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| |  | | --- | |  |  |  |  |  |  | | --- | --- | --- | --- | | [Joyce A. McCray Pearson](http://www.law.ku.edu/faculty/pearson.asp)  University of Kansas School of Law Library     |  | | --- | | [Unabridged article (pdf file)](http://docs.google.com/womlawlit.pdf)  [Readers' comments](http://docs.google.com/user_feedback.htm) |       The image of the woman attorney in the film is not based upon her legal prowess, but on her sexuality. In fact, the overall message of the film suggests that it was her sexuality that caused her murder: "the lady was bad news." is the phrase used repeatedly to describe her. | |  | | --- | | **Women: The Good, Bad or Ugly in Law & Literature Text**  by Joyce A. McCray Pearson  *Antigone, Trifles, A Jury of Her Peers* and *Presumed Innocent*. What do these literary pieces; a Greek tragedy, an early twentieth century play and short story, and a contemporary film have in common? The common thread between them is that they depict women who where compelled to murder, or defy the law. As the title of my article suggests, one of the women did something good. Antigone's act of defiance represents a good deed, a moral act that moved critics to describe her as the "heroine of civil disobedience". An act of civil disobedience that eventually produced legal and political reform. Minnie Wright represents the bad in the title; she allegedly murdered her husband in *A Jury of Her Peers*. The admitted murderess in the film *Presumed Innocent* definitely represents the ugly in her carefully planned murder of her husband's former lover.  There are many legal issues in the texts and film. Natural (divine) law and positive (man made law or law of the state/polis) law, civil disobedience and male/female perspectives of the law are central issues in a discussion of Antigone. Physical/psychological abuse or domestic violence and an exclusively female jury's perspective of murder are the central focus of *Trifles* and *A Jury of Her Peers*. *Presumed Innocent* is, unfortunately, about everything that is wrong with the legal system and questions the relationship between law and justice.  The law and life are inseparable. And that is precisely why there are so many novels, plays and films based on legal issues or with lawyers as central characters.  **Antigone**  ***The Story and Setting***  Modern psychologists and clinical sociologists use the phrase "dysfunctional family" to describe a family unit which suffers from serious problems such as alcohol or drug abuse or incest. Antigone, the main character in this ancient Greek tragedy, comes from such a family. Her father, Oedipus, once king of Thebes and solver of the riddle of the sphinx (what walks on four legs in the morning, two legs at noon, and three legs in the evening? - man) As Mark Howenstein puts it, Oedipus "*...*comes to realize the underlying horror of his existence. Throughout the play his insatiable hunger for knowledge propels him down a dreadful path of self-discovery. His relentless inquiry into the causes of King Laius' death reveals that he has unknowingly killed his father and married his mother, and has incestuously begotten four children by her. Overcome by disgrace, he gouges out his eyes and goes into exile, attempting to escape the misery that he alone has wrought."  After wandering for years in exile with Antigone, Oedipus finally settles at Colonus, a sacred grove, an appropriate place to die and find peace for his wretched soul. Creon, Antigone's uncle, tries to lure Oedipus back to Thebes to no avail. Oedipus dies, so no longer needing to care for their father, Antigone and her sister Ismene return to Thebes. Antigone's brothers, Polynices and Eteocles, fight for control of the kingdom and slay one another in combat. Creon succeeds to the throne. Eteocles died fighting for his country and is thus entitled to a proper burial. Creon issued an edict which forbade anyone to bury Polynices. His body is left exposed to the elements, to rot and be eaten by beasts and birds because he fought against his native city and is deemed a traitor.  Antigone is left with a moral dilemma. Should she abide by her familial obligation to her brother and the holiest laws of the gods which require one to bury one's deceased kin? Or obey the edict - man made law of king Creon? Haemon, Creon's son and Antigone's fiancé, contests the law, but Antigone boldly and openly defies it. She buries Polynices. Creon plans Antigone's punishment and banishes her to a sealed cave to die a slow and agonizing death. Later, Creon reverses himself, buries Polynices and orders Antigone's release from the cave. But his change of heart came too late. Antigone hangs herself in the cave, and when Haemon finds her body he stabs himself. Creon's wife, Eurydice, commits suicide upon learning of her son Haemon's death leaving only Creon and Ismene to agonize over all the deaths in the family.  **Multiple Legal and Philosophical Issues**  Legal thinkers, scholars and philosophers continue to analyze Antigone and its numerous themes. In Costas Douzinas' philosophical article on ontological and psychoanalytical ethics he maintains that:  "Antigone is as important for the exploration of the origins and the force of law as Oedipus is for the foundation of identity. We are all aware of the jurisprudential and speculative readings of Antigone. The tragedy concerns the unfolding of a series of conceptual juxtapositions, embodied and represented by the two diametrically opposed protagonists. The key conflict may be that between divine and human law, or between law and justice, family and state, or individual and society; but its narrative presentation always follows the same path.  ...But it is Antigone, the daughter of Oedipus, who has guided the steps of philosophy and psychoanalysis to the primal scene from which jurisprudence emerges, and from which it never leaves."  A mainstay of the law and literature curriculum, Sophocles' Antigone is among the purest examples of natural law theory. It contains the moral absolutism that underscores natural law theory and suggests dramatic contrasts with legal positivism, the dominant force in modern western law.  **Trifles and A Jury of Her Peers**  True life events are often the source of plays, novels and movies. Susan Glaspell based the play *Trifles*, which was a year later transformed into the short story *A Jury of her Peers*, on an actual case. Decades later in 1981, it was adapted by Sally Heckel into an Academy Award nominated film. The actual case was the 1901 trial of Margaret Hossack, in *State v. Hossack*, 89 N. W. 1077 (Iowa 1902). Hossack was convicted of murdering her husband with an axe while he was sleeping in bed. There was evidence introduced at the trial of Mr. Hossack's physical and emotional abuse of his wife. Susan Glaspell became familiar with the case as a reporter for a Des Moines newspaper. She was assigned to cover the case shortly after the murder of John Hassock. She had no experience or exposure to the law or the courtroom. The investigative reporting of the murder would be her introduction to the criminal justice system. There is no doubt that the Hossack (1901) case inspired the play *Trifles* and *A Jury of her Peers*. But it took Glaspell fifteen years to pen *Trifles* (1916) and *A Jury of Her Peers* (1917).  The setting for all three works - the play, short story and the film - is the same: a gloomy farmhouse kitchen. John Wright, recently strangled, and his wife Minnie, who claims innocence and is in prison for the crime, are never seen. Five people travel to the Wright farmhouse to investigate - the sheriff, Mr. Peters, the prosecuting attorney, Mr. Henderson, Mr. Hale a neighboring farmer, Mrs. Peters, the prosecuting attorney's wife who has come specifically to gather clothing for the accused woman and Mrs. Hale, the farmers wife. Throughout the short story you never hear the voice of Mrs. Wright. You only hear her words through the account of the conversation Mr. Hale has with Mrs. Wright when he comes to her house to speak with her husband John. He came to the farmhouse to ask John if he would like to have a telephone installed in his house.  "'Can I see John?' 'No,' says she kind of dull like. 'Ain't he home? says I. Then she looked at me. 'Yes," says she, he's home.' 'Then why can't I see him?' I asked her, out of patience with her now, "Cause he's dead,' says she, just as quiet and dull, and fell to pleatin' her apron. 'Dead?' says I, like you do when you can't take in what you've heard. .... 'Why, what did he die of?' "He died of a rope round his neck,' says she; and just went on pleatin' at her apron. "Who did this Mrs. Wright?" 'I don't know,' she says. You don't know?' ..... 'Weren't you sleepin in the bed with him?' 'Yes,' says she, but I was on the inside.' 'Somebody slipped a rope round his neck and strangled him and you didn't wake up?' says Harry. 'I didn't wake up.' she said after him'."  The different perspectives of the men and women are immediately evident. The men carry the weight of authority, they are charged with the investigation of the murder. Based upon the time of the setting, 1916, the men would decide what is relevant under the law and act as judge and jurors, responsible for deciding the fate of Mrs. Wright. The women are marginalized, they can't serve on juries, their abilities are perceived to be limited to domestic duties of cooking, sewing and housekeeping. After the men enter the house they take charge attempting to solve the crime based upon the evidence at the scene. Although they are searching for a motive for the killing, "something to show anger - or sudden feeling," they spend only a few minutes in the kitchen, where Mrs. Wright has spent most of her life. The things in the kitchen are irrelevant to the men, and they laugh at their wives and Mrs. Wright for their concern over domestic "trifles" and criticize her poor housekeeping.  The women act as the true judge and jury. In the most significant dialogue and scenes in the play and story, the women discover the evidence, a clue that the men, if they discovered it could point to the motive of the crime, the specific event that could have triggered Mrs. Wright's violent reaction. They find the most incriminating evidence, the dead body of a songbird - canary in Mrs. Wright's sewing box, gingerly wrapped in a beautiful piece of silk, as if in preparation for a sacred burial. The bird's neck was broken, twisted, the life "choked out of him". The women deduce that Mr. Wright strangled Mrs. Wright's bird, her only source of joy in that lonely house. It was that final act of cruelty that made her commit her violent act of revenge.  **Presumed Innocent**  I chose to include a film, a different literary medium, to point out the difference in contextual communication between written word and film. Sometimes film is a better vehicle for expressing images that relate to identity and power. Novels, whether intentionally or unintentionally often shroud the story from the reader. When a novel is eventually made into a movie you often hear people comment that "the book was better than the movie". In the case of *Presumed Innocent*, arguably the movie was better than the book.  **The Story - In Brief**  Rusty Sabich chief deputy district attorney investigates the rape and murder of female attorney, Carolyn Pohlemus, another deputy. His boss, the D.A., is up for election, he loses, and new D.A. Della Guardia takes office. After the election Sabich is charged with the murder of Pohlemus based on evidence at the scene of the crime. His fingerprints are found on a glass, a semen sample taken from Pohlemus matches Sabich's blood type, phone records indicate they communicated, and after a search of his home they find traces of Pohlemus's blood and traces of her carpet fiber. In the meantime the D.A.'s office is under internal scrutiny. A bribery file (b-file) points to a D.A. that took a $1,500 bribe which was paid to a judge, the judge who just happens to preside over Sabich's trial.  Sabich's attorney Stern is very good, but he has help from an informant friend Lipranzer who hides the most damaging evidence, the fingerprinted glass. They never find the murder weapon. Witnesses lie on the stand. Stern trips up the pathologist. Pohlemus's tubes were tied so she wouldn't have used a spermicide and somehow they deduce then that the semen sample had to be from someone other than Sabich. Stern threatens to disclose the judge's involvement with the b-file. The judge dismisses the case, Sabich walks. But that is not the end.  One afternoon as Sabich is rummaging through his toolbox he finds the murder weapon, a small hammer soaked with blood and blond hair. Barbara, his wife, enters as he's cleaning off the murder weapon. "I did it", she says. The words have double meaning; she's speaking of her job interview, he thinks she's confessing. In the final scene of the movie she tells her husband what she did and why. She claims she would have confessed in time to save her husband's life. But would she really have done so? And who would believe her?  **Female Identity - Women and Power**  The image of the woman attorney in the film is not based upon her legal prowess, but on her sexuality. In fact, the overall message of the film suggests that it was her sexuality that caused her murder: "the lady was bad news." is the phrase used repeatedly to describe her. Even though she is violently murdered before the narrative begins she remains a sexualized presence throughout the film through flashbacks and reminiscent day dreams. One of the lines in the film summarizes the way the male attorneys viewed Pohlemus. Note the order of each descriptive word or phrase used to describe her. "What a waste, (referring to the murder) beautiful, sexy gal, hell of a lawyer." She was a "hell of a lawyer" last, beautiful and sexy first. The film portrays her as an ambitious and talented, yet promiscuous, attorney who had a sexual relationship with almost every male character in the movie.  The women have control and power through their sexuality and violence in *Presumed Innocent*. The legal system is portrayed as a bumbling machine that is more concerned with hiding human flaws and frailty than serving justice. As often is the case, the real criminal remains free. The "ugly" referred to in the title of the paper could apply to everyone, not just the women, in this film.  **Conclusion**  Who are Antigone, Minnie Foster Wright, and Barbara Sabich and why did they do what they did? One woman was compelled by natural law and familial love to defy the law, the others were motivated by anger or desperation to kill. Did they have purely female reactions to their circumstances or did they behave simply as human beings? What all three women have in common is that they felt they had no other choice; each one could have ended her story with the same words of Barbara Sabich:  "You understand what happened had to happen. It couldn't have turned out any other way. A woman's depressed with herself, her life… She feels power, control, the sense that she's guided by a force beyond herself… And life begins again."  Posted December 17, 2003 |   **Would you like to comment on this article? Please submit your comments** [**here.**](http://docs.google.com/submit-comments.htm) |  |  | | --- | | [Top of page](#gjdgxs) |  |  | | --- | | [Home](http://docs.google.com/index.html) | [Silver Screen](http://docs.google.com/silver_screen.htm) | [Small Screen](http://docs.google.com/smallscreen/small_screen.htm) | [News & Views](http://docs.google.com/newsnviews.htm) | | |