

West, Robin. "Invisible Victims: A Comparison of Susan Glaspell's *Jury of Her Peers*, and Herman Melville's *Bartleby the Scrivener*." *Cardozo Studies in Law and Literature*. Spring – Summer 1996: 203-205, 229-249. *JSTOR*. Web. 10 March 2011.

According to Robin West, the perpetrators of the harms that individuals sustain continually and gradually become punishable by law. She excludes those who are part of, or have coinciding interests with powerful structures within the hierarchy of our society. As a result of the legal neglect of the victims of these situations, the wrongs themselves become imperceptible, even by the victims themselves. West explains the "law and literature movement," (204) citing authors who have written in order to explore and make heard the stories of the ignored ills that some humans are subject to in our imperfect world.

West goes on to introduce her study of Melville and Glaspell's two works as they address the "legitimization" (205) of the pain inflicted and the oppression imposed on two marginalized groups: traditionally married women, and laborers. The accusations against the law are embedded in both texts; the deficiencies of our system subtly revealed through stories that appear to have little to do with the issue at hand. This approach reflects the way in which the law creates a void of justice in which some are abused by individuals and groups for whom the path is legally clear.

What follows is a summary of the plot of the story and an explanation of the actions of the women in "*Jury of Her Peers*." One of the most significant events, and the most relevant to West's thesis, is the two women's decision that she should be excused for her actions as a result of their empathy for the guilty woman. The underlying idea behind the women's conversation is that the judicial system that Mrs. Wright would be subject to is flawed in that it does not recognize the suffering that women undergo in the institution of marriage. What makes marriage an ordeal for women is the lack of fulfillment of their emotional needs as they are cut off from

the communities whence they came. This sad state is shown in Minnie Foster's case by the condition of her abandoned kitchen, which coupled with unfavorable company of her husband explains the pitiful and isolated existence she leads.

West moves on to discuss Glaspell's intent and inspiration for this short story. The absence of motive was key in a real life case of a man's murder by his abused wife, just as the bird with the wrung neck is the motive in Minnie Wright's fictional case. Glaspell, as a feminist, was horrified by the necessity on the defendant's part to falsely assert that she had been happily married in order to work toward her own interests within the flawed legal system. The lack of physical abuse in Glaspell's story marks the power that misery borne of isolation can wield over a person. It is a force that the other two women recognize with ease, and that the reader sympathizes with.

The article is concluded with an analysis of the usefulness of "*Jury of Her Peers*" in today's world. In drawing the power of the familiar with realistic situations and characters that spring from the realm of fiction, Glaspell reminds the reader of the ills that are still silently propagated by our legal system.