



Medea: Innocent or Guilty? It's Just Rhetoric

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Introduction

"Anyone heard of Medea?" I ask.

"Me!" My student clears her throat. "I know tae kwon do," she says in a voice tinged with arrogance. Then she switches characters, cocking her head and sneering in a voice dripping with attitude, "Well, I know whoop yo' a**."

The class erupts in laughter, including me.

"No, no, not *that* one! The one I'm talking about is crazy! Euripides' Medea." I smile. I see them glance at each other with a look that says, "She's making up words again."

"Aguada, have you ever seen a Madea movie? *That's* crazy!" And we all laugh again.

Then I tell them the story of one of my favorite literary characters. By the time I finish, the white board is filled with names and boxes and arrows leading every which way, mapping the journey Medea has taken to arrive in Corinth at the time Euripides drops us into the play. My students are abuzz, fidgeting in their seats. They want to meet this crazy lady whose love for a man is so all-consuming that she leaves home and family and a trail of dead bodies in her wake. And that is when I know I have won the debate they didn't know we were having: my Medea is crazier than theirs.

By the end of the play, they are confused by, angry at, and sympathetic to Medea—all at the same time. We discuss what has transpired. They want to know what happens to her *after* she escapes. They feel uneasy that an egregious crime has been committed and no one has been punished. It is this energy, this passion, this sense of outrage over this perceived injustice that I hope to harness and channel by providing a forum to express those emotions in a way both instructive and engaging: a criminal trial.

Rationale

William C. Overfelt High School is located in San Jose, the third-largest city in California (and the 10th largest in the U.S.). Despite its location in the heart of affluent Silicon Valley, the school serves approximately 1470 students who come from families that are working class; approximately 87% of students qualify for free or reduced lunch, though we suspect that figure is closer to 92%, based on the qualified number of households of the main feeder middle school attended by siblings of our own students. It is a school whose public perception is determined by its low (but significantly improved) test scores and its location in a high poverty and high crime area, identified by the City of San José as a "gang hotspot." That is only one reality, however, for it is also true that Overfelt has had the most Latino students in Advanced Placement (AP) math classes of all East Side schools—combined. Despite the rise in test scores and the gains in academic achievements of our students, the school's reputation as one of lack has been slow to change. It is a reputation that the entire staff strives to change. We are a staff constantly searching for ways to make its students' education relevant and meaningful, an education that is the best it is in our power to provide. We are unafraid to explore and practice new methodologies we think might help us serve our students best.

In the second semester of the 2012-2013 school year, Overfelt began such a quest. With the growing interest in project-based learning, we started exploring the idea of joining the New Tech Network. ¹ A small group of teachers visited a local middle school and a high school in Napa that were part of the network, and many of them liked what they saw. In the summer of 2013, another small team attended New Tech's annual conference in New Orleans. Again, the response was very positive. As a result, the administrative and teacher leadership teams decided to explore the feasibility of becoming, in the 2014-2015 school year, the first comprehensive high school to join New Tech. The whole staff engaged in this very important dialogue. Despite the enthusiasm of the initial teams, some teachers felt it was misguided to put our energies into a major instructional shift to project-based learning, that the most pressing issue before us was to ensure that our teachers and support staff learned Common Core. They disagreed with the proponents of New Tech that project-based learning could be just the vehicle teachers needed to make that shift more smoothly. Rather, they argued, adding the pedagogical shift required for *true* project-based learning, not just projects as a part of a more traditional unit, would be too great when teachers were still trying to learn exactly what was required by Common Core. This emotional and sometimes contentious process culminated in a teacher vote just before the winter vacation. A 55% majority voted to join New Tech; however, this did not meet the required 2/3-majority threshold to pass. Proponents were disappointed. It was a hollow victory for the New Tech opponents, however. When we returned from the winter vacation, our district superintendent visited the school site to discuss the direction in which the district was moving in terms of instruction. He made clear that project-based learning would become the norm. He would leave it to schools to determine *how* that happened. The *caveat* was that if schools did not make that shift themselves, it would be made for them. What some saw as a threat, others saw as a challenge. Regardless of how anyone viewed it, though, the superintendent's words reopened the discussion about how to best make the shift to project-based learning, whether it was with New Tech or not.

It is with that preceding scenario and the challenge laid out by the superintendent in mind that I am creating this unit. I see this as an opportunity to use one of my favorite pieces of literature to begin making that (mandated) shift from the traditional teach-centered delivery of information to a more student-centered classroom which incorporates project-based learning as an integral part of the curriculum. Secondly, it meets two needs of my two students: 1) to read and understand classical literature and 2) to practice persuasive oral

and written communication skills, abilities they will need and use throughout their lives. Finally, I hope also it helps to stem the tide of what I see happening in junior and senior English classrooms.

Driven by the findings of the California State University (CSU) English Placement Test Committee, which found incoming college freshmen lacked the reading and writing skills necessary to succeed in college, the traditional, classical literature-based classroom is being supplanted by the Expository Reading and Writing Course (ERWC), ² an English classroom in which shorter, non-fiction pieces have become the main readings for our college-prep junior and senior English classes. It is this trend, among other things, that Carol Jago discussed in her book *With Rigor For All*. First published in 2000, a time when the California State Standards were in flux and "industry" was pushing to have workplace documents and other forms of non-fiction occupy a greater presence in the high school English classroom, Jago made an eloquent case for teaching classical literature in a multicultural, ability-diverse classroom. She argued:

The cost of such a shift would be catastrophic. Elite private and suburban schools are not likely to replace *The Scarlet Letter* with workplace documents. The sons and daughters of the privileged will continue to read *The Odyssey* and *Beowulf* while urban public school kids are handed instruction manuals and consumer reports. A democracy isn't supposed to work this way. ... If informational texts come to replace the classics in our curriculum, high school students will graduate young people who have never seen Circe turn men into swine, who have never sailed past Scylla and Charybdis, and who have no knowledge of the danger lurking in the Land of the Lotus Eaters. If they never read the classics, students will truly be at sea. ³

I agree whole-heartedly. However, the trend at Overfelt and at East Side Union High School District (East Side) has been to move in the other direction. The change at East Side perhaps is not to the extent to which Jago warned, but we should be worried when the only whole-class "novel" in the first semester of the senior year is not even a novel. ⁴ Thus, many English teachers are finding ways to meet the demands of the ERWC curriculum (which attempts to remedy the very real concerns of the CSU system) without giving up the literature we so love and know that many of our students will come to love, too. This unit strikes that balance. With Euripides' *Medea* as the foundational text, the unit will integrate classical literature into a unit that teaches students skills using some of the techniques used in project-based learning via a criminal trial. It will make real the connection between simply reading and appreciating persuasive writing and speaking and developing the ability to speak and write eloquently themselves. They will come to understand that these are the skills they need to be their own advocates.

Content Objectives

The AP English Language course focuses on rhetoric: the choices writers and speakers make to reach most effectively a particular audience for a particular purpose. In class, we read closely many essays and articles, analyzing the effectiveness of diction, syntax, and rhetorical devices. We do not, however, practice enough. My students participate in Socratic seminars and other forms of class discussion; however, we do not do more formal forms of oral communication. This unit will help me change that.

To look at them, one cannot tell that so many of these well-groomed, respectful, hard-working teens live in converted two-room garages with their families, some having moved four or five times before landing there.

But they do. It would also be difficult to believe that this child with the ready smile, willing spirit, and generous heart is the same child whose brother, sister, mother, father, cousin, aunt, or uncle (and sometimes the student himself) has had—at the very least—a run-in with the law, sometimes resulting in time in jail or juvenile hall. Also, like Medea, many of them are immigrants or were born into immigrant families fleeing economic and/or social conditions in their home countries for better opportunities in the United States, a country that currently is not always a welcoming one and that too eagerly seeks to marginalize them even more than they already are. These are the personal experiences that I believe will generate interest in and enthusiasm for my curriculum unit and that will carry them through the difficult tasks ahead.

By the end of this unit, my students will realize the power of both the oral and the written arguments. Contrary to what they currently believe or tell themselves—that some people "are just good with words," but they're not one of them, so why waste their time trying—they will come to understand that crafting a persuasive argument may take time and research, but it is doable by them, not just those they think are gifted. They will come to realize that the skills they learn through this project is something they will carry with them forever, that they *own* their education; it is, in the words of my father, "the one thing that no one can ever take from you." My last objective for this unit is that they realize that although another person's life may never depend on the eloquence and persuasiveness of their words, their own lives will, in one way or another.

Essential Questions

1. Is Medea's behavior justifiable?
2. Should Jason be held partially responsible for Medea's actions?
3. Is there a true version of events?
4. What constitutes a just outcome?
5. What makes an argument persuasive?
6. Does justice depend on the abilities of one's advocate?
7. How can one frame a narrative to appeal to the broadest possible audience?

Enduring Understandings

1. Crafting a persuasive argument takes time and attention to detail.
2. Delivering a persuasive oral argument takes practice.
3. Knowing one's audience is essential to writing and delivering an effective argument.

Background

Euripides

Along with Aeschylus and Sophocles, Euripides is generally considered one of the top ancient Greek tragic poets and playwrights. Believed to have been born in Athens between 485-480 B.C. to a noble family, he began producing plays in 455. According to Richmond Lattimore, Euripides was "only moderately successful in his own lifetime," but gained greater fame and exerted greater influence posthumously. ⁵ He entered his plays into the Greek festivals but won first place only four or five times ⁶ during his lifetime. *Medea*, presented in 431 at the annual festival of Dionysus, won third place.

The Quest for the Golden Fleece ⁷

For the purposes of this lesson, the legend of Medea, a gruesome one, begins with Jason's quest for the Golden Fleece. Jason's uncle, Pelias, usurped the throne from the rightful king, Aeson, Jason's father, and sent

Jason into exile. Upon Jason's return, King Pelias feigns gladness to see his nephew's return. During a dinner celebrating Jason's return, Pelias finagles Jason into volunteering to set out on a quest for the Golden Fleece before Pelias surrenders the throne to Jason.

When Jason arrives on the island of Colchis with the Argonauts, Medea falls madly in love with him. She is not just the daughter of King Aeetes, ruler of Colchis; she is also a witch, a sorceress whose specialty is potions. Not believing that Jason will be successful, King Aeetes agrees to allow Jason to take the Golden Fleece—if he can get to it, for it is no easy task. The Golden Fleece hangs in a cave guarded by a dragon. But even before he can get to the cave, he must first yoke two bulls and then sow a field with seeds. The catch? The bulls breathe fire. Medea, however, is unwilling to allow the man she loves to fall victim to her father's machinations. She convinces Jason to take her with him when he leaves in exchange for her aid in winning the Golden Fleece. He readily agrees. So she concocts a salve that Jason slathers on himself, rendering him impervious to harm from the bulls' fiery breath, and he is able to harness the bulls, much to the disappointment of King Aeetes. Jason then plows and sows the seeds given to him by the king. What Jason does not know, though, is the magical property of the seeds, for they are no ordinary seeds. These are dragon's teeth from which spring warriors fully formed and ready for battle. Again, Medea intervenes. She tells Jason to throw a stone in the midst of the warriors, and he does. When the rock hits one, the warrior turns and attacks the one next to him. A fierce battle ensues, and by the end, all the dragon's teeth warriors lie dead in the field. King Aeetes hides his displeasure and congratulates Jason, encouraging him to enter the cave to collect the Golden Fleece. However, Jason heeds Medea's counsel to wait. In the dead of night and unbeknownst to her father, Medea leads Jason into the cave where the Fleece is guarded by the dragon. She drugs it, allowing Jason to collect the fleece. Fearing reprisal and her father's wrath, immediately they flee Colchis on the *Argo*, taking with them Medea's brother. Upon discovering Medea's betrayal, King Aeetes sets sail after them. Medea again acts to protect Jason, but this time with fatal consequences. She kills her brother and dumps the pieces of his corpse into the sea. She does this knowing full well that her father will stop to collect those pieces, something he must do in order to provide his beloved son a proper burial. Thus, Medea and Jason successfully escape to Iolcus.

Upon their arrival, Medea realizes that King Pelias has no intention of relinquishing the throne, so she devises a plan to end Pelias's reign. How she accomplishes this differs slightly on fairly minor details. In one version, she plays directly to the king's vanity, promising him she can make him young again. In another version, she promises his daughters that she can restore their father's youth. In both versions, she demonstrates this power by cutting up an old ram and placing the pieces in a cauldron filled with a potion, and out springs a spry, young lamb. Upon seeing this, the parties agree to have Pelias's daughters cut him up into pieces and place those pieces in the cauldron. However, there is no rejuvenation. And for the second time, Jason and Medea must flee. They end up in the kingdom of Corinth, where they settle and start a family. After a number of years, Jason abandons Medea and their children to marry the Princess of Corinth. Medea exacts revenge on Jason by gifting to his new bride a robe and crown laced with poison. The poison kills not only the princess but also her father, King Creon, who dies trying to save his child. However, they are not the only victims of Medea's wrath. To punish Jason further, she takes from him what she thinks he loves most: the lives of his children. She then escapes to Athens, taking advantage of the sanctuary promised to her by King Aegeus.

Analysis of the Relationship of Medea and Jason: It's Complicated

According to Edith Hall, Medea is unique in Greek tragedies for being the only "kin-killer[]" who, by play's end, is not punished or in some other way held accountable for her crime. ⁸ For example, at the end of Sophocles' *Oedipus the King*, Oedipus is blind (by his own hand) and banished from his homeland as the result of a curse

he himself laid on the killer of King Laius, not knowing that King Laius was his father and that the killer was Oedipus himself. ⁹ In Aeschylus' trilogy *Oresteia*, Agamemnon is killed by his wife, Clytemnestra, for sacrificing their daughter Iphigenia to the gods for a favorable wind to sail to Troy. ¹⁰ In turn, Clytemnestra (and her lover Aegisthus) is killed by Orestes, her son, for the slaying of Agamemnon. ¹¹ For the murder of his mother, Orestes is pursued by the Furies (spirits of vengeance and justice whose particular specialty is punishing those who murder a family member). Not until he reaches Athens is he tried and acquitted of the crime, with Athena herself casting the deciding vote. ¹²

It is tempting to think of Medea as a one-dimensional character: vengeful wife and baby killer who, literally, got away with murder. However, analysis of her dialogue with other characters reveals a woman more complex and a relationship more complicated than any one reading can possibly reveal.

When Creon comes to inform her that she is banished from the kingdom of Corinth, he admits that she frightens him. Based on the rumors he has been hearing, he is "[a]fraid that [she] may injure [his] daughter mortally." ¹³ He fears her cleverness, and so he is taking precautionary measures to protect his daughter from the harm she is plotting against his daughter and Jason. ¹⁴ But despite these fears and against his better judgment, he is persuaded by Medea to give her a one-day reprieve to get her affairs in order before she leaves. ¹⁵ She accomplishes this by appealing not to Creon the King but to Creon the parent. This exchange between the two is a perfect example of Medea's ability to find her opponent's weakness and exploit it for her own gain.

In her first appearance before the Chorus of Corinthian women, she begins to examine the role of women in society and the double standard to which men and women are held. She claims that "women are the most unfortunate creatures" ¹⁶ because they must "buy a husband, and take for our bodies/A master; for not to take one is even worse." ¹⁷ She notes that men have it much easier than women:

A man, when he's tired of the company in his home,
Goes out of the house and puts an end to his
boredom And turns to a friend or companion of his own age. But we are forced to keep our eyes
on one alone. ¹⁸

Medea's critique is a feminist one, one that pointedly criticizes the unfairness of what is expected of men and of women in the same situations. We see this again in her in her first tête-à-tête with Jason.

He claims her "loose speaking" ¹⁹ is what forced King Creon to banish her from Corinth, and despite his own efforts to "calm down/The anger of the king," ²⁰ it was her "folly, continually/Speaking ill of [the king]" ²¹ that prevented him from arguing successfully on her behalf. Incensed, she accuses him of cowardice, going through the litany of ways in which he owes his success to her. Jason counters that she is mistaken: *she* owes *him*. It was *he* who did *her* the favor, that "instead of living among barbarians,/You inhabit a Greek land and understand our ways,/How to live by law instead of the sweet will of force." ²² He goes on to argue that his marriage to the princess "was a clever move,/Secondly, a wise one, and, finally, that I made it/In your best interests and the children's." ²³ He further argues that part of her anger stems from sexual frustration, that if she wasn't so distracted by the "love question," she might see how sensible his actions are. ²⁴

Whether it is the persuasiveness of Medea's argument or Jason's inability to articulate sincerely his concerns for the position of his children in Corinth (neither he nor Medea are citizens of Corinth, thus neither they nor their children are conferred the rights of citizenships), the Chorus sides with Medea, chiding him, "Jason,

though you have made this speech of yours look well,/Still I think, even though others do not agree,/You have betrayed your wife and are acting badly." ²⁵ These are the speeches that the class will examine, which will later come in handy when they are preparing for trial and analyzing the text for evidence to later use at trial.

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Insanity Defense

There is no question that Medea killed the princess of Corinth, King Creon, and her own two children. The trial is to determine whether she will be acquitted based on her affirmative defense of insanity.

A defense of insanity asserts that the defendant cannot be held liable for his or her acts because of a mental defect. How this is determined depends on how the law defines the proper *mens rea* (criminal intent). The insanity defense in American jurisprudence has a long history. There is no universal rule for all states; however, the majority of jurisdictions follow some form of the *M'Naghten* Rule. ²⁷ In 1843 in England, David M'Naghten, believing that British Prime Minister Robert Peel was persecuting him, killed the British prime minister's secretary, mistakenly believing that it was Peel. ²⁸ The rule holds that

every person is presumed to be sane and that to establish the insanity defense it must be clearly proved that the defendant did not know [emphasis added] that what he was doing was wrong. ²⁹

M'Naghten is sometimes paired with the Irresistible Impulse Doctrine, which adds that a "defendant should not be punished for an act where he had no freedom of will" due to his mental disease or defect. ³⁰ In other words, a defendant cannot be held responsible for actions he cannot control, *even if he knew that his actions were wrong*.

The other major insanity defense test is the *Durham* Rule. In *Durham v. United States* (1954), the United States Supreme Court held that "a person is not responsible for a criminal act if he suffered at the time from a mental disease or defect and if the act was a 'product' of the disease or defect."³¹ In short, a defendant is not criminally liable for acts committed because of the mental disease or defect. The Supreme Court provided no assistance in defining what constituted a "product," so courts had difficulty applying the rule. Because of this, *Durham* is now out of favor and used only in New Hampshire, where it originated. ³² For this reason, the *Durham* Rule will not be the standard by which Medea will be judged. Also, if the *M'Naghten* Rule is the standard of review the jury uses to judge Medea's guilt or innocence, she will clearly lose for there are no expert witnesses to call upon to speak to Medea's mental state. Instead, for purposes of the mock trial, students will use the rule developed by the American Law Institute:

A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirement of the law. ³³

A blend of the *M'Naghten* Rule and the Irresistible Impulse Doctrine, the Model Penal Code allows some flexibility for the defense attorneys to argue there is no evidence that she knew what she was doing was wrong, or that even if she knew it was wrong that she could not control her actions. For example, after Medea convinces King Aegeus to give her safe harbor if she can make it to Athens on her own, she confesses to the Chorus that it makes her "weep" to think of what she will do after her children have delivered to the princess the poisoned robe and diadem: kill her children. ³⁴ Is implicit in this confession an acknowledgement of the wrongness of her planned act? Discussion in Socratic seminars, whole-class discussions, and/or fishbowl

discussions will lay the groundwork for this line of defense as well as provide students the opportunity to raise counter-arguments to such a defense. It opens up for debate how to interpret her actions, her words, her motivation. And *that* is where (I hope!) the most fruitful discussions will take place.

Jury Nullification

There is one other possibility that may result in a verdict in Medea's favor: jury nullification. This happens when the jury acquits a defendant despite the fact that all elements of the charges against him or her have been met.³⁵ Circumstances under which a jury might do this are when the jury feels following the letter of the law would result in an unjust verdict, or a verdict that would offend members' senses of morality or fairness. Because jury nullification is, in essence, the result of a breach of the jury's duty to render a verdict based solely on applying the law to the evidence presented at trial, attorneys may not present the concept to the jury.

In this case, it would not be a complete surprise if the jury decides that despite the evidence that Medea was not insane at the time she acted, they cannot convict her because they dislike Jason and the callous way in which he treated Medea and their children. This line of discussion will manifest in class discussions as students try to make sense of characters actions and motivations. A not-guilty verdict could be their way of holding Jason partially liable for his actions.

Teaching Strategies

Direct Instruction

Because so few of my students will know much, if any, mythology, I will begin by providing them some background in Greek mythology: who the gods and goddesses are and their characteristics, the story of Jason and the Argonauts, and the death of King Pelias in order to set the stage for the events in *Medea* (see above). This will have the added benefit of enriching their reading of literature later in their educational career. My hope is that this knowledge of Greek mythology will 1) spark a desire to learn and read more and 2) allow them to recognize allusions to Greek mythology in the literature they read in college and beyond, thereby deepening their understanding and appreciation for it.

Additionally, they will need to know some basic criminal trial procedure. Generally, the prosecution begins; it presents its opening statement before the defense; its witnesses testify first. However, because Medea is asserting an affirmative defense (where if evidence is presented and found credible, it negates criminal liability, even when the facts that would normally lead to conviction are true), the order is reversed. The defense presents its case first. Attorneys will be given a list of objections (and examples) they may raise at trial during direct or cross-examination.

Close Reading and Class Discussions

We will perform close readings of specific speeches, especially exchanges between Jason and Medea (see discussion above), to analyze the elements of rhetoric and how each character use *pathos*, *logos*, and *ethos* effectively and where the argument fails. To help them understand the complexity of the characters, I will use specific exchanges in the play between Jason and Medea, as well as articles or excerpts of articles of two fairly

recent incidences of infanticide—Susan Smith (1994) and Andrea Yates (2001)—as the basis for Socratic seminars or general discussions to explore the complex characters of Jason and Medea, and their complicated relationship. It is in these discussions that students will first begin to look at and discuss the themes of love and betrayal, family and abandonment, heartbreak and revenge, and the issues of justice, obligations, and responsibility for one's actions and the consequences that result.

Mock Trial

Using mock trials as an effective tool for teaching students specific skills is nothing new. It's been used in elementary school all the way through high school. There are national competitions that are quite involved.

I will assign every student a role (one that plays to his or her strengths, though I will take into account requests for a particular role) either as an attorney, witness, or juror. All will create "life" stories for their characters. Additionally, jurors will go through the *voir dire* process, answering questions from attorneys about who they are and what they believe. At the end of the trial, they will deliberate Medea's guilt or innocence. Attorneys will "prep" witnesses they will call to testify, formulate questions for direct and cross-examinations of witnesses, and make opening arguments.

Life Stories (all students)

Though the bulk of the writing will fall upon those students who are attorneys, every student will be required to create a life story, an "autobiography" if you will, of his or her character. Some characters, such as the Nurse or the Tutor, will have plenty of leeway to construct a life prior to his or her entry into the events of the play. This will be especially important for the jurors. They will have great freedom to construct a character based on their research of ancient Greek life, but they will not be bound by gender roles and obligations. For example, while only free white males were allowed to fully participate in Greek society, for the sake of our trial women are full and equal partners and participants in society. They will be allowed to own property and livestock. They may have careers of their own. They need not be married nor have children. They do not even have to be the same gender! The only two characters who are constrained by a known history are Medea and Jason; but even the two students who assume these roles will have some discretion to "fill in the gaps" that may exist. For example, students may "flesh out" what Medea's childhood was like on Colchis and Jason's during his time of exile at Mount Pelion.

Allowing students to create their personas will provide the creative writers a chance to really shine. Those who struggle without strict guidelines may pull from different sources to create a more traditional character. Such diversity will in turn allow attorneys much more material to uncover during the *voir dire* process.

Voir Dire (Jurors)

The legal term *voir dire* derives from the French meaning "to speak the truth."³⁶ In the field of jurisprudence, it is the process by which potential jurors are questioned by the judge or by counsel to determine whether a person is competent to serve. This is the chance for both prosecution and defense to have a conversation with potential jurors, the goal being to find and seat those which each side feels is more likely to return a favorable verdict, and particularly for defense attorneys to reject those jurors who may be biased against their client. Because none of our jurors may be excused, this a critically important part of the pre-trial process.

Good *voir dire* questions are often open-ended. They begin with demographic questions: Are you married? Do you have children? What is your occupation? Even these simple questions allow an attorney, if he or she hears

something in a juror's tone, to follow up with another to flesh out the answer. After these foundational inquiries, the questions become more targeted. The juror and attorney enter into a conversation often filled with hypotheticals designed to tease out a juror's biases, beliefs she may not even have realized she held that may work against a client. This will provide attorneys information they will need to construct an opening or closing argument that they believe will be most persuasive to the jurors. Because this often becomes a conversation, there is no time limit on how long the questioning of a juror may take; however, for project purposes, prosecution and defense will each be limited to 10 minutes for each juror. This will force attorneys to ask questions that are relevant and keep to a minimum the possibility of going off on a tangent.

Jury Deliberations

Once both prosecution and defense have rested their cases, jurors will deliberate to decide whether to return a unanimous verdict of guilty or not guilty by reason of insanity. An inability to reach a unanimous verdict will result in a hung jury, which will be considered a victory for the defense.

In terms of practicing skills, heretofore jurors will have had very little chance to speak persuasively. Their opportunity to do so comes in this part of the process. During the trial, when attorneys are questioning the witnesses, they need to listen closely, to pick out inconsistencies in testimony and make note of them so those can be brought up during deliberations. They will also need to listen closely to other members of the jury during discussion so that they can discuss ideas and questions, and synthesize that information to inform their own opinions. This is also the time for them to speak persuasively, to sway someone unsure about Medea's guilt or innocence. This ability to persuade others to their side if they feel strongly about a particular position may be necessary in order to reach a just verdict that is based on the facts presented at trial.

Oral Arguments

Although at trial only attorneys will make oral arguments, for their culminating activity, my plan is to have *all* students make oral closing arguments, arguing persuasively one of two positions: Medea is guilty of murder or Medea is innocent by reason of insanity. I will assign students a side to make closing arguments made in front of panels with at least one lawyer (although third-year law students might also work). These panels would use a rubric ³⁷ (developed or modified by me) to assess the speaker's effectiveness. If possible, these paired closing statements would be made concurrently so that all the arguments could be made and evaluated in a matter of hours. The panel will meet for a few minutes without the students to decide which side had the better argument and provide feedback on what each speaker did well and what could be improved.

Classroom Activities

The four or five week curriculum unit will be used in my 11th-grade AP English Language course at the end of the first semester (December) or at the beginning of the second semester (January).

Week One

The first week will be dedicated to reading the play in class, each day with different students reading the different parts. This is an important part of the unit. Plays were meant to be performed. The cadence of words

spoken aloud change vastly the rhythm and level emotion of those same words when we simply "hear" them in our heads.

Week Two

The second week will be dedicated to class discussion and Socratic seminars to allow students to explore more deeply the dynamics of Medea and Jason's relationship, what might have driven Medea to act as she did, and to begin to solidify their own ideas and opinions about Medea's guilt or innocence. They will also discuss modern cases in which women were tried for the murders of their children.

Weeks Three and Four

The third and fourth weeks will be dedicated to assigning parts, to writing their life stories, and to trial preparation. Students will be provided library time to research so that they may incorporate aspects of ancient Greek culture into and write their "autobiographies." Attorneys for each side will receive copies of the witness autobiographies, but only I will receive juror life stories. Just like "real" attorneys, it is their job to elicit through the *voir dire* process the information they will need to construct their opening and closing statements.

Week Five

The last two days will be dedicated to the trial and to jury deliberations. The trial itself will be held in the library, with separate tables for the defense and for the prosecution facing the table for the judge. To the immediate right of the judge will be a chair (or chairs for the Chorus) for witnesses. In a separate section farther to the judge's right will be chairs for jurors. Behind the attorney tables will be the gallery, chairs for spectators and witnesses waiting to be called. If time permits after the trial, students will be paired and assigned to give a closing statement in front of a panel of judges, arguing for Medea's conviction or acquittal.

Conclusion

Though *Medea* may not be the first work of literary merit one might think of using to teach the art of eloquent persuasion, my hope is that this unit will change minds. The themes in this play are as relevant today as they were at the time Euripides first wrote and staged it. Though the circumstances may not be the same, the questions of whether heinous acts can be justified and whether another party bears some responsibility for the crimes committed are ones that my students will recognize. They may see in the dysfunction of Medea and Jason's relationship a reflection of relationships in their own or others' lives. They will analyze how the same events, the same actions can be viewed in vastly different ways. They may come to realize that outcomes may more often than not depend heavily on an advocate's facility with words. If that is the case, they will question and evaluate whether the legal system can adequately render justice. I am curious to know what they will find.

Appendix A: Implementing Common Core State and College Board Standards

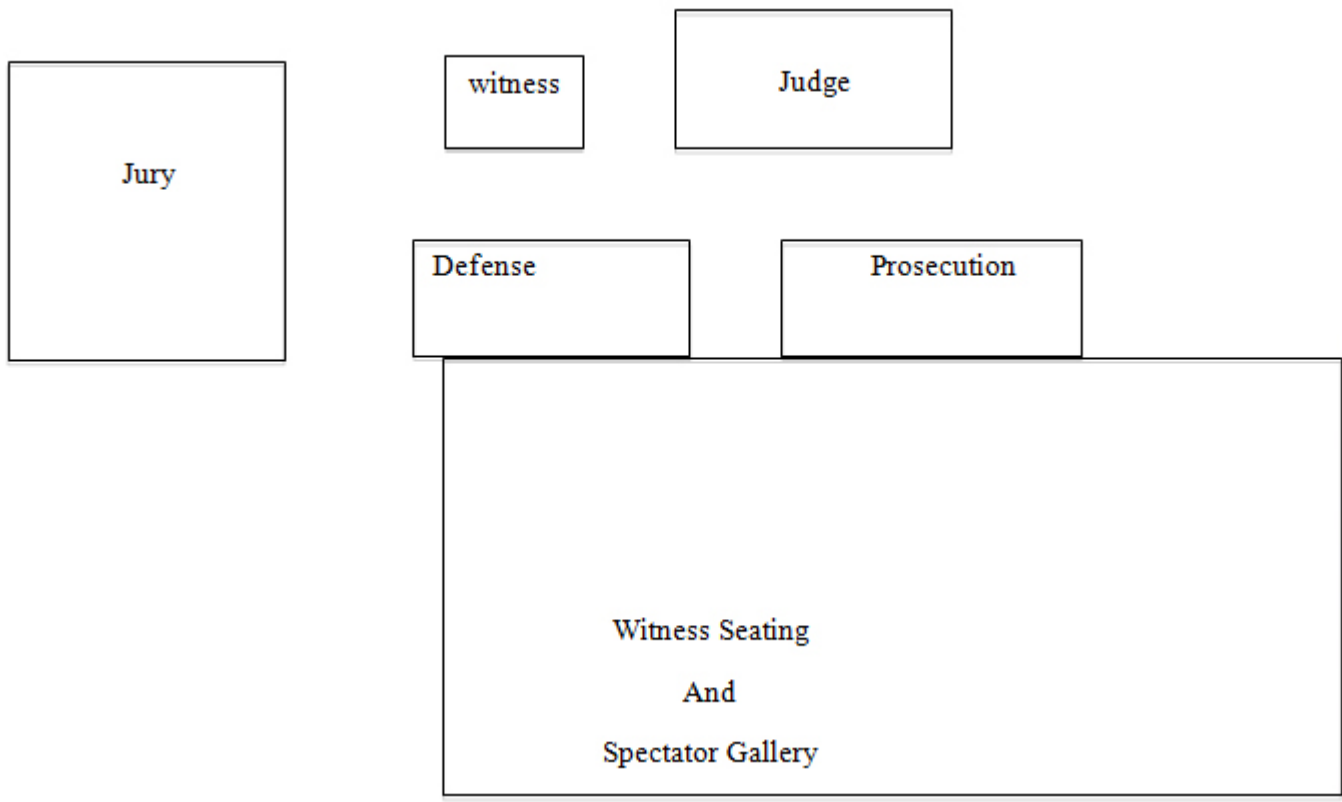
The Advanced Placement English Language and Composition course must address both the curricular requirements set forth by the College Board as well as the Common Core State Standards (CCSS or Standards) for English-Language Arts & Literacy in History/Social Studies, Science, and Technical Studies. A project-based unit such as this one does that. For the purposes of this unit, those central to the unit are:

College Board: In the College Board's description, a successful Advanced Placement English Language course will "engage students in becoming skilled readers of prose written in a variety of periods, disciplines, and rhetorical contexts, and in becoming skilled writers who compose for a variety of purposes." The course requires expository, analytical, and argumentative writing assignments that are based on readings representing a wide variety of prose styles and genres. In preparation for class discussions and for composing a multi-draft persuasive argument (later to be adapted to be delivered orally), students will read newspaper and journal articles examining modern cases of women who murder their children.

CCSS Speaking and Listening 4: The closing arguments students will make to panels of judges will require them to "[p]resent information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks." In order to be persuasive enough to either convict or acquit a murderess, they will need to find that fine balance between the three appeals: *logos* (students' reasoning must be sound, logical, and logically organized), *pathos* (their diction must strike an emotional note without being overwrought), and *ethos* (their presentation and demeanor must convince the panel that they are credible and trustworthy sources of information).

CCSS Speaking and Listening 6: The class discussions—whether Socratic seminars or fishbowls—the *voir dire* process, and the jury deliberations will require students to "[a]dapt [their]speech to a variety of contexts and tasks, demonstrating a command of formal English when indicated or appropriate." Student attorneys must find ways to elicit the information they need from the jurors and witnesses; witnesses must be able to speak about what they have seen and heard so that attorneys can take that information and weave it into a coherent story that will convince the jury to rule in their favor; the jury must be able to analyze and discuss the evidence provided at trial in order to render a verdict.

Appendix B: Possible Trial Room Set-Up



Notes

1. The New Tech Network (hereinafter New Tech) is a network of primary and secondary schools that use project-based learning as the primary means of delivering content and teaching skills. For more information, see <http://newtechnetwork.org>.
2. I recall attending some of the first ERWC workshops offered, when the curriculum was still being drafted. The question arose often about whether traditional literature would be replaced with shorter, non-fiction pieces from newspapers, magazines, or journals, for instance. The answer was always that traditional literature would remain central to the English classroom and that the non-fiction pieces were merely there to help reinforce the universal and timeless themes present. Almost a decade later, we are seeing those concerns become manifest. For more information, see *The California State University: Expository Reading and Writing Course* at <http://www.calstate.edu/eap/englishcourse/>.
3. Carol Jago, "Creating a Context for the Study of Classical Literature," in *With Rigor For All*, 9.
4. At East Side, students will read Jon Krakauer's 1996 non-fiction account of Christopher McCandless' death in the Alaskan wilderness, *Into the Wild*.
5. Richmond Lattimore, "General Introduction," in *Euripides I*, v.
6. According to Lattimore, he won four times, *Ibid.*, but won five times according to Harold Bloom, "Biography of Euripides," in *Euripides*, 13.
7. This recounting of the story of Jason and Medea I pulled from largely from memory. When I was in elementary school, I fell in love

with Greek mythology. Once the librarian recognized this, she began to hold books for me at the check-out counter she thought would interest me. I read every book on Greek myths in my school. When I exhausted the collection at school, I devoured the books at the local library. I read all the books on Roman mythology and then tackled Norse myths. By the end of junior high school, there were very myths I did not know or was at least familiar with some version.

8. Edith Hall in "Edith Hall on the Play's Reception," in *Euripides*, 86.

9. Sophocles, *Oedipus the King*, ll.

10. Aeschylus, *Agamemnon*, ll. 1397-1398: "He filled our cup with evil things unspeakable/and now himself come home has drunk it to the dregs."

11. Aeschylus, *The Libation Bearers*, ll. 973-974: "Behold the twin tyrannies of our land, these two/who killed my father and who sacked my house."

12. Aeschylus, *The Eumenides*, ll. 734-753. Interestingly, Athena was persuaded by Apollo, who acted as counsel for Orestes, that the murder of a father was the more heinous crime. (ll. 736-740) He used as evidence the circumstances of Athena's own birth, that she had no mother but rather sprang full-grown from the head of Zeus. (ll. 663-666)

13. *Ibid.* l. 283.

14. *Ibid.* ll. 285-289.

15. *Ibid.* ll. 348-355.

16. Euripides, *Medea*, l. 231.

17. *Ibid.* ll. 233-234.

18. *Ibid.* ll. 44-47.

19. *Ibid.* l. 450.

20. *Ibid.* ll. 455-456.

21. *Ibid.* ll. 457-458.

22. *Ibid.* ll. 536-538.

23. *Ibid.* ll. 548-550.

24. *Ibid.* ll. 526-575.

25. *Ibid.* ll. 576-578.

26. Another scene that would work well for analysis of rhetorical mastery are lines 866-975 (Medea convinces Jason that she's had a change of heart and now agrees with him about women, herself included, so that he allows their children to bring to his new bride the lethal gifts).

27. FindLaw, "The Insanity Defense Among the States."

<http://criminal.findlaw.com/criminal-procedure/the-insanity-defense-among-the-states.html>, accessed July 12, 2014.

28. Taylor, "The *M'Naghten* Rule," 350.
29. Goresen, "Insanity as a Defense to Criminal Responsibility." *Oklahoma City University Law Review*, 172
30. *Ibid.* 175.
31. Acheson, "McDonald v. United States: The *Durham* Rule Redefined," in *The Georgetown Law Journal*, 581.
32. "The Insanity Defense Among the States," FindLaw, last accessed July 12, 2014, <http://criminal.findlaw.com/criminal-procedure/the-insanity-defense-among-the-states.html>.
33. American Law Institute, Model Penal Code § 4.01[1]
34. Euripides, *Medea*, 783-792.
35. FindLaw, "Jury Nullification." <http://dictionary.findlaw.com/definition/jury-nullification.html>, accessed August 10, 2014.
36. The Law Dictionary, last accessed July 13, 2014, <http://thelawdictionary.org/voir-dire/>.
37. Justin Reynolds of Hewitt-Trussville Middle City School has an excellent rubric that can be modified and adapted. The rubric can be found at: <https://www.trussvillecityschools.com/Teachers/justin.reynolds/Mock%20Trial/Forms/AllItems.aspx>

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