***I Love You, Now Die***

**Socratic Seminar**

**Directions:** Prepare responses to the following quotes/prompts. Analyze these items from a sociolegal perspective.

1. “Whether it’s the right thing, the wrong thing, the moral thing, the immoral thing – what I’m certain of is it wasn’t a crime. There’s no law that criminalizes the encouragement of suicide in Massachusetts and now the District Attorney’s office says, ‘Even though our legislature has not criminalized that behavior with the law, we’re going to prosecute her with a homicide.’ The idea that your speech alone in the way of text messages and words on the telephone can equal a manslaughter charge, I think is a dangerous, dangerous precedent. This is going to have a potentially chilling effect on free speech rights.” – Joseph Cataldo, Attorney for the Defendant Michelle Carter
	* How would Philip Selznik respond to Mr. Cataldo’s statement? (Reference Normative Theory)
	* Analyze the accuracy and/or interpretation of Mr. Cataldo’s statement when thinking about the First Amendment.
2. Dana Curhan, Michelle Carter’s Appeals Attorney: “We contend that verbally encouraging someone to commit suicide no matter how forceful the encouragement does not constitute a crime in Massachusetts. I don’t think that verbally encouraging someone would be a crime. Massachusetts is one of eleven states that doesn’t have a statute addressing this type of behavior.”

Appeals Judge: “But we do have an involuntary manslaughter statute which talks about wanton and reckless conduct resulting in the death, causing the death, of someone – and at some point can the verbal action become wanton and reckless if it results in someone’s death?”

* Address this from the point of view: Who is liable when a person is harmed?
* Look up Massachusetts’ legal definition of involuntary manslaughter. Does the state’s statute easily cover Michelle Carter’s circumstances?
1. Discuss the defense’s strategy of using a psychologist to pursue “involuntary intoxication” as the reason behind her actions.
2. Discuss the potential missed opportunities that the defense and prosecution both had in arguing their cases.
3. “Part of the drama of this case was the adult world confronting what teenagers are like. And I think for the parents it must be impossible for them to understand what happened cause it’s so far from what is acceptable human behavior – what she did in the last few weeks. And I think the biggest mystery of the story is not why Michelle Carter did what she did, but what Michelle Carter *thought* she was doing.”
4. “What’s really interesting about this case is that we have this very detailed record of what was said between them – this detailed record of their minds coming together and interacting with each other. In the past, we wouldn’t have had that record. All we would have had was, a person commits suicide and we’re all left wondering, ‘What happened?’ Are we talking about young psychopaths? Are we talking about narcissistic personality disorders, borderline disorders? Or are we just talking about young, troubled kids who don’t have a well-developed frontal cortex and just don’t have the self-awareness and the ability to see what they’re doing? But now, because we have this record – this dialogue – between them we have this opportunity to see what’s going on inside their minds, between the thought process between the two of them.” – John Suler, Author of *The Psychology of Cyberspace*
5. What are your opinions about the Michelle Carter’s sentence? (Guilty verdict of involuntary manslaughter and sentence of 15 months)
6. The defense requests that the prison sentence be delayed until the appeals process is complete. They reference *Commonwealth* v. *Hodge* 380 Mass. 851 as precedent for a stay of execution (delay in carrying out the court order). Look up this case to understand the connection and a lawyer’s use of precedent in the case. Why might a judge allow for a stay? How is this hard to understand for the common person who may not understand the law?