Twelve Good Men or Two Good Women: Concepts of Law and Justice in Susan Glaspell's "A Jury of Her Peers."

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Dubbed a "small feminist classic" by Elaine Hedges, Susan Glaspell's 1917 short story "A Jury of Her Peers" and *Trifles*, the one-act play from which it is derived, is a wonderful fictionalized account of a turn-of-the-century murder mystery that Glaspell covered as a reporter for the *Des Moines Daily News* (Hedges 89; Ben-Zvi 143).[1] On the surface, the story is about three men and two women who arrive at a crime scene to investigate the murder of John Wright, who was found strangled in his bed the day before. The prime suspect is his wife, Minnie Foster Wright. The men have come to collect evidence; the women, to gather a few personal belongings for Mrs. Wright, who is being held in the county jail. Over the course of the story, the women uncover and then suppress evidence that would convict Mrs. Wright of first-degree murder.

While the story raises many ethical and legal questions, most critical readings of the story focus on the social bonding of women and the viability of a justifiable-homicide defense in the case of domestic abuse in rural

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[1]In "'Murder, She Wrote': The Genesis of Susan Glaspell's *Trifles*," Susan Ben-Zvi reports on the historical source for the play and story. As a reporter for the *Des Moines Daily News*, Glaspell covered the murder of John Hossack. His wife, Margaret Hossack, claimed to have been asleep while her husband was killed by axe blows to his head. Ms. Hossack was found guilty at her first trial; yet the Iowa Supreme Court overturned the ruling and ordered a new trial, which resulted in a split verdict: nine for conviction, three for acquittal. A third trial was never held.

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America 80 or 90 years ago.[2] However, another important facet of the story is the dilemma it presents between pursuing the Law and pursuing Justice. "A Jury of Her Peers" proposes a justice system based on empathy and one that necessarily takes the concept of *peer* far beyond its traditional, legalistic formulation. Within the context of the story, there is a fundamental disarticulation between genders and among different classes and geographic settings; this re-definition and severe restriction of who qualifies as one's peers renders the traditional legal system irrelevant and posits that the only true people qualified to judge Minnie Foster Wright are rural farm women of her own generation. The men in the story wish to capture and punish John Wright's killer; however, the women empathize with the accused murderer, the dead man's wife, and from this perspective see that the death cannot be investigated in isolation from the rest of their lives. Instead of constituting the starting point for the investigation, the death may be the midpoint, or even the conclusion. While the story presents both viewpoints, the readers take the perspective of the women and are convinced that, while Law may be based on an assessment of the facts, empathy is a necessary component of the pursuit of Justice. Thus, the story argues that punishing symbolic crimes will lead to a greater form of Justice than pursuing the Law based on tangible evidence.

The story is a critique of the different ways men and women approach the investigation of the crime scene. The men, all representatives of the Law (the sheriff, the prosecutor, and a witness), are oriented to a mechanistic view of legal propriety: they react to an action and look for the evidence to justify the retribution they wish to enact. The corpse of John Wright impels them forward. They react to his death and by it are motivated, indeed fixated, on finding and convicting his killer. Believing that Minnie is this killer, they seek the motive necessary to convince "twelve good men" that Mrs. Wright is guilty of the murder of her husband. For them, evidence is factual and their version of "justice" is based solely upon a consideration of the facts they gather and a retribution fueled by vengeance.

Although initially Mrs. Hale and Mrs. Peters are along more or less for the ride, to pick up personal belongings for the accused woman, it soon

[2]Through historical reconstruction and autobiographical research of the writings of nineteenth-century women, Elaine Hedges argues that by "decoding" the trifles found at the crime scene, Mrs. Hale and Mrs. Peters "develop their sense of identity as women with Minnie Wright, and demonstrate their sisterhood with her by acting to protect her from male law and judgment" (90). Phyllis Mael further theorizes that "because [Mrs. Hale and Mrs. Peters] empathize with the missing woman, having led similar though different lives, they make a moral decision to hide potentially incriminating evidence" (281). Additionally, Beverly A. Smith considers the work "an example of female bonding," and examines the play "in relation to recent criminal justice, historical and law studies on spouse assault, female killers, and the trials of battered wives who strike back" (172). See Hedges, Mael, and Smith.

becomes apparent that they are Minnie Wright's legitimate counsel, jury, and judge. And as their roles shift, so does the focus of the investigation: rather than merely attempting to convict Minnie Wright of murder, the women pose the questions "What crime has been committed?" "Who is the victim?" and "Who is the perpetrator?" Rather than reacting solely to the death of John Wright, the women react to the absence of life—What happened to Minnie Foster? Why isn't her farm a home? Why is hers a life unaccounted for? Unlike the men, the women conclude that a different crime has been committed, and that the "crime" the men perceive is, in fact, justice being enacted. While the men see John Wright's death as the point of departure for their investigation, the women see his death as closure; not the beginning, but the end, and as such their role is to protect Minnie Foster, for true Justice will only be served if she is protected from the Law. While the women can seek Justice for other women, the men in charge of the case—by their very nature as men—can seek Justice only for men (their peers), and can only impose Law upon women.[3]

As the women wait in the kitchen, their concern for Minnie and their increasing curiosity about the peculiar state of her affairs in the kitchen is repeatedly trivialized by the men. At one point, when the three men leave the kitchen to visit the scene of the crime, the prosecutor tells the two women to keep their eyes out for a clue to Mrs. Wright's motive—the only missing piece of the holy juridical trinity of means, motive, and opportunity. However, this charge is immediately followed by the query, "But would the women know a clue if they did come upon it?" (21). The irony of this jest at the expense of womankind is soon apparent, for it is the men who fail to recognize the clues left strewn about the kitchen. As readers, we are left to wonder: If these men don't know what to look for, and can't recognize and understand what they do find, then how can they be qualified to judge this woman? And can they even reliably determine the nature of the crime that has been committed—can they determine who perpetrated what crime upon whom?

The men's inability to see the facts of the situation is emphasized by Mrs. Hale and Mrs. Peters's ability to deduce the discouraging course of Minnie's life over the previous 20 years. In addition, although the male characters see no relevant clues in the kitchen, the women, once alone, notice evidence in the mere state of the kitchen: All is amiss—the lid is off the sugar canister and a half-full bag is sitting next to it; there is a dish towel in the middle of the half-wiped kitchen table; and the squares for the quilt she is piecing consist of

[3]The reverse is also probably true: had women a monopoly on governmental and legal control, they too could provide Justice only for other women but could only impose Law upon male citizens. However, in the turn-of-the-century setting of this story, women did not have societal power and were disenfranchised and without a voice in the courts.

"fine, even sewing" —except for one block, in which the sewing is crazy (31). What made this woman, they wonder, leave things half-done? What made her nervous enough to make her sewing "crazy"? What so distracted this woman, who even in jail worried about her preserves and wanted an apron?[4] Only women, and only women of similar social and geographical backgrounds, can recognize these clues. Foreshadowing of this "evidence" is given in the opening paragraph of the story, in which Mrs. Hale's eye makes a "scandalized sweep of her kitchen" as she is forced to abandon her bread-making half-done when she is unexpectedly called to the crime scene (4).

Again and again in their assessment of Minnie Wright's life, the two women speak of how lonely it must have been on the farm—and so quiet with no children. In her comparison of the story and the historical case, Susan Ben-Zvi claims that "Glaspell's most striking alterations are her excision of Minnie and the change of venue" (154). Ben-Zvi rightly argues that "by not bringing Minnie physically on to the stage, the playwright focuses on issues that move beyond the guilt or innocence of one person," and that by positioning the trial in her kitchen we are given a "composite picture of the life of Minnie Wright, Margaret Hossack, and countless women" like them (154). I believe, however, that the more interesting authorial revisions made by Glaspell in turning life into fiction include her removal of Margaret Hossack's nine children (five of whom still lived at home at the time of the murder).[5] Unlike Hossack, Wright had brought Minnie out to a lonesome house, down in a hollow, from which one can't see the road (and which Mrs. Hale admits not visiting because it was so lonesome and cheerless); and while the women confess that "not having children makes less work," they also recognize that "it makes a quiet house" (36). They agree that after years and years of nothing, if you then had a bird to sing to you, the stillness after the bird's death would be unbearable.[6] It slowly dawns on Mrs. Hale and Mrs. Peter that years and years of stifling, enforced solitude

[4]Minnie Foster Wright's request for an apron goes beyond embarrassment at her "shabby black skirt that bore the marks of much making over" and the wish to cover it up. Hedges convincingly argues that "Minnie's home has become her prison" (106) Agreeing with Mrs. Peter's assessment that "wearing the apron will perhaps make Minnie feel 'more natural,' " Hedges observes that "in moving from house to jail she has but exchanged one form of imprisonment for another" (106).

[5]Doing away with Margaret Hossack's children also simplifies the story in multiple respects: it limits the number of possible murder suspects to one and it eliminates the possibility of witnesses and accomplices.

[6]Ironically, Mr. Hale had stumbled on to the crime scene when he stopped by to ask Wright about sharing a telephone line. Wright had previously rejected the idea, saying folks talked too much already; but Mr. Hale hoped to convince him by asking him about it in front of his wife even though he "didn't know as what his wife wanted made much of a difference to John" (11).

was in itself a form of murder that must be avenged. John Wright slowly strangled Minnie's spirit over the previous two decades, isolating her physically and mentally from the community of women and holding her incommunicado. In light of this spiritual homicide, he is charged with—and found guilty of—destroying his wife creatively, procreatively, and communicatively.[7]

Yet, why do *we* find him guilty? Why do we readers take Minnie's point of view? When discussing "A Jury of Her Peers" in a classroom setting, students are all glad that Minnie gets off and that John Wright is dead. However, were one to poll the students before reading the story, few would suggest that killing a canary—the only "crime" that John Wright committed—is a capital offense. Thus, given the premise that one's gender, class, and social setting allow or prevent one from being a peer, the question becomes "how does Glaspell convince readers to view the scene from the point of view of rural, early twentieth-century American women?"

The answer is through empathy—an appeal to both our emotional and symbolic senses that allows us to "become" Minnie's peers. When Mrs. Hale and Mrs. Peters discover the bird cage—and then the strangled bird, wrapped for burial in a piece of silk and placed in a pretty box of a coffin—the sentimental impact is considerable, but what rescues the scene from devolving into melodrama is the way the narrative allows us to equate Minnie Foster and her pet canary. Just as the bird is dead, so—symbolically—is Mrs. Wright, once Minnie Foster, a girl Mrs. Hale describes as "like a bird . . . Real sweet and pretty but kind of timid and—fluttery" (37). Given their findings, we are convinced just as fully as Mrs. Hale and Mrs. Peters that they are standing in a crime scene just as much as the men, who are upstairs investigating the scene of John Wright's strangling. Furthermore, John Wright's acts of violence against his wife are symbolic. While it would have been easy for Glaspell to include actual crimes in the story, they do not exist—and they need not for us to fully side with Minnie.[8] Within "A Jury of her Peers," empathy allows one to read symbolically, and reading accurately leads to Justice. Without empathy, one has only vengeful Law.

In addition to making the Wright's marriage childless, and eliding overt reference to physical abuse, Glaspell made two other significant changes in

[7]It is interesting to note that, while almost all of Minnie's preserves burst when the farm was left untended and the fire went out, a lone jar of cherries remains intact. On a symbolic level, this may indicate that John Wright failed Minnie not only procreatively, but sexually as well.

[8]However, according to Ben-Zvi's article, in the Hossack case, which generated the story, John Hossack was guilty of physical abuse throughout their 33-year marriage, and Margaret Hossack even left him for a period. Ben-Zvi reports that "a neighbor testified that he had to act as a protector when Mrs. Hossack returned to her home 'in case her husband again maltreated her' . . ." (Ben-Zvi 149).

her use of the court case she had reported on over 16 years earlier. All of the revisions in the translation of the journalistic reporting of a murder trial into literature exploring the investigation help to guide the reader to the perspective of Mrs. Hale and Mrs. Peters; however, of these revisions, Glaspell's most intriguing came in her changing the "murder" weapon from an axe to a rope, and her ensuring at the end of the story that Minnie Foster/Margaret Hossack will never be tried in an actual court of law (154). These are the most substantive alterations because they change Minnie's role from that of *murderer* to that of *executioner*. Rather than merely being acquitted, at the closing of "A Jury of Her Peers," Minnie Foster Wright is exonerated. Thus although Minnie Foster does indeed cause her husband's death, she is not responsible for it, and rather than being innocent, she is justified; like the hangman, she cannot be guilty, for she is merely the arm of justice. Whereas the men think that slipping a rope around his neck is a "funny" way to kill a man when there is a gun in the house, readers—now empathizing with Minnie and agreeing with Mrs. Hale and Mrs. Peters—recognize this as the logical choice of symbolic gallows by his victim/executioner (27). Yet, this recognition is not without repercussions. We must likewise recognize that to agree that Minnie Foster Wright is exonerated is to force a re-evaluation of our accepted notions of justice.

At the climax of the story, Mrs. Hale speaks to Mrs. Peters woman-to-woman, "We all go through the same things—it's all just a different kind of the same thing! If it weren't—why do you and I *understand*? Why do we *know*—what we know at this minute?" (43; emphasis added). Mrs. Hale and Mrs. Peters are two disenfranchised women, unable to sit on juries. Yet they *are* Minnie Foster Wright's peers. And they recognize that the crime Minnie Wright is accused of is not the only crime involved. Mrs. Hale accepts her part of the communal guilt in Minnie's death—"she had lived neighbor to that girl for twenty years and had let her die for lack of life" (43). She tells Mrs. Peters, "That was a crime! That was a crime! Who's going to punish that?" (43). In the final scene, in which Mrs. Hale and Mrs. Peters silently agree to destroy the evidence that would hang Minnie Wright, the priority of *empathy* as the source of justice is clearly delineated by Glaspell. If Mrs. Wright were to have a fair trial, we are given to believe that it would be one like this—run by women in a female space.

As readers, we are ineluctably pulled into Mrs. Hale and Mrs. Peter's slip-stream of thought and reasoning. We agree with their reasoning, yet their deliberation is not dispassionate. We are won over to their viewpoint by the antithesis of reason—through the emotional appeal of a dead bird—the same dead bird that we are led to believe would hang Minnie Foster as proof of her motive, but that would be laughed out of court were it introduced as part of her defense. This image wins us over to Mrs. Hale and Mrs. Peters's point of view, yet there is an intangible element in this argument that goes beyond

pure sentimentality. A necessary corollary of accepting this argument is the assumption that "justice," by necessity, must also have an emotional component. If one agrees that Minnie Foster is not guilty of the death of her husband, one also agrees to a re-definition of the system of justice: crimes are no longer just overt acts, and Justice is more than just a reaction to them. Whereas the men began the story looking for an eye for an eye, in very concrete fashion, the women look at a much larger context of social concern and try to determine the first eye and even the symbolic eye. Thus while apparently a straight-forward murder mystery, "A Jury of her Peers" subverts the American justice system and re-defines Justice as neither wholly rational nor objective, but as requiring emotion and empathy and an ability to read and value figurative interpretations over literal ones.

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