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Story-Telling and the Preservation of Law & Justice

In Susan Glaspell's "A Jury of Her Peers," Minnie Wright is evidently guilty of murdering her abusive husband, John. Still, a metaphorical self-appointed jury of women secures her legal innocence in defiance of the law. While the narrative justifies this action, it also implies that deviance from the law is necessary to achieve justice in such an unfortunately common scenario for women in patriarchal societies. By outlining the separation between law and morality, "a Jury of Her Peers" promotes story-telling to rectify this shortcoming. The botched case of Minnie Wright proves that when stories go unheard, dishonesty finds its way into a case, contributing to the degradation of law as a tool of justice.

"A Jury of Her Peers" takes place in the isolated home of John and Minnie Wright. While Mr. Hale (a witness) and Mr. Peters (a detective) search for Minnie's motive for killing her husband, their wives take it upon themselves to solve and judge the case. After noticing what the men describe as "trifles" in the home that suggest a psychologically and potentially physically abusive relationship (Glaspell 264), the women conclude that Minnie's actions are morally justified based on what contemporary lenses recognize as Battered Women's Syndrome. Battered Women's Syndrome is a unique psychological state experienced by abused women that occurs when a woman is traumatized and feels unable to escape the violence around her (Tayler 371). This often causes women to resort to spousal murder. The moral value of personal narrative is intrinsic to this story; however, it is the value of a reliable, empathetic interpreter that Glaspell rightly emphasizes. Since Minnie is not around to speak for herself, Mrs. Hale and Mrs. Peters must use inference to the best explanation to solve the case.

Inference to the best explanation is a philosophical term that refers to the act of drawing the most reasonable conclusions based on the evidence available; it is the foundation of criminal investigation (Johnson 707). Unfortunately, this process can often lead to unreliable findings due to the nature of inference; it is impossible to know the totality of events based on pieces of evidence (Johnson 726), especially in cases where the victim is deceased. This problem highlights the significant role of reliable interpreters where stories and law intersect. Although the risk of incorrect conclusions cannot be eliminated, it can be minimized through the understanding of one's personal narrative, exemplified by the women in "A Jury of Her Peers." The aim of inference to the best explanation is not to achieve objectivity but intersubjectivity (Johnson 726). Intersubjectivity refers to the shared perception of reality between individuals. This concept is essential to cases decided by juries, as such cases often require unanimous decisions, thereby requiring consonance among jurors' perceptions. Furthermore, intersubjectivity between a defendant and jury can be the difference between prosecution and jury nullification. In "A Jury of Her Peers," intersubjectivity is lacking as the men, blind to Minnie's narrative, fail to realize the context of the crime, causing a lack of harmony between the perceptions of opposite genders. Evidence is not reviewed carefully and holistically, and the crucial intersubjective perception of stories on behalf of the law is lost.

The emphasis on accurate, empathetic interpretation of evidence is most likely derived from Glaspell's own experience covering the trial of Margaret Hossack. Margaret Hossack was abused by her husband, John, and in 1901 she was convicted of his murder (Tayler 366). Glaspell wrote over twenty articles on the case, switching her tone from antagonistic to empathetic upon observing the dire circumstances of Hossack's home life (Tayler 366). It is not coincidental that in both the short story and real-life trial, the stories of oppressed women are only inferred to,

understood and validated by other women. It is through the shared experience of living in a patriarchal society that women gain an inherent understanding of each other's circumstances, proven by the fictional "jury," hence the importance of "A Jury of Her Peers" to the female jury movement (Anwar et al. 605). Glaspell's short story predicted the impact of female jurors ahead of its time. When female jurors were first introduced to the American legal system, overall conviction rates remained unaffected; however, cases with particularly gendered factors (e.g. sex offences, male violence against women, abortion cases, etc.) were significantly impacted by this change (Anwar et al. 603). Sex offences, in particular, were convicted at a 16 percent higher rate (Anwar et al. 607). At the same time, female defendants were persecuted at far lower rates than pre-reform, despite males still holding over 80 percent of jury seats (Anwar et al. 606). This large impact on the legal system by female juries is at the core of "A Jury of Her Peers," with the necessity of women's inclusion in law proven by a drastically different interpretation of evidence than male counterparts.

While "A Jury of Her Peers" and the case it is inspired by take place prior to the introduction of female jurors, Glaspell's narrative provides a pseudo-jury for Minnie via the characters of Mrs. Hale and Mrs. Peters; something Margaret Hossack was never granted. The women in the short story hold no legal power but functionally exercise jury nullification to exonerate their peer. Jury nullification occurs when jurors choose not to prosecute a legally guilty defendant based on moral reasoning (Tayler 377). Gender and morality transcend legality in this case as the women determine that Minnie Wright is not a criminal, despite her legal culpability (Tayler 376). The key piece of evidence — a canary with its neck wrung — functions both literally and metaphorically within the story. Literally speaking, the murdered body of a helpless, innocent animal proves John Wright's violence. Furthermore, it represents Minnie.

While she may not have been literally dead, she was metaphorically killed by John (Glaspell 277). It is this, as well as her own neglect of the situation, that Mrs. Hale believes is the true crime (Glaspell 278). Still, this evidence cannot be used in Minnie's favour because her dire circumstances hold no legal weight; in fact, it would lead to her prosecution. This deliberate ignorance of women's unique inner lives is mirrored in the Hossack case. Despite evidence of physical abuse by John, Margaret's defence tried to frame the couple as a happy one to avoid revealing a potential motive (Tayler 366). Both instances reveal discrepancies in the justice system. When the law cannot be relied upon to deliver justice in the face of truth, dishonesty becomes necessary, further contributing to the separation of law and morality.

Due to the lack of justice built into the law, the women in "A Jury of Her Peers" are forced to choose between morality and legality. This dilemma is exemplified especially by Mrs. Peters. She is "married to the law" through her marriage to the sheriff and must choose between her vows and justice for a fellow woman (Glaspell 280). While her decision to protect Minnie Wright is a noble one, she and Mrs. Hale tampered with evidence, which is a crime. From a purely legal perspective, all of the women in the story should be convicted. However, the conviction of a battered woman for acting in self-defence and her peers for protecting her in an act of mercy would be immoral. This dissonance raises the question of what the law is designed for if not to uphold the principles of justice. While it is impractical for the law to escape its absolutist nature in terms of what constitutes a crime, it is crucial to balance out its inherent apathy for people's circumstances — especially when such circumstances are a product of an inequitable society. Gaining an emotional understanding of a situation is just as crucial to justice as the legal facts of the case. When the law prosecutes indiscriminately in an inherently discriminatory society, it becomes a facilitator of oppression rather than a facilitator of justice.

When the law becomes unreliable not only in delivering justice to oppressed groups and individuals but liable to oppress, it is difficult to justify why people should trust and abide by such a system. In “A Jury of Her Peers,” the women are undeniably guilty of legal, if not moral, crimes. The narrative employs a functional jury to pardon Minnie Wright and inclines readers to pardon her ethically as well. However, the holistic solution to the systematic oppression of women and other minority groups is not solvable via the pardoning of a few desperate crimes; rather, legal reform should seek to understand why the women resorted to breaking the law instead of resolving their problems within the boundaries of the legal system. It is important to note that when “A Jury of Her Peers” was written, domestic spheres were beyond the scope of the law, and spousal abuse was a legally and socially acceptable means of control. The inner lives of women were not only virtually inaccessible but legally insignificant. Of course, this structure is incompatible with equal opportunity for justice. “A Jury of Her Peers” provides a simple resolution to this problem: narrative.

While Glaspell pays particular attention to the effect narrative has on the outcome of the case, the issue of how dissonance between law and narrative can influence a crime in the first place is also highlighted. Minnie’s isolation is one of the most noticeable factors to the women upon arriving at her home (Glaspell 257). Not only is it so far from the nearest neighbour that a carriage is required to make the trip, but a lack of phone lines and companions aside from her abusive husband — whom she is financially dependent on — effectively leaves Minnie voiceless. Mrs. Hale even acknowledges that her lack of communication with Minnie may have contributed to the circumstances which led her to murder John, stating, “Oh, I wish I’d come over here once in a while! That was a crime! That was a crime! Who’s going to punish that?... I might ’a’ known she needed help! I tell you, it’s queer, Mrs. Peters. We live close together, and

we live far apart. 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 this minute?" (Glaspell 278) Not only does Mrs. Hale acknowledge the intersubjective connection between women in a patriarchal society that allows her to understand Mrs. Wright's predicament through inference to the best explanation, but she also points out that Minnie's lack of accessible narrative is a factor in her not receiving the help she needs.

In detailing the inherent injustice of a merciless law, "A Jury of Her Peers" questions the justice of a legal system that persecutes morally permissible crimes. While the case of John Wright's murder outlines the dissonance between law and morality, it also provides a solution: story-telling. Through the power of narrative, it is possible to achieve an equally accessible legal system that functions as a source of justice rather than oppression. Narrative combined with empathetic listeners can minimize injustice in the law by increasing the level of intersubjective understanding within criminal cases. With these factors in mind, it becomes possible to separate legal and moral crimes and prevent legal crimes from becoming a moral necessity.

Works Cited

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