget in order to taste the full flavor of the present, of the moment, and of expectation” (3). He defines oblivion as an act of forgetting, but “what we forget is not the thing itself, the ‘pure and simple’ events as they happened (the ‘diegesis,’ in the language of semioticians), but the remembrance” (16-17). This definition lines up well with the principle of *anamnesis* in Plato’s Chariot Allegory: The Forms are in fact always accessible, able to be evoked by reminders here on earth, but the shedding of our wings mirrors the loss of our remembrance. Out of this definition, Augé identifies three figures of oblivion in both literature and field study. From the forward by James Young to *Les formes de l’oubli*:

The first is the return to an ancient past by forgetting the present or recent past; the second emblematic form of oblivion is a suspension of time that cuts the present moment off from both the past and the future; and the third form of oblivion is what he calls the rebeginning, or starting over, which he describes as a radical inauguration, a birth of a new future that can take place only by forgetting what came before it. (ix-x)

The first figure recalls the idea of using dialectic for the sake of recollection. As I have previously explained, the Platonic philosopher not only rebuilds his remembrance through rediscovery of the Forms, but also forgets the confounding, earthly traces in the present. Yet it is the second figure that interests us, because it characterizes the state that one enters during mythologizing.

The second figure is that of *suspense*, whose first ambition is to find the present by provisionally cutting it off from the past and the future and, more precisely, by forgetting the future inasmuch as the latter is identified with the return of the past… The sexual or social reversal that on these occasions is often played (in the theatrical sense of the term) demonstrates their exceptional and, in some way, temporary character… The suspense corresponds to a beautification of the present moment… (55-56)

Augé’s second figure is very reminiscent of the behavior of Socrates in the *Phaedrus*. Socrates finds the present in the sense that he explains the nature of
the philosopher’s soul. He forgets the future, which is identified with the return of the past, in the sense that he forgets his serious city self, who seeks to find truths and rediscover the Forms through dialectic. He engages in a temporary role reversal, from serious dialectician in the city to playful orator in the countryside. This reversal is “played,” in the sense that he puts on airs that he is being overtaken by the madness of the nymphs (238c-d), so that the speeches are not actually given by his serious self. In addition to this sense, I wish to expand Augé’s use of the word “play” to encompass not just the theatrical staging of the role reversal, but also the fun activity of manipulation and discovery. These are not mutually exclusive, and I argue that Socrates’ role reversal is what allows him to manipulate his ideas with childlike wonder. As described in Socrates’ Great Speech, a soul that has begun to recollect the Forms by the agency of an earthly reminder is an initiate (ἁρτιτελής) that feels shock and revels in the novelty of the experience (249d). It can be imagined then that such a soul, like a newborn, will engage in playful exploration of its newfound capacities to see the truths, and thus, to see itself. The manner in which it does so is by rhetoric—not the serious, philosophical sort that is intended to return the soul to its divine-level past for a better future, but the playful sort full of mythology and imagery. Therefore, the role reversal, which a pedagogue or learner stages in a temporary state of oblivion, produces playful mythologizing. In other words, the play of mythologizing is conducted under a state of oblivion.

In this suspended state of forgetting the future, mythologizing provides opportunities for introspection and for critical analysis of the authenticity of one’s beliefs: Are the discourses, upon which I base my truths, my own manipulations of past memories and present truths? Or do I merely repeat internalized alien discourses that I have been spoon-fed? As Jennifer Rapp writes, “soul is the self rightly understood,” and “discourse can either obscure self-perception or engender the alternate modes of viewing through which the self becomes seen more rightly” (1-3). In the Phaedrus, Socrates identifies two of these modes: collection of ideas into general definitions (265d), and division of ideas into specific kinds (265e-266b). The power that collection (συναγωγή) and division (διάρρεσις) bestow is “to speak and to think,” and the owners of this power are “dialecticians” (διαλεκτικοί) (265d-266c). In sum, discourse prepares both

5 See Phdr. 265c-d: ἐμοὶ μὲν φαίνεται τὰ μὲν ἄλλα τῷ ὄντι παιδᾷ πεπαῖσθαι: τούτων δὲ τινῶν ἐκ τῶν ῥηθέντων δυοῖν εἰδοῖν, εἰ αὐτοῖν τὴν δύναμιν τέχειν λαβεῖν δύνατος τις, οὐκ ἄμερι. Arising from discourse that was mostly play, these two modes of viewing have serious implications: The possibility of being able to grasp the power of speaking and thinking—a power that is bestowed by collection and division—is another reason why playful discourse merits seriousness, despite its nature as a game.
pedagogue and listener for dialectical thinking through a bimodal process of manipulating ideas.

To be more specific about what I mean by “manipulating ideas,” I will lean on the work of Andrea Nightingale, who asserts that the primary focus of the dialogue is the philosopher’s internal evaluation of the logoi comprising his beliefs. Nightingale provides evidence for this in her reading of Socrates’ evaluation of the first speech, written by Lysias and given by Phaedrus:

The point is that he [Lysias] is writing within a specific genre which provides him with the kinds of things that he must say and constrains him from deviating into other modes of discourse. Socrates suggests, in short, that Lysias’ speech is derivative insofar as it reuses the genre’s stock of “necessary commonplaces.” Whether Lysias has “discovered” anything is not discussed; but Socrates will suggest later in the dialogue that only the logos which a person possesses “as something that has been discovered (εὑρεθείς)” can properly be called his own (278a5-b1). (166)

Nightingale argues that unlike Lysias, Socrates transforms alien discourse into his own authentic rhetoric, and through this transformation, he discovers new ideas instead of repeating commonplaces. Her inference of Socrates’ internal actions helps to show how mythologizing inspires reflection:

[Is the palinode with its many logoi alien or authentic vis-à-vis his own psyche? Has he transformed (or is he in the process of transforming) these alien logoi into his own? Certainly Socrates shows full awareness of the nature and, indeed, the ubiquitousness of alien discourse. Recall his claim at the beginning of the dialogue that he makes it a priority to examine himself to discover whether he is complex, like the Typhon, or a simpler sort of creature (229e-230a). Clearly, part of Socrates’ task is to make sure that his soul does not resemble that monstrous beast with a hundred snakey heads which speak in different tongues – to rid himself, in short, of the alien voices within. Given that Socrates repeatedly recurs to the problem of alien discourse, we may infer that the logoi which make up his palinode have been previously subjected to analysis. (165-166)

By identifying the origins of these alien discourses, Socrates can authentically spin his own tale on the nature of the soul, claiming ownership over his beliefs. By imaging his own soul, he makes authentic his self-definition, thereby taking on his first priority: “I am still unable, as the Delphic inscription orders, to know
myself; and it really seems to me ridiculous to look into other things before I have understood that” (229e-230a).

In playful oblivion, Socrates’ manipulation of alien discourse in the palinode leads to “forming an image of the soul through words,” as is written in the Republic (588b εἰκόνα πλάσαντες τῆς ψυχῆς λόγωι). I will now argue that the imaging of the soul through mythologizing is a creative art with educational benefits. Jennifer Rapp characterizes this art as “slant forms of truth telling”; “how one comes to perceive the truth (of eros, of self) and how truth is best told are entwined philosophic endeavors” (11). Her comments on Socrates’ Great Speech illustrate Plato’s discursive strategy:

The images in the speech express the soul’s replete and porous character through the depiction and associations of bodily processes... This somatic rendering of the soul parallels Plato’s attempt to approximate “ensouled discourse,” a term coined later in the dialogue to identify the ideal case of logos, of which writing is an image or phantom. This entanglement between soul and body at the level of the surface content of the images and between ensouled logos and written text at the theoretical level overarching the whole dialogue highlights the simultaneously descriptive and performative dimensions of the text. The replete and porous soul is expressed through a replete and porous act of writing. (12)

If we accept that Socrates’ speech is “descriptive and performative,” then I argue that Socrates’ speech-giving is very much an art, in which he vividly brings to life his ideas of the soul. Why does Socrates choose to deliver his ideas in this artistic manner? Brisson and Naddaf describe how mythologizing combines pleasures from the aesthetic endeavors of rhetoric and the wondrous explorations of play:

Much could be said about this aesthetic pleasure, but there is also the pleasure associated with play. Indeed, play has two essential characteristics. It allows an unrivaled amount of liberty in the sense that it is an activity which is deployed in the real, although it deliberately ignores its constraints, and it does not seek to transform it in a useful direction. Further, a game constitutes, within the limits it has fixed for itself and with regard to the rules it has adopted, a limited totality where every activity can reach its limits and always find its meaning in a finite and closed universe. Is this not another motive for justifying the obligation imposed upon the narrator of a
myth to go to the very end of his story? These last two characteristics, proper to play, confer on myth an added attraction, which intensifies the aesthetic pleasure provided by its communication. (84)

Brisson and Naddaf suggest that mythologizing is art not only because of its pleasurable aesthetics, but also because of the flexibility it provides as a game. I will now take this one step further to show how this leads to effective pedagogy. Combining the ideas of Augé with the writing of Brisson and Naddaf, I suggest that this game creates a space that is temporally and spatially suspended from the real world; this “finite and closed universe” is artificially constructed through myth-telling, but it operates under rules that are selected from the real world. In this universe, the myth-teller can remove the inhibitory uncertainties of the real world and invite his audience into carefully constructed scenarios. He grants himself and his students a state of suspended oblivion, in which they have the flexibility to manipulate the myths—the memories from the past—and the truths they know from the present into something beautiful to appreciate and to marvel at. In this way, mythologizing offers something more accessible for the learners in the audience. Jennifer Rapp argues:

Given [Plato’s] explicit interest in education and pedagogy, it would be foolish to wholly discount the rationale that his forms of presentation were crafted with an eye to the philosophically novice audience who might be encountering the texts…. The “slant” aspects of the text are part of the core philosophic argument, incorporated not to cater to the lesser minds of the novice reader or interlocutor, but to speak to any human with aspirations toward self-perception and other-regard. (13)

In Rapp’s mind, the artistic elements of mythologizing are essential to the communication of its ideas. Mythologizing as pedagogy is an art that improves a novice’s self-perception.

Therefore, even though it is not dialectic and does not directly lead to a discovery of the Forms within us, playful discourse guides us towards developing the rhetorical authenticity and artistic flexibility by which dialectic can be conducted later. Since a student engages in playful discourse necessarily under suspended oblivion of the future, in which she temporarily forgets the seriousness of her business and artistically manipulates memories of the past, it follows that the act of forgetting is not always harmful to the self, and that dialectical reasoning is not the only philosophical agent of anamnesis. It is thus unfair to define the “Socratic” method in legal pedagogy as simply elenchus when such a form of learning was not the only kind in which Socrates himself engaged.
The argument that the current Socratic method is by far the most valuable way to learn, as many law professors believed in the 1950s and 1960s, may or may not be correct, but it is certainly not based in an accurate representation of Socrates’ variety of pedagogical methods.

Because playful discourse and oblivious role-play can better prepare students to engage in later dialectic, I assert that there is a place for comfortable play in legal education. I am dissatisfied with the Stanford Center for Teaching and Learning’s pedagogical claims that “the Socratic method demands a classroom environment characterized by ‘productive discomfort,’” and that “the Socratic method is better used to demonstrate complexity, difficulty, and uncertainty than at eliciting facts about the world” (Reich 3-4). Although Socrates surely did make some of his interlocutors in Platonic dialogues uncomfortable, spinning them around in logical circles and infuriating them when they proved themselves wrong, he is also shown in the Phaedrus to be completely comfortable, lying down in the countryside and entertaining his friend with beautiful speeches and enjoyable myths about cicadas, chariots, and Egyptian gods. The conclusion of the Phaedrus demonstrates that Socrates and Phaedrus, through a fun and lively dialogue, were able to come to a satisfying agreement about artful rhetoric and valuable discourse.

Just as in the case of any other pedagogical method, there are obvious weaknesses in using mythologizing—even when it is more realistically applied as narrative lectures or role-playing activities—in a legal curriculum. It is valid to observe that giving lectures about past moral debates, compared to actually debating those moral issues with students, does not encourage as much critical thinking about the social construction and moral development of the law. It is also valid to be wary of granting students opportunities to give narrative speeches, especially when those speeches confuse the other students more than they inspire. Phillip Areeda has a very negative view of granting time for speeches by class members, as evidenced by his depreciative parenthetical comment: “[T]he instructor who puts that [large-scale and philosophical] question for discussion is likely to be inviting various members of the class to give little speeches (which may or may not have any content)” (913). Socrates, however, argues in the Phaedrus that it is exactly these mega questions that deserve nondialectical treatment: “In the discourses that are taught and spoken for the sake of learning and truly written in the soul concerning the just, the beautiful, and the good things—in only those discourses are clarity and perfection and the merit of seriousness (ἀξίον σπουδῆς)” (278a2-4). I myself have argued above
that opportunities for extended, opinionated discourse, especially if found in a role-playing setting, allow students to verify the authenticity of their beliefs and to make their minds more artistically flexible. Surely, there exists a beneficial balance between the amount of time allowed for mythologizing and the amount of time spent debating in a classroom.

Kerr identified certain Harvard professors who have already changed their pedagogy such that the Socratic method is merely one activity in an eclectic mixture of newer approaches, including student panels, group discussions, and lectures. One professor takes remarkable advantage of Socrates’ mythologizing and playful discourse:

This professor teaches his students that law evolves from a series of ‘rule-choices’ that judges make in a deliberate effort to provide society with socially beneficial laws. To emphasize his view that judges generally choose what rules they will follow, he spends a portion of class time presenting the various approaches to a doctrine that different courts have taken. Next, he introduces a fact pattern to the class and splits the class into three groups: plaintiffs, defendants, and judges. He then spends most of class having students argue in favor of the particular rule that he has assigned them to defend. (125)

One can see many elements of this professor’s teaching style that emulate rhetoric in the Phaedrus. The professor offers a compelling narrative for the evolution of law, thus providing some sort of speech-giving to spark the class to think a certain way. This matches how Socrates begins his first discourse by defining “what love is and what effects it has,” so that “we can look back and refer to that” (237c-d). Then, the Harvard professor collects and divides the information that is currently present about court decision-making as a way of making understandable the complexities of the issue that he wishes to discuss. Socrates does so when, after his palinode, he guides Phaedrus towards defining artful rhetoric and its components. Finally, the professor engages in a mythologizing activity where he assigns students to role-play certain scenarios that he has constructed for their rhetorical manipulation. This is in line with Socrates’ palinode, for which Phaedrus assigned him the role of speech-giver, and for which Socrates takes on the role of myth-teller to practice the rhetoric of imaging the soul.

Having compared the Harvard professor’s lesson plan with Plato’s own writing, I am convinced that many of the supposedly “newer approaches” in the lesson plan have been present since Plato’s depiction of Socrates in
the *Phaedrus*; I thus return to my earlier point that it is invalid to equate the “Socratic” method with simply dialectic. A truly “Socratic” professor would recognize the need for many different types of pedagogical persuasion, of which Plato’s Socrates was a master. Dialectical debate is one kind, but it requires prior knowledge, and it is best carried out after having prepared the student to have the information and flexibility to successfully engage in it. My paper therefore presents mythologizing, defined broadly in the modern world, as a reasonable option towards that preparation. Mythologizing in legal education could include role-playing, presenting case briefs, and analyzing larger social trends in court decisions. Though mythologizing takes up time, as a student temporarily becomes oblivious to the discovery of new truths, the practice develops a student’s rhetorical persuasiveness and authenticity and should inspire confidence in the student’s ability to be questioned later. Such a confidence would go a long way toward addressing the “torture” by “Socratic professors” that “scars students for life,” as well as the “internalized stereotypes of inadequacy [in women and minorities]” (Kerr 118-119).

The *Phaedrus* begins with Socrates’ question, “Dear Phaedrus, whither and whence?” (ὦ φίλε Φαῖδρε, ποί δὴ καὶ πόθεν;) and ends with Socrates’ happy exhortation, “Let’s go!” (ἴωμεν). In true “Socratic” fashion, a modern pedagogue aims to guide the souls of his students with friendliness, direction, and at least a bit of playfulness.
WORKS CITED


