

WHAT SO PROUDLY WE HAIL

The American Soul in Story, Speech, and Song

STUDY GUIDE

Susan Glaspell “A Jury of Her Peers”

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I. About the Author

Susan Glaspell (1876–1948) was a Pulitzer Prize–winning playwright and novelist; a writer of short stories; and, for a short while, a journalist. She was born in Davenport, Iowa, attended Drake University in Des Moines, and worked for several years as a reporter at the *Des Moines Daily News* and other local newspapers, but she discovered early on that her interest was in writing fiction. Her first novel, *The Glory of the Conquered* (1909), became a national bestseller and drew a rave review in the *New York Times*. Subsequent novels in the early teens did almost as well.

In 1915, she was introduced to and fell in love with George Cram Cook, a wealthy, young rebel from Davenport. He came from a well-to-do background, but he was a philosophical radical, a leftist, and a sometime professor of philosophy at the University of Iowa and at Stanford University. Glaspell and Cook eventually moved to the East Coast, where they married and fell in with a set of avant-garde intellectuals. In 1915, they founded the Provincetown Players, a theater company located on Cape Cod, Massachusetts, which would have an important role in the history of the American theater. The company helped to launch the career of Eugene O’Neill, among others who went onto greater renown.

Glaspell also wrote plays for the Provincetown Players and became one of its most important actresses. Her 1931 play *Alison’s House*, based loosely on the life of Emily Dickinson, won the Pulitzer Prize for Drama. In her later years, in the 1940s, she returned to her Midwestern roots, living in Chicago and back in Davenport, but toward the end of that decade, she returned to Provincetown, where she died in 1948.

Although she was widely regarded during her lifetime, Glaspell is little read or

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performed today, with one major exception: “A Jury of Her Peers” (1917). It was adapted from her one-act play, “Trifles,” written and produced in Provincetown a year earlier. Set in the rural Midwest, it was inspired by an actual murder that took place in Iowa in 1900, which Glaspell had covered for the *Des Moines Daily News*.

The short story was an immediate hit. It was anthologized in that year and in many, many years throughout her lifetime. It was rediscovered in the 1970s by the feminist movement and has become a staple of women’s studies courses in colleges and universities in recent decades. In 1980, it was made into a movie and nominated for an Academy Award for Best Dramatic Live-Action Short.

II. Summary

Although the issues it raises are complex, the gist of the story is simple: Law enforcement officials and a key witness, joined by the wives of the sheriff and the witness, search the domestic scene of a crime, seeking clues to why the woman of the house might have murdered her husband. A farmer, John Wright, had been found—by a visiting neighbor, Mr. Hale—strangled to death by a rope in his bed. His wife, Minnie (née Minnie Foster), has been arrested, jailed, and accused of the murder. The story takes place the next day, when Sheriff Peters and the county attorney (Mr. Henderson), accompanied by Mr. Hale, visit the Wright house, seeking evidence that might convict the accused. Martha Hale, Mr. Hale’s wife, is summoned by Sheriff Peters to accompany his own wife as she gathers some things from the house to bring to Mrs. Wright in jail. The two women, formerly unfamiliar to each other, spend their time downstairs, looking through “kitchen things” and the like—dismissed by the men as mere “trifles”—while the “real” investigators search the bedroom upstairs and the outside barn. The men come up empty. The women do not. More penetrating in their vision, they piece together the sort of married life Mrs. Wright had lived. And, following up on a series of clues—including unfinished work in the kitchen; some crooked stitching on the quilt she had been sewing; a broken door hinge on an empty bird cage; and, finally, the corpse of a strangled canary—they also reconstruct Minnie Wright’s motive. In silent collusion, Mrs. Hale and Mrs. Peters choose not to disclose the clues that reveal the motive, thereby constituting themselves as a jury and tacitly acquitting Minnie of any wrongdoing.

III. Thinking about the Text

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To better appreciate what Susan Glaspell is doing in her tale, it is helpful to know about the true story that inspired it. On December 2, 1900, John Hossack, a well-regarded farmer, was murdered with an axe while sleeping in bed with his wife, Margaret Hossack. Convicted of the murder, Mrs. Hossack was sentenced to life in prison. But on appeal a year later, she was released for lack of sufficient evidence. The mystery of John Hossack's death was never solved. Transforming the real case into fiction, Glaspell takes the liberty of supplying the missing evidence and motive, as a result of which the characters, the crime, the search for the evidence, and the judgment rendered appear in a very different light.

More important, the fictional story—with its provocative title—raises large questions about law and justice and about judgment and punishment, questions very much alive today. It also raises questions about the role of gender in relation to law and justice: when the Iowa crime was committed, and even when the story was published, women in Iowa were not yet allowed to vote or serve on juries. For this reason, some people treat Glaspell's story largely as a political protest on behalf of women's rights. But in the story itself, the gender issues are much richer and subtler.

A. The Characters and the Setting

1. From what they say and do, what do we know about each of the characters: Mr. Hale, Sheriff Peters, County Attorney Henderson, Mrs. Hale, Mrs. Peters, Mrs. Wright, and Mr. Wright?
2. Look at the places in the story where Mrs. Hale refers to Mrs. Wright by her maiden name, Minnie Foster. Why might she do so? What effect does it have on her? On the reader?
3. Describe the Wright house, both physically and as a place to live. What is life like in this house? In this time and place? In this community?

IN CONVERSATION

In this conversation, Amy A. Kass and Leon R. Kass discuss Glaspell's story with Diana Schaub, coeditor of What So Proudly We Hail, and Christopher DeMuth, distinguished senior fellow at the Hudson Institute.

Diana Schaub: The date of the story is 1917. This is before the suffrage

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amendment and before the change in jury service, so it is a sort of brief for women's broader inclusion into public life.

Amy Kass: What came to mind immediately was that very haunting picture at the end of Tocqueville's *Democracy in America* of the pioneer woman whose life is very difficult and very harsh. She tries to bring to the frontier all of the little things of civilization, but she is basically drained of her life. And one of the things you see very vividly if you really try to get inside these characters here is what it must have been like to be a woman on the frontier, or in the plains when the weather was terrible and canning took all summer and laundry was a very big deal, without washing machines.

Leon Kass: I thought you were going to say of the pioneer woman in Tocqueville that she endured all of this because of her children. And what you see in this story is the crucial difference between the house with children and the house without them. Sacrifice in the house of Minnie Foster is not for the sake of the future; it is the frontier without that for which the frontier has been settled.

For more discussion on this question, watch the videos online at www.whatsoproudlywehail.org.

B. The Crime

1. What (and who) is responsible for the death of Mr. Wright?
2. Why was he killed?

IN CONVERSATION

Christopher DeMuth: John Wright is not simply a man who has the hard life of a farmer and providing for a home. He clearly is a terrible husband. He is cold, and he has no sympathy for his wife. We are not supposed to think that that is simply the perspective of Mrs. Hale, but rather it is the truth of the matter that John Wright did in a sense kill Minnie Foster. She used to be a singer, she used to be a happy person, and she was clearly on the brink of a nervous breakdown at

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the time her canary was strangled. She had this one little piece of happiness in her life, and something happened and he wrung the canary's neck. He killed the canary.

Amy Kass: The reader is urged to rethink the meaning of victim in this story. Mr. Wright is the one who has been killed, but the real trial seems to be of John Wright in particular, and of men in general, while Mrs. Wright comes to be seen as the victim. And that has something to do with the condescending ways in which the men speak about what the women do—and not only what the women do, but also their stupidity. “They wouldn’t even recognize evidence if they saw it.”

Diana Schaub: It is, in a way, the entire male sex that is put on trial because the behavior of the men in the story is a somewhat tamped-down version of what John Wright has done to his wife.

Amy Kass: You cannot help but feel some kind of sympathy for what the women are doing as you read along with this. There is one thing that is said about Mr. Wright in addition to the fact that he is reputed to be a good man in town, that he does not drink, that he pays his debts, and he does not beat his wife. Mrs. Hale says that Mr. Wright is “like a raw wind that gets to the bone.”

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3. Mrs. Hale, in response to Mrs. Peters’s assertion that “the law has got to punish crime,” answers, “I wish you’d seen Minnie Foster when she wore a white dress with blue ribbons, and stood up there in the choir and sang”; she then adds, “Oh, I *wish* I’d come over here once in a while! . . . That was a crime! Who’s going to punish that?” (23). Is Mrs. Hale guilty of a crime? Why does she think she is? Does she deserve punishment?

C. Men and Women, and the Search for Evidence

1. The men and the women in the story have decidedly different outlooks, sympathies, and insights, and perhaps even different views of justice.

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Carefully describe those differences. With which group do you most sympathize, and why? (Before answering the question, try to make a positive case for each group.)

2. Why are the women better able than the men to discover the motive for the murder?

IN CONVERSATION

Leon Kass: I think the gender differences are very important to the story. It's an arduous life, a farming life, and there is a division of labor of different spheres: the women tend the inside; they tend the kitchen and the hearth; they provide for the daily things of daily life. And the job of the men is to make a living arduously and, at least through the law, to protect and keep the peace.

The differences are connected with different views of the world: the women have a much more interior view of things, whereas the men look at the surface. The men look for the evidence; the women see through the evidence to its meaning. The men seem coldly rational, while the women attend life through feeling.

Maybe those are products of the culture of the time, and maybe they have something to do with differences in men and women. The story shows the inadequacy of a merely male-oriented, external, rational understanding of the events of life. The men are supposed to be making it possible for domestic life to flourish. But they cannot read the truth of domestic life in the way that makes them understand this particular assault on domestic life. It is only the women who understand what it is that is to be defended that enables them to see the truth of what has happened.

Amy Kass: But it is not simply on the basis of their feeling. They *see* evidence that the men would never even look at. And our attention is drawn over and over again to their discernment and their seeing.

Diana Schaub: Isn't that connected with their empathy? It seems to me at every point it is the women's empathy that enables them to see the things the men do

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not see. Their superior cognition is really related to some form of emotional intelligence.

Leon Kass: The men are obtuse. They do not see very well. But, if you simply set it up in this stark way and you dismiss the perspective of the men, you lose the opportunity to really think of this as a puzzle. Which sort of orientation is closest to doing the work of justice and judging and enforcing the law?

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3. Why do the women withhold the evidence that would have supplied the motive? Are they knowingly rendering a verdict of “not guilty”? Or are they forgiving her for the murder?
4. Do you approve of their decision? What would you have done in their place? Does your answer depend on your sex (or the sex of the accused)? On the historical time in which the crime took place? Or something else? If the person killed were a brother of yours, would your answer be different?

IN CONVERSATION

Leon Kass: Mainly, I do not approve of their decision. As a citizen, I deplore it. Whatever your feelings of sympathy might be for the accused, the law requires that, at least with respect to the investigation, we disclose what happened, and if one wants to plead for mercy on the basis of sympathy, one can do it at the trial or at sentencing or at some other time.

But there is a curious thing: I said mainly no and, as a citizen, I continue to say no. But, the story is about a jury of her peers, namely Mrs. Wright’s peers. The reader is put in a position of constituting him or herself as part of a jury of the peers of these two women who withheld evidence. I find myself sympathetic to them. In other words, as one reads the story, you are able to see the whole crime through their eyes, and you can say, “The law is the law”—but there is such a thing as either equity or justice. And it is not just female solidarity. They have

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understood something. They have found a notion of justice in which Minnie Foster Wright is not guilty. And we are, as a jury of *their* peers, so sympathetic to them that our initial presumption that they have done wrong is at least qualified. So I am bothered. I mostly think they did wrong, but why is it that I am so sympathetic to what they have done?

Amy Kass: Because you are both a human being and a citizen.

Leon Kass: But it is not that I am a sappy human being who has been softened up by decades of feminism; it is that they have enabled me to understand the entire crime. And they do this because they understand the inner meaning of the house, they understand that this is in some ways just. In a certain way, Mr. Wright got what he deserved. That is what you mean by justice, and there is a sense of justice which is not simply law-abidingness.

Diana Schaub: So there is a larger justice that they have achieved here, is that right? I guess I'm not prepared to agree with that. There is a murder that goes unpunished because they committed obstruction of justice. There has also been a loss of marital trust, particularly by bringing Mrs. Peters into this. She is married to the law, and now she is going to be engaged in this cover-up for the next few months. I do not see that they have done Minnie Foster any favor, and it seems to me the women have proved their own unsuitability for ever serving on a jury or ever being granted the vote. Juries are really at the heart of our justice system. This is an issue central for a self-governing people.

Amy Kass: I agree with both of you. There is a subversion of legal justice. But the justice that we are talking about is different from legal justice, I suspect. I think there is a certain sense in which Mr. Wright gets exactly what he deserves.

Diana Schaub: But that cannot be the full story. These women only see the woman's side. I take it he has a story too.

Christopher DeMuth: So what if there were a bunch of men putting together his side of the story?

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Diana Schaub: Right. Maybe his hard soul was deformed at some earlier point in his own life. But that is a kind of omniscience that human beings do not have.

*For more discussion on this question, watch the videos online at
www.whatsoproudlywehail.org.*

D. Law, Judgment, and Justice

1. Was justice done? To Mr. Wright? To Minnie Foster Wright? To the law?
2. Who is fit to sit in judgment of Mrs. Wright?
3. What is the meaning of the story's title? Does it raise a question, or does it rather provide an answer about who is someone's peer, fit to judge?

IV. Thinking with the Text

The story raises questions less about the justice of the law and more about its proper enforcement, less about the obligation to obey it and more about how—and who is—to judge those who may have violated it. It is commonly thought that we are legally entitled to a trial by a jury of our peers (or “equals”). But the United States Constitution, in its Sixth Amendment, simply guarantees the right to “a speedy and public trial, by an *impartial* jury of the State and district where the crime shall have been committed” (emphasis added). And the Fourteenth Amendment to the Constitution adds only that no State shall “deprive any person of life, liberty, or property, *without due process of law*” (emphasis added). The notion of a “jury of one’s peers” has its origins in the Common Law; it can be traced back to the Magna Carta (1215), chapter 39 of which states that “No freeman shall be taken or imprisoned or outlawed or exiled or in any way destroyed . . . except by *lawful judgment of his peers* or by the law of the land” (emphasis added). (“Peers” in this context meant members of the same class. Notice, too, that “judgment of his peers” is not the same as our (right to) trial by jury: Judgment by one’s peers is not required if the person has clearly violated the law of the land.) In the United States in recent decades, there has been much controversy about jury selection and jury composition, and there have been famous cases of what is called “jury nullification,” where juries choose to ignore the weight of the evidence and reach a verdict in favor of a defendant for whom they have greater sympathy. With this background, consider the following questions.

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A. Civic Obligation and Law Enforcement (For these questions, consider the story in conjunction with Abraham Lincoln’s “The Perpetuation of Our Political Institutions.”)

1. What are the obligations of sworn jurors—or any other citizen—to the enforcement of the law? What is the relationship between the “letter” of the law and its “spirit”? Can—or should—the law’s “letter” be applied fully in every case? If not, how—and who—determines this?
2. When, if ever, may one be excused for taking the law into one’s own hands?
3. When, if ever, is it permissible to withhold evidence? Would you want jurors in a trial for a crime *committed against you* to behave as Mrs. Hale and Mrs. Peters did? Would you wish their reasons to govern the juries of your peers?
4. In “The Perpetuation of Our Political Institutions,” Abraham Lincoln traces the dangerous effects of Americans’ slide into lawlessness and urges Americans to “reverence” all laws, even bad ones: “Bad laws, if they exist, should be repealed as soon as possible, still while they are in force, for the sake of example, they should be religiously observed.” How would Lincoln’s argument apply to the case of Minnie Foster? Do you agree? Defend your answer.

B. Understanding, Empathy, and Judgment

1. To what extent do or should a suspect’s circumstances and motives excuse the commission of a crime? Of a crime as heinous as murder?

IN CONVERSATION

Amy Kass: I think that the investigation, like all criminal investigations, should really be fact-driven. And the evidence should be turned in. But other things can be taken into consideration during all the other aspects of the trial—the prosecution, the jury’s hearing, the judgment, etc.

Leon Kass: I, too, am inclined to say that the place for these considerations really is in the domain of sentencing. And I think one should probably be more rigorous in the prosecution of murders than, for example, certain petty crimes. Wouldn’t

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you think that if you had a man on trial for robbing food from a grocery store that, as part of the consideration of guilt or innocence, it would matter and be appropriate to ask whether or not he did this to feed a house full of children who had no food, like Jean Valjean?

Diana Schaub: I would say this extra consideration only comes in at the sentencing, or that it comes in at the phase of the prosecution—that is, when the prosecution decides what charges it’s going to bring, if it is even going to bring any. But at the phase of the jury trial, the jury is charged with a determination of the facts, and it seems to me that all of this talk of empathy is really disintegrative of our system. It is very hard in an age of compassion to speak against empathy, but I would like to make the case against empathy. A special quality of judges and jurors is impartiality: Lady Justice is always depicted as blindfolded. Why is she blindfolded? Because she does not see persons. If she sees persons, she might empathize with some rather than others, and that leads to a skewing of justice. While God’s justice is omniscient—He takes the blindfold off—none of these human beings are capable of that.

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2. What is the relevance, and what are the limits, of empathy and understanding when it comes to enforcing the law? Is it really true that to understand is to forgive?
3. Someone has said: “Empathy has no place in judging guilt or innocence, though it may properly enter in sentencing and determining punishment.” Do you agree? Why or why not?
4. One commentator suggests that, in the story, the men—concentrating on the external deed and the visible evidence—are practitioners of *human* justice, whereas the women—seeing more deeply into minds and hearts, and effectively practicing mercy and forgiveness—are practitioners of something more like *divine* justice (and mercy). Assuming that this description has some merit, do you think that it is good for human justice—“the law is the law”—and for the political community to be modified by the intrusion of elements of God’s justice? What might this imply for jury selection, or, even for the selection of judges?

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C. Who Should Judge?

1. Who is our “peer,” fit to judge us?
2. Do men and women—or people of different races, religions, and classes—have different standards of what is just or how to judge? If so, what should the law do about this? Is one or the other standard to be preferred? Which one, and why?
3. Should the principle for jury selection be *impartiality* in judgment (the Sixth Amendment’s guarantee) or *equality* of discernible traits (choosing “peers” of the same sex, race, class as the accused)?
4. Is impartiality of juries impossible, and is its pursuit a fiction?
5. Are *you* capable of an impartial weighing of the evidence and rendering of judgment? How would *you* have ruled if you were on Minnie Foster Wright’s jury (assuming the women did not withhold the evidence they found)? Would that decision be truly impartial? Do you think most people are like you? If not, why not?

IN CONVERSATION

Diana Schaub: This story is a denial of the aspiration of impartiality, and it substitutes another standard, a jury of one’s peers. And even though people use this phrase a lot, it is not in the Constitution. It seems to me that a jury of one’s peers is proper to a regime characterized by inequality, or a class-based regime like England, where it originated. But in America, where the premise is equality, then we should not think so much about a jury of one’s peers as constituted of folks just like you—your gender, your race, your little neighborhood—but instead in terms of the impartiality that every citizen ought to aspire to.

Leon Kass: We do have, according to the Constitution, not just an impartial jury, but an impartial jury of the state and district where the crime shall have been committed. So, perhaps the question is this: what is the Constitution aiming at when it specifies that the jury must come from the same state and district? Is that a sort of shorthand for people who are like you, who know the circumstances of your life? If so, does that point us toward people who might be sufficiently sympathetic to the life in which the crimes have been committed so that they

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could judge most richly and not simply abstractly according to the letter of the law?

I take it that the requirement of a common district is not so much to produce a sympathetic jury as to produce a jury that would be free of negative prejudices. It is to weed out people who could not possibly understand the world in which the crime takes place—not that you would thereby gain neighbors who would be more inclined to be friendly, for presumably both the victim and the accused are from the same community and therefore of equal standing before the law.

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