

HISTORY, LEGEND, AND MYTH

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*“Driving that train /high on cocaine /
Casey Jones / you’d better watch your speed /
Trouble ahead / trouble behind /
And you know that notion / just crossed my mind”*

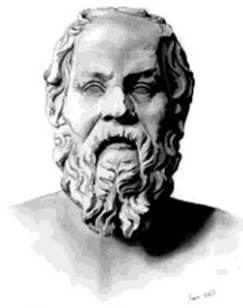
-- American Songwriters Robert Hunter (Lyrics) and Jerry Garcia (Music), Recorded by The Grateful Dead, *Workingman’s Dead* (Warner Bros., 1970)

In our previous episode, we explored some of the allegorical writings of Plato. Specifically, we focused on his tale of the City of Atlantis. We asked “Should we consider the story of Atlantis as History, Legend, or Myth?” Also, we addressed how the teachings of Plato remain relevant to the fields of Law and Economics more than two millennia after they were written.

In this episode, we will explore the influence of Plato further as we discuss the relevance of his tales and teachings, which echo through the ages. We will explain his storytelling approach to teaching as we delineate the direct influences of complementary realms of History, Legend, and Myth on modern Law and Economics. Within this context, we will outline an old case of Wrongful Death as an example of how History evolves into Legend and onward into Myth.

Law and Economics

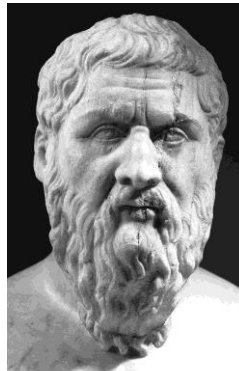
The more that we go back in time, we find that thought within these two academic/practical fields has remained intertwined and has stayed so until the present. Plato delivered exceptional discourses, especially in his writings contained within *Laws* and *The Republic*. As an economist, I (Dr. Sase) will focus more on material in the second of these works.



SOCRATES

We do not know exactly when the concept and term Economics was addressed by Socrates (470 -- 399 BCE), the Greek philosopher who was the mentor of Plato, and others. However, we find that the name of this field evolved from two Ancient Greek words. The first, *oeco*, which descends from the Greek *oiko* and perhaps other ancient languages, means the “house” or “household.” The other root word appears in

Ancient Greek as *nomikos*, which stands for “custom, law, and management.” Therefore, the combined word *oikonomikos* evolved to mean “the customs and laws of managing a household” and to be pronounced as “Economics” in modern English.

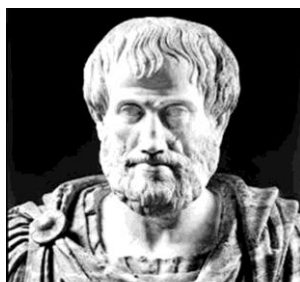


PLATO

The writing of Economics by Plato appears in his work *The Republic*, in which he discusses the organization and management of the State, the division of labor, the institution of slavery, the concept of Communism, and other relevant ideas. In sequence, these topics include:

- **The Origin of the State:** The State arises from the need to maintain society. Plato suggests that no one exists as self-sufficient and therefore takes a helper for one purpose or another. When helpers and their partners gather together in one habitat, Plato terms this collective body of inhabitants as the State. Therefore, he finds that economic consideration forms the basis of the State.
- **Division of Labor:** Plato advocates the division of labor in undertaking economic activities. This division arises from supposed natural differences among human beings. Plato focuses on the increase of efficiency and advocates an increasing amount of specialization for production.
- **Communism:** Plato desires the abolishment of class conflict within society. He supports a propertied community while desiring the abolishment of evils within the caste system through his concept of Communism, which promotes a harmony of interest in the society.
- **Division of Society:** Plato divides an entire society into major parts. These parts include the ruling and ruled classes, such that those privileged to rule include the philosophers and aristocrats, who enjoyed common ownership of property, and the ruled class, which includes city workers and agricultural laborers who hold no right to property.
- **Slavery:** Plato considers slavery as both a permanent and necessary institution throughout the history of humankind. However, he desires humane treatment for those bound.
- **Value, Money, and Interest:** Plato considers that producers should not charge a price higher than the value of the commodity. He considers money as not only a medium of exchange but also as a standard of value. In respect to interest, he does not favor it for payment against loans.

Plato approaches Law and Economics in combination, rather than as two separate fields. Aristotle (384 -- 322 BCE), the Greek philosopher and polymath who was the student of Plato, and possibly Theophrastus (c. 371 – c. 287 BCE), the Greek teacher and writer who was the successor of Aristotle, carried on the work of Plato through their writing of *The Economics*, an expansion of his philosophy.



ARISTOTLE

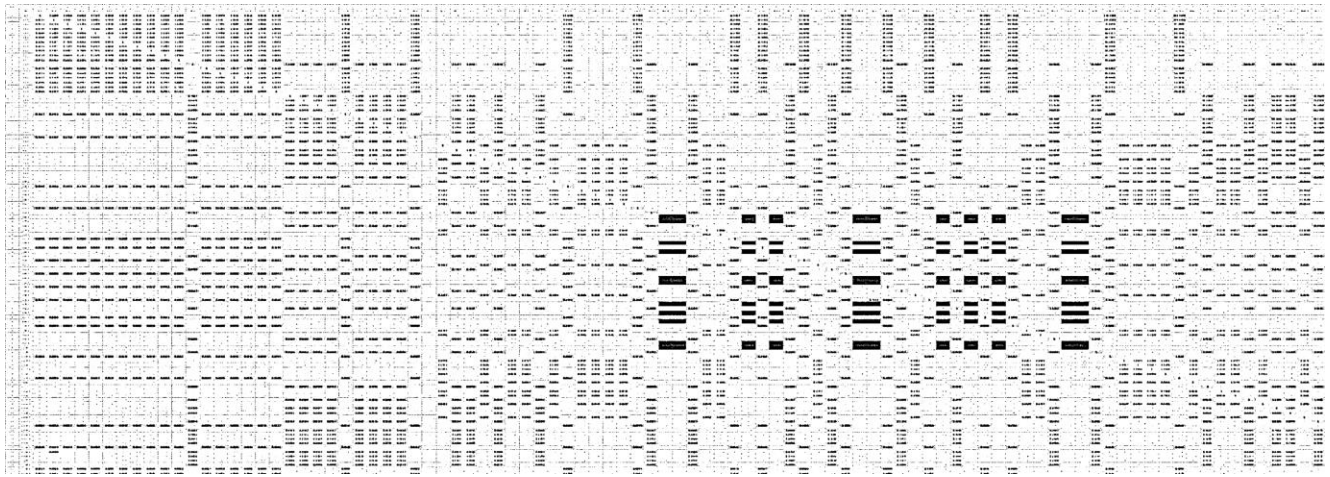
History, Legend, and Myth

The writings of Plato reflect an understanding of the history of his time and its near past. However, in the Fourth Century BCE, written history appears scant in respect to our modern standards. We do know that Plato (*Platon* in Greek) lived from 428/427 or 424/423 through 348/347 BC), became an Athenian philosopher during the Classical Age of Ancient Greece, and founded the Platonist School of Thought along with his Academy, which emerged as the first institution of higher learning in the Western world.

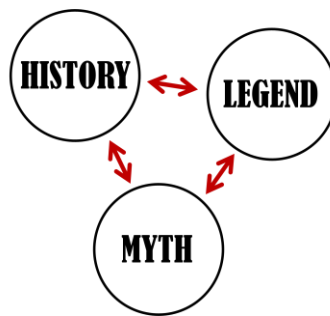
Due to the lack of surviving written accounts, we know little about the early life and education of Plato. It appears that he belonged to an influential aristocratic family. According to disputed tradition, Ariston, the father of Plato, traced his descent from Codrus, the king of Athens, and Melanthus, the king of Messenia (Macedonia). Further back, history turns to legend, and legend blurs into mythology: through Codrus, Plato appears to have descended from the mythological deity Poseidon, the god of the sea (though this last piece of genealogy seems a bit fishy).

Within his allegorical tales, Plato uses a series of complex storytelling techniques that lead readers to assume that greater complexity suggests historical truth. By Googling “City of Atlantis,” readers will find a plethora of written material and drawings that often take fantastic flights of fancy from the words of Plato. He describes Atlantis as a city of excess that led to its demise and caused it to sink to the bottom of the Atlantic Ocean. Plato uses his story of Atlantis as a morality tale for the Athenians of his time. However, Atlantis has come to symbolize what happens to a society when it becomes dissolute.

In my research on Urban Economics, which found its way into the preceding episode of this series, I applied spreadsheet mathematics in an attempt to determine what Plato actually meant in his tale. Taking the 121 different numerical values used by Plato in his works *The Republic* and *Timaeus*, I discovered that the resulting 14,641 (i.e. 121 squared) intervals within the spreadsheet form a 99%+ symmetric calculation table. Though this chart appears profound, I recommend to our readers interested in real-estate investment to pass on the unique opportunity of Atlantis.



History > Legend > Myth at Court



History

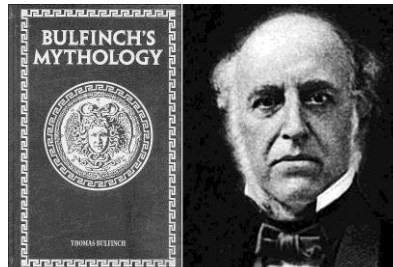
For forensic economists, History embodies much of the data and other information that we use to produce economic determinations for litigation. These determinations reflect the earning losses of a client and significant probabilities for issues such as work-life and natural-life expectancies. To serve the client, we seek as much relevant history of these and other variables and constants as possible. Legends may or may not provide factual information that stands up well in court. However, even looser material may produce research leads that result in valuable and relevant historical-based material that could have been overlooked during initial fact-finding by attorneys, economists, and other participants.

Myth may contribute to the intuitive process in research that could uncover a related Legend, which may lead to historical fact-finding. Also, germs of wisdom may exist in fables or parables that are embedded in a myth. In turn, a simple illustrative example may emerge that resonates with a judge or with members of a jury. Let us begin with a review of the core elements that define History, Legend, and Myth. Then we will consider a popular example that has evolved over the past 120 years.

History involves inquiry through a study of past events that produces knowledge acquired by investigation. Since the invention of systems of drawing, writing, and mathematics to preserve ideas, historical study has come to mean the interpretation of information of past events through memory, discovery, collection, organization, and presentation in the present. History comes down to us through written documents, oral accounts, and ecological markers as well as from objects of art and artifacts. The historical process relies upon narrative to describe, investigate, examine, question, and analyze a sequence of past events to uncover

patterns of cause and effect that provide us with the perspective to solve current problems. History differs from myth by the bulk of evidence that supports the former. In Western tradition, history may develop as culture-focused per the influence of Greek historian Herodotus (c. 484 – c. 425 BCE), or military-focused per his contemporary Thucydides (c. 460 – c. 400 BCE). Both men helped to form the foundations of our modern study of human history.

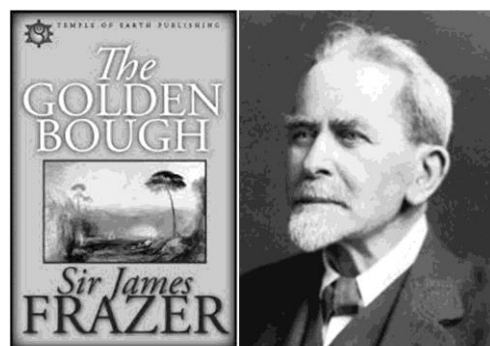
Myth



THOMAS BULFINCH

Human Myth has with us since the earliest times of our existence, though a clear definition of mythology has emerged only in the past two centuries. American Latinist and banker Thomas Bulfinch wrote a collection of stories about Greek Gods and Heroes, the Age of Chivalry, and Legends of King Arthur for a general audience. His book *Bulfinch's Mythology* (Lee & Shepard, 1867) was published shortly after his death. This work is recognized as a highly successful popularization of mythology. It served as the standard work on Classical Mythology for nearly a century until the release of *Mythology: Timeless Tales of Gods and Heroes* (Little, Brown and Company, 1942) by German-born American classicist Edith Hamilton. In the interim, Scottish anthropologist Sir James George Frazer wrote *The Golden Bough: A Study in Comparative Religion* (Macmillan, 1890), an erudite and even more wide-ranging comparative study of mythology and religion. By 1915, Frazer had expanded his original two-volume work to twelve volumes.

Frazer solidified the concept of the Myth-Ritual Theory, which claims that, although myths arose to explain rituals, humans began to perform rituals for reasons unrelated to myth. The theory asserts that, in forgetting the original reason for ritual, humans invented myths and claimed that the rituals commemorate the events described in these myths. Also, Frazer writes that, though early humans started with a belief in magical rituals, people began to lose faith in magic. In response, they invented myths about gods and reinterpreted their rituals as religious rites in order to appease these gods.



JAMES G. FRAZER

Let us consider this progression of human culture in outline form. Frazer states that humans 1) started with a belief in magical rituals--an unfounded belief in impersonal magical laws; 2) realized that applied magical

laws do not work and began to lose faith in magic; 3) invented a belief in personal gods along with religious myths of controlling nature; 4) viewed myths as a misinterpretation of magical rituals based on a mistaken idea of natural law; 5) continued practicing religious rituals as reenactments of mythical events in order to appease their gods; 6) realized that nature follows natural laws and discovered their true nature through science; 7) found that science makes myth obsolete as humans progress from magic through religion to science; 8) and confirmed that humans nevertheless have continued to perform rituals for reasons not related to myth.

Legend

Somewhere in the cosmos between History and Myth, Legend exists. Throughout the millennia, Myths have embellished teaching in the forms of fables and parables intended to instruct and to stimulate human thought and reflection while presenting sometimes lofty and difficult concepts in a folklore that the greatest number of people can understand. Jacob L. K. Grimm and Wilhelm C. Grimm (i.e., The Brothers Grimm) were German philologists and cultural researchers as well as authors, collectors, and publishers of folklore during the 19th Century. In their work, the Brothers demonstrate that myths can parallel legends if the mythic folktale is rooted in history. The Brothers Grimm defined the concept of legend as “folktale historically grounded.” *The Original Folk & Fairy Tales of the Brothers Grimm: The Complete First Edition* (reprint, Princeton Univ. Press, 2014). In the world of Law, carefully constructed stories potentially can resonate with any member of a jury at trial.

Legends exist as folklore narratives—word-of-mouth assertions of human actions perceived or believed to have taken place by both the teller and the listener. In the zone between forthright History and colorful Myth, Legends evolve in order to convey human values and qualities of verisimilitude--the appearance of being true or real through details of the story. Perhaps this is why the highly precise construction of the Atlantis allegory by Plato rings as true history with many readers (as if precise symmetrical construction equals certain reality).

Generally, legends include both active and passive participants. Also, no event exists or occurs outside of the realm of possibility. Legends may transform over time for purposes of freshness, vitality, and realism. For example, the American filmmaker George Lucas cites that *Metropolis*, the German-Expressionist science-fiction film directed by Fritz Lang (UFA, 1927), inspired and influenced his futurist vision of movie *Star Wars* (20th Century Studios, 1977). However, the futuristic city of Metropolis itself resembles American architecture of the late Twentieth Century.

Timothy R. Tangherlini, professor in the Scandinavian section in affiliation with the Folklore and Mythology Program at the University of California, Los Angeles, states: “Legend, typically, is a short (mono-) episodic, traditional, highly Eco-typified historicized narrative performed in a conversational mode, reflecting on a psychological level a symbolic representation of folk belief and collective experiences and serving as a reaffirmation of commonly held values of the group to whose tradition it belongs” (“It Happened Not Too Far from Here...’: A Survey of Legend Theory and Characterization,” *Western Folklore*, October, 1990). However, in the practices of Law and Economics, legend may provide clues that justify the expense of researching material facts and searching for and finding data and other evidence that prove valuable in settling a case.

The Ballad of Casey Jones

An illustrative example of the interconnection among History, Legend, and Myth is a story that has survived in American folklore in many permutations for more than a century, that of Casey Jones (1863 –1900). The

tale of Casey Jones survives as a traditional American folk song about real-life railroad engineer and his death at the controls of the train that he was driving. Over the past 120 years, more than forty versions of the story in song have enhanced the legendary status of Jones to the extent that this historical figure has turned legendary as well as becoming something of a mythological figure similar to the real Paul Bunyan and Johnny Appleseed. The basis of the tale relates how Jones and his African-American fireman (coal-heaver) Simeon “Sim” Webb, raced their locomotive to make up for lost time and discovered another train ahead of them on the line. The climax of the story tells how Jones remained on board in an attempt to stop the train and ordered Webb to jump to safety. Tragically, the train that Jones drove crashed into the other train, killing him. However, his selfless act prevented anyone else from dying.

Not long after the death of Jones, Wallace Saunders, an engine wiper and close friend of Jones wrote and named the first song about him, “The Ballad of Casey Jones.” This song became popular and was further enhanced by Saunders, Eddie Newton, and T. Lawrence Seibert over the next nine years. The Columbia Phonograph Company recorded, pressed, and released the first commercial recording of the song in 1910. Subsequently, dozens of new versions and recordings appeared over the following decades.

Jumping ahead to 1970, lyricists Robert Hunter and composer Jerry Garcia released “Casey Jones” on the *Workingman’s Dead* album by Garcia’s band The Grateful Dead (see opening quote above). Since that time, this version has become the best known song about its subject. Possibly, its popularity among War Babies, Baby Boomers, and subsequent younger generations is due to its provocative opening lyrics. In an interview with *Rolling Stone*, Hunter revealed that the writing of “Casey Jones” did not start out as a song. He stated that the first line just popped into his mind as “Driving that train / high on cocaine / Casey Jones, you better watch your speed.” Filing it away, he came across his note sometime later and thought, “That’s the germ of a pretty good song” (David Browne, “Robert Hunter on Grateful Dead’s Early Days, Wild Tours, ‘Sacred’ Songs,” *Rolling Stone*, 9 March 2015).



THE GRATEFUL DEAD

Most new versions of the traditional song, including the one by Hunter and Garcia, bear little resemblance to the actual train wreck of 120 years ago. The Grateful Dead’s version of Jones’s situation took a step that leaped from legend to mythology as it describes the engineer as “high on cocaine” followed by the double-entendre lesson advising Jones to “watch [his] speed.” This version of the tale portrays Jones as a railroad engineer who is on the verge of a train wreck due to his train going too fast, a sleeping switch man, and another train being on the same track and headed for him.

Some Background History on the Rail Industry

During the years after the War Between the States, railroads had become crucial to American commerce. Pittsburgh supplied the steam locomotives while Detroit led the production of railcars and track in the

1880s. People wanted to travel and to ship goods as rapidly as possible. Therefore, the companies needed fast trains and highly skilled engineers who could drive their routes in record time. “Speed, speed, and more speed” became the chant of the day. Engineers longed to haul trains at the fastest speeds in order to break existing records and to set new ones. Correspondingly, faster schedules meant better business for the industry leader Illinois Central Railroad (the IC). Therefore, the IC pushed for faster schedules and did little to discourage their engineers from driving as fast as the equipment and rails would allow.

A Short Biography of Casey Jones



John Luther “Casey” Jones was born 14 March 1863 in southeastern Missouri. Coming from a railroading family, he had the determination to drive a locomotive at an early age. Eventually, Jones moved to Cayce, Kentucky, and the name of the town morphed into his nickname of “Casey.” Jones displayed a talent for the railroad business and worked himself upward from telegraph operator to engineman and then to an engineer, the top job on the railways. By 1888, Jones had advanced through the industry and had secured a position with the prestigious IC. Within the next four years, Jones was given undisputed control over the railway between Chicago and Mississippi.

In his book *Casey Jones - Epic of the American Railroad* (Southern Publishers, 1939), railroad historian Fred J. Lee writes that Jones had become “an outstanding genius as an engineer/railroad man.” Within two years at the IC, the company put him on a fast-freight run between Champaign and Chicago, Illinois. The IC only assigned this busy, crowded route to their best engineers.

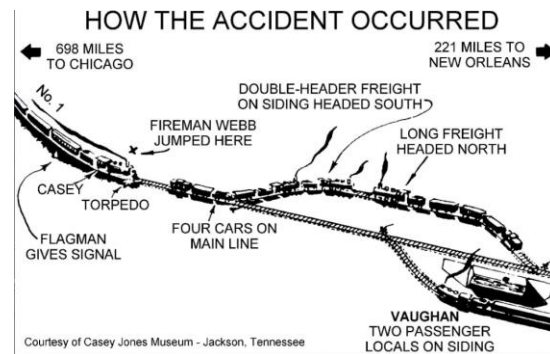
In 1895, the public hailed Jones as a hero after an incident that occurred in the railway yards at Michigan, Mississippi. When he saw a frightened little girl on the tracks in the path of his locomotive, Jones climbed down onto the cowcatcher of his slowly moving engine and scooped the girl off of the tracks.

Before 1900, Jones had experienced only one minor accident. In Toone, Tennessee, the so-called Irish Mail train backed onto his track unexpectedly. Jones could not stop his engine in time. Fortunately, no one was hurt. Throughout his career, Jones maintained an otherwise spotless safety record and was very popular with his fellow railroad men. At a gala testimonial dinner held for him in 1896, Major E.S. Hosford declared, “Show me the man talented far beyond the average who yet retains the affectionate regard of his fellow workers and I’ll show you a man who deserves every living evidence of that esteem.”

By 1900, Jones had been promoted to the fastest run of the IC--the prestigious but demanding Cannonball Express, which connected Memphis, Tennessee, to Canton, Mississippi. On 29 April of that year, Jones arrived in Memphis to learn that his friend and fellow engineer Sam Tate had been taken ill suddenly. The

station agent asked Jones to substitute for Tate on the Canton train pulled by Engine No. 382. Since Jones had just finished a long run from Canton, customarily he would have gone off duty at that time. However, No. 382 already was running an hour and fifteen minutes behind schedule. Jones agreed to take the run back to Canton with the mutual understanding that he would make up the time as best as he could. According to historical research, Jones prided himself on his reputation for on-time arrivals, so this challenge was one that he could not pass up. By 12:50 AM on 30 April 1900, the signalman waved the train out of the Poplar Street station. Jones and Webb pulled out with twelve mail- and passenger-coaches with more than one hundred people on board.

Jones knew the route well. He had to make three regularly scheduled stops along the way, so arriving at Canton at the scheduled time would mean averaging 65 miles per hour overall; it also meant getting the Cannonball up to more than 100 mph on the straightaways. Jones had done such things before and was confident that he could do them again.



When the Cannonball passed Durant, Mississippi, Jones nearly had gotten the run back on schedule. However, an unseen jam of other trains blocked the track ahead at the town of Vaughan. Reportedly, an airline hose had burst on one of these trains, resulting in a caboose and several other cars left blocking the way.

Jones saw the lights of the stranded caboose ahead and shouted to Webb to jump to safety as he “dynamited” his engine in order to stop it in the shortest possible time and space. Jones thrust the throttle inward while tugging the Johnson-bar (the control lever on a steam locomotive used to control dynamic forces and to prevent broken coupling throughout the length of the train), shifted the airbrake lever to Emergency, and opened the sand-dome wide, releasing damp sand to create friction in order to prevent slipping. Simultaneously, Jones found time to bear down on the whistle cord to shriek a warning. Nevertheless, the terrific crash ensued immediately and was heard for miles around. The disabled caboose was shattered, scattering splinters and twisted metal in every direction. The nose of No. 382 plowed into a sequence of freight cars that spewed dozens of hay bales and tons of shelled corn. The steam engine tore loose from its tender and hurtled from the track.

Webb had leaped off the train. Though knocked unconscious, he recovered from his injuries within a few weeks. However, Jones lay dead in the wreckage of his engine. He had stayed at his post, a decision that saved the lives of more than 100 passengers and minimized the property damage caused in the collision. As a result of his decision, no one else died. Jones left behind a widow, Jane Brady Jones, and three young children.

Shortly after the accident, the IC conducted an investigation of in an attempt to avoid any lawsuits of Wrongful Death, Personal Injury, and Property Damage. Even now though, some historians still dispute whether Jones was going too fast under the circumstances. However, during the investigation none of

Jones's peers, including Webb, suggested that he acted recklessly. Today, most rail historians concur with their statements. Few, if any, have disputed Jones's display of heroism early that morning.

Tall tales began to spread about Jones, as historical fact evolved into legend and progressed into the realm of American Myth. However, it remains doubtful that Jones was high on cocaine that fateful night.

Takeaway

We hope that our audience has enjoyed a meaningful read this month while the second wave of the pandemic and the coming election dominate the news. In this episode, we have reviewed the continuing relevancy of Plato in respect to the study of Law and Economics. The keys in *The Republic* and *Laws* help us to unlock an understanding of History, Legend, and Myth that has been underscored by Herodotus, Thomas Bulfinch, James G. Frazer, the Brothers Grimm, and more current authors, among others.

The inspiring story of American folk hero Casey Jones has provided us with a magnifying glass to experience the transformation of History to Legend to Myth. Finally, we can take away lessons that will help us as attorneys, economists, and others who work with the judiciary to improve our professional communication. Have a healthy and safe month and let us exercise our right to vote.

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