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CHARADES: RELIGIOUS ALLEGORY IN 12 ANGRY MEN

BRUCE L. HAY*

You're much deceived. In nothing am I changed
But in my garments.1

“This kid is guilty, pal. It’s as plain as the nose on your face,” Juror #7 tells Henry Fonda, who is standing before a mirror in the men’s bathroom.2 He is giving Fonda a hard time for insisting on further deliberations. Played by Jack Warden, Juror #7 is the film’s cynic, its amoral joker, the one true nihilist among the jurors. He spends the movie telling jokes, playing tricks, and lampooning the other jurors. He does not really care what happens in the case; his vote is for sale to the side he thinks will win most quickly so he can get to tonight’s ball game. He tosses wadded balls of paper in the air while he waits.

Jester figures like this—think of Lear’s Fool—often provide important commentaries on the stories they appear in. Their seemingly idiotic words or actions contain, just below the surface, deep insights into what is going on around them. Juror #7 fits the type, though he is blissfully unaware of it. The bathroom scene establishes his credentials. He says the defendant’s guilt is as plain as the nose on someone’s face. Twisted around, this remark turns out to be almost exactly true; he has revealed the critical bit of evidence in the case. The case will collapse when the jurors finally look closely at the marks on the nose on someone’s face.

For this reason, I am inclined to take Juror #7’s antics seriously. Thickheaded as he is, this man may be giving valuable clues to the meaning of the film. His constant references to games, deceptions, double meanings; his deadpan jokes, mocking voices, sleight-of-hand tricks; the way he sneers at the others’ attempts to parse the evidence in the case; the fact that he faces

* Professor of Law, Harvard University. I thank workshop participants at Harvard for their comments, and Nancy Marder for the invitation to participate in this symposium.
2. Throughout this essay I quote directly from the film 12 ANGRY MEN (Orion-Nova Productions 1957), which sometimes departs from the published script.
"It's as plain as the nose on your face."

the camera, not Fonda, while delivering the line about noses—perhaps he is giving everyone a hint. When he says not everybody gets what's going on, he might not just be referring to the other characters in the movie. He might be referring to us.

This is a movie about people who see without perceiving, who hear without understanding. The witnesses don't know what they saw and heard at the crime scene, though they may think otherwise. The jurors don't really know what they saw and heard at the trial, though they may think otherwise. Do we really know what we saw and heard at this movie? We may think we do, but that is not the same as knowing; in fact, as the movie is at pains to point out, often they are the opposite. Certitude and comprehension are inverse quantities for the characters in this movie. Those who think they know the most about the case are in fact the ones who understand it the least. Only when they start looking really carefully at the details do the characters see that there was a lot happening before their eyes that they missed. Should we, as viewers, be asking ourselves something here?

To underscore that question, the film includes a tense sequence about film comprehension itself. The defendant's alibi, you will recall, is that he was at a movie when the murder was committed. Juror #4, the brainy, arrogant stockbroker (E.G. Marshall), dismisses the story because the young man couldn't tell the police what movie he'd supposedly seen. Obviously the kid wasn't at a movie at all, says the stockbroker; if he had been, he
would have been able to say which one. But then, grilled by Fonda about a movie he himself saw earlier in the week, Juror #4 encounters difficulties of his own. He shifts nervously in his chair, breaks out in a sweat, and stammers as he tries to recall the title of the movie and the name of the star. He misstates them both, as others point out. It all comes as a complete surprise to him. He never realized that it’s possible, even for a smart guy like him, to see a film without quite registering what it was or who was in it.

With that in mind, I want to take up one of Juror #7’s seemingly off-hand wisecracks. At one point in the film he wonders aloud whether he and the others are, as he puts it, going to “play charades.” Suppose we take the Fool at his word. Charade, n. 1 a word represented in riddling verse or by picture, tableau, or dramatic action; 2 plural: a game in which some of the players try to guess a word or phrase from the actions of another player who may not speak. If the jurors are playing charades in this movie, then here are some of the clues: the capital trial of a young man on a Friday, featuring a fiduciary who has betrayed the accused, witnesses who contradict themselves, and a judge who abjures responsibility for what happens; an ignorant mob of men ready to execute the defendant at the behest of a few older men in their midst, who want the young man to die in expiation for the wrongs of others; a mysterious stranger who steps forward with a message no one quite understands at first, which turns out to be prophetic; the transformation of twelve men into apostles of something called “reasonable doubt”; and a society so fallen that it can’t recognize a reenactment of the crucifixion even if it is done in painstaking detail right in front of everybody’s eyes.

In what follows I will try to make sense of these clues, which no one seems to have remarked on before. This movie, I claim, is testing us—putting us on trial—to determine whether we can puncture the pasteboard masks and discern the real drama being enacted before us, and our place in it. Until we see what lies behind the surface of this film, and hear what is being said between the lines, we haven’t seen or heard anything. After 50 years, it’s time to appreciate the jurors’ performance for what it really is.

I

Let’s start by thinking about what, in general terms, we are seeing in this movie. Before us is a group of men deceived into believing they’ve

been looking through a transparent window onto the facts of the case. The witnesses said they saw the kid at the murder scene, so they must have seen him. The murder weapon looks like a unique knife, therefore it must be one. The police said they investigated the crime, the lawyer looked like he was putting on a defense, the judge looked like he was presiding over a proper trial—so that must be what they were doing. It all fits together for the men. The only discordant note in the evidence is the kid’s alibi, which is obviously incredible on its face.

Part of the men’s problem is that they overestimate themselves. They think they understand whatever happens in front of them, without taking the trouble to look carefully or think things through. They’re attentive enough, more or less; they’ve seen and heard the details that will later turn out to be critical in the case. It just hasn’t occurred to them to ask what they mean. It never crossed their minds that, say, the mark on a woman’s face might be more than a minor blemish; or that a man’s halting gait might be important; or that the time of day when events were said to occur might matter. These just looked to be random, inconsequential details, too unimportant to waste time thinking about them. Only someone attending an Atlantic City hairsplitters’ convention, in the Fool’s words, would pay attention to such trivia.

The men are also a bit ingenuous. They take everything at face value, and take people at their word. They’ve never heard of looking past appearances or reading between the lines. They seem unacquainted with the idea of hidden agendas and unspoken meanings. No one ever told them that words may be contradicted by the images that accompany them. They’ve forgotten that sometimes people take steps to conceal their identity or the nature of the messages they are bearing. This, despite the fact that in their midst is an advertising executive, a man who runs a messenger service, and a fiendishly clever salesman (“I made $27 grand last year selling marmalade”) who speaks admiringly of Fonda’s own command of a certain sales technique.

They also don’t know a performance when they see one, or rather, when they’re part of one. They thought it was a trial they were watching back in the courtroom, but the more they reflect on it, the more it all resembles a charade. The “witnesses’ didn’t see much, and their “testimony” was a packet of half-truths and evasions. The “lawyer” was only wearing the costume of his profession, and the “defense” he put on
Juror #4’s epiphany: he was seeing through glass darkly

was fraudulent; ditto the “police” and their “investigation,” and the “judge” and his “instructions.” This whole “trial” has been a parade of con artists, which the men themselves are unwittingly marching in. As they step into the jury room, these “jurors” are unable to judge anything, and the “verdict” they are ready to deliver has nothing to do with speaking truth. They don’t know that they’ve been part of a theatrical production in which they
play the part of the deluded multitude, desperately in need of someone to awaken them to something called "reasonable doubt."

One other thing the men don't realize: how closely they resemble the people they've been watching at the trial. Like the lawyer, they've betrayed the young man; like the police, they've failed to investigate; like the judge, they've failed to take their responsibility seriously. And like the witnesses, they've been oblivious, self-important, putting on airs. It will all become clear in a moment of truth near the end, when stockbroker Juror #4 turns out to have the same mark on his nose as did the eyewitness across the street. The elite Wall Street type, outwardly so different from that preening woman who refuses to wear glasses, is really no different from her. In an epiphany, this arrogant moviegoer will realize that like her, he has been too blind to see, and too vain to admit it. He fancies he sees just fine through those glasses of his, and that is exactly what is preventing him from seeing at all.

II

Let's take the hint that we, too, may have overlooked some apparently minor details in the evidence we were presented with. Going back over the film, we can find a lot of clues suggesting that there may be a bit more to this case than meets the eye. Clues like this:

1. In the courtroom scene, the judge tells the men that a guilty verdict means an automatic death sentence. He thanks them for taking on this grave responsibility. The seriousness of his words are contradicted by his bored, detached manner, which silently announces to the men that they can do whatever they please with the defendant, for all he cares. This man, it seems fair to say, is going through the motions. Notice the pencil he picks up to sketch unseen shapes with. Notice the jug of water next to him, which he partakes of as he dismisses the men, the defendant's fate entirely in their hands. What is he telling the men, if not that the true meaning he is trying to convey lies in his gestures, not his words?

2. After arriving in the jury room, the jurors find their seats and make small talk. "Excuse me, you're in my seat," timid Juror #5 (Jack Klugman) mumbles to advertising executive Juror #12 (Robert Webber). The latter gets up and, turning to Fonda, says he's enjoyed this murder trial because, as he puts it, it has had no real dead spots. Meanwhile, Juror #7 chats with garage owner Juror #10 (Ed Begley), who is constantly blowing his nose into a handkerchief.

SEVEN: Whattaya got, a cold?
He took water and washed his hands before the multitude

TEN: And how. These hot weather colds can kill you, you know? I can hardly touch my nose, know what I mean?

SEVEN: Sure do. Just got over one.

Nose/knows; colds on hot days; a murder trial with no dead spots; jurors who don’t know the seats they will be occupying in the drama to come. The puns, paradoxes, and ironies proliferate, as they will throughout the movie. The men will have to pay close attention, because there are no dead spots in the case. Every detail matters. Even the mention of noses.

3. Moments later, Juror #3 removes his wallet from his pocket. Trying to make conversation with Juror #4, he produces a business card and speaks of the messenger service he started, now a big enterprise (“The Beck and Call Company”). The broker, busy reading stock prices, pointedly ignores him. The wallet reappears a few minutes later, revealing a text that he reads aloud to the others (a list of incriminating evidence Juror #3 has made) and an image he shows to Fonda and then stares bitterly at (a picture of him and his estranged son). The text purportedly explains Juror #3’s reasons for seeking a conviction, but the image tells the real story: this man wants to exact revenge on his son and on all young men who don’t call him “sir” anymore. This becomes clear as he steals a glance at the picture, out of the view of the others. Images that contradict texts, a messenger turned away—something is going on here that is not being spoken aloud.
Who is Juror #3, the man who will soon lead the rush to convict? He wanted to show his business card to, but was turned away by, the man who will emerge as the overconfident moviegoer. From this sequence, it appears that Juror #3 is a sort of patriarch who prides himself on having created a large enterprise from nothing. He is in the business of delivering messages and is unhappy that people don’t listen to him. He is very jealous of his authority. “I’ll make a man out of you if it kills me,” he once said to his offspring; and now the man he made has turned away from him. He is trying to lure a conscientious individual into condemning the defendant in spite of any tender feelings he, Fonda, may feel toward the young man. And he seems bent on having the young man sacrificed because he apparently incarnates, in some symbolic sense, his own son. This man, it seems, wants to play someone big.

But it may be that he is also playing someone else at the same time. Look at him as he stares at the photo, unnoticed by the other men. He and the others are gathered around a table, and it is nearly dinner time. They are discussing something most of the men don’t understand too well—concerning the imminent execution of a young man whose only certain crime in this case is that he has angered his elders. Juror #3 is surreptitiously gazing at his money purse, which contains his motive for secretly betraying the trust he has been given in this case. In the end he will be
overcome with remorse and throw the wallet away. It all has such a familiar feel to it.

4. Early in the deliberations, the jurors are examining the switchblade knife that was used to commit the murder. Juror #4 argues to Fonda that the weapon’s appearance is proof positive of guilt, because the accused is known to have owned an identical knife. “Take a look at this knife; it’s a very unusual knife,” he intones; “I’ve never seen one like it.” He brandishes it front of Fonda’s face, and then ceremoniously plunges it into the table. The camera lingers on the knife. What the stockbroker wants to call attention to is the curved blade and the ornamented handle, which turn out to be less unusual than he thinks. What neither he nor anyone else remarks on are other features of this object, such as its upright position, its cruciform shape, or the tag attached to it referring to the case against the defendant. The weapon is an icon, signifying the defendant’s imminent fate. The knife has been pinned on him, and he on the knife.

5. During the first break in deliberations, Fonda goes into the bathroom to splash water on his face and hands. Juror #7 is there, combing his hair and admiring himself in the mirror.

SEVEN: Hey, are you a salesman?
EIGHT: I’m an architect.

SEVEN: You know what the soft sell is? Well, you got it, believe me. I’ve got a different technique. Laughs, drinks, jokes, tricks. You know? Yup – hit ‘em where they live, that’s my motto. I made
“Take a look at this knife. It’s a very unusual knife.”

27 grand last year, selling marmalade. That’s not bad—I mean, you know, considering marmalade. But what are you getting out of this, kicks? Or did somebody bump you on the head one time and you haven’t gotten over it?

EIGHT: Maybe.

SEVEN: You know, you do-gooders are all alike. You’re always blowing your stacks over somebody who fanned. But what are you wasting our time for? Why don’t you donate five dollars to the cause, and maybe it will make you feel better. This kid is guilty, pal. It’s as plain as the nose on your face. So why don’t we stop wasting our time here. We’re all going to get sore throats if we keep it up, you know?

EIGHT: What difference does it matter if you get it here or at the ball game?

SEVEN: No difference, pal. No difference at all.

As they talk, Fonda becomes oddly obsessed with something he imagines to be on his hands. He rubs them meticulously on the towel, as Juror #7 looks on with a smirk.

The scene overflows with double, triple, quadruple entendres. The baseball fan, always playing with the electric fan, talks about people who have fanned. He compliments Fonda on his sales pitch, and is giving Fonda a pitch right now so he can go watch the baseball pitchers. His words
"Laughs, drinks, jokes, tricks. You know?"

recall, in more ways than one, a water pitcher seen earlier in the movie. He says it really makes no difference if he gets to the ball game, and he means it: he'll just treat the case as a ball game. Fonda, who has reservations about returning a guilty verdict, is worried that he has some invisible stain on his hands. Juror #7, who's ready to send the defendant to his death without a second thought, seems amused at the idea that anyone would worry about what is on his hands. Who is this punning joker, trying to tempt Fonda into abandoning his mission, telling him he could earn great riches if he became a salesman like himself?

6. After leaving the bathroom, Juror #7 plays a trick on Juror #2, the earnest, well-meaning bank teller (John Fiedler). He tosses a coin into the air and quickly catches it with his right hand. Juror #2 points to that hand. "Sorry, Blue Eyes," snickers Juror #7, opening his empty right hand. The banker, gullible as ever, has been taken in—as, perhaps, have other onlookers to the scene. Juror #7 caught the coin with his left hand.

He is a curious character, this Fool. He is swimming in cash, despite doing no useful work. He's an expert money changer. He cheats blue-eyed bankers with left-handed coin tricks. He is unconcerned with cleanliness; he thinks sinks are for sitting on rather than washing. He doesn't care what is on his hands in connection with the execution of a young man. All he cares about is his personal comfort. He wants nothing to do with any of the other jurors ("You just take care of yourself," he says to Juror #3, who
thought they were allies). And one other thing: he’s always getting into conversations about a certain piece of facial anatomy. A most intriguing set of qualities for him to have, this man who, as another juror points out, does not fully understand reasonable doubt, and will never accept Fonda’s creed.

7. A massive thunderstorm arrives in the second half of the film. Juror #1, the foreman (Martin Balsam) joins Fonda as he frantically tries to close the windows to keep the rain out. Then, standing with Fonda at one of the windows, Juror #1 launches into a long, slow reminiscence of coaching a kids’ football game. He’s not sure when it was, he says, he has to think about it a bit. It was a great game, and he had a wonderful player, strong as an ox; he wishes he had another like him. The game was ended by a cloud-burst. It was murder, he says, it made him want to cry. The camera cuts back to Juror #7, who looks impatiently at his watch. He has no time to hear this story the foreman is telling next to the windows—of a deadly downpour that happened in a time beyond memory, bringing sorrow to man and beast, ending the game forever.

8. In the climactic moment near the end, the men unmask the eyewitness across the street, whose motto, apparently, is “Men don’t make passes at women in glasses.” The scene is full of silent puns: they were deceived by her appearance on the witness stand, but everyone nose everything now; the truth was written all over her face; she bore the stigma of needing eyeglasses. These double meanings point to this woman’s
duplicit
cy, in more ways than one. She is, let me point out, one of two fe-
male characters mentioned in the film. The other is the defendant’s mother,
who died when the defendant was young. Neither of these women comes
into the jury room: despite the door marked WOMEN visible next to the
men’s bathroom, there is apparently no space for women in this select
group. Instead, here are the roles played by the two women. One plays the
only character in the movie who is beyond reproach. The job of this virtu-
ous woman is to give birth to a young man who, when he grows up, will
face an unjust execution on a Friday. The other woman, the one featured in
the present scene, wears lots of makeup and has no known livelihood other
than trying to please men. Her job in the movie will be to tell the twelve
specially chosen men that she saw the young man, alive, before her eyes;
and they will not believe her.

But there is more. Think about this woman who has come into the
temple of justice to give her version of events. She is (or was) the neighbor
of the other woman. She is, it is strongly implied, all alone in that apart-
mend of hers, childless, unmarried, and unhappy with her lot. Her situation
is pathetic, but her actions are wicked beyond belief: she will do anything
to be taken for younger and more fortunate than she is, even though it
means that the other woman’s child must die. (Better, in her mind, that he
be electrocuted than that she be seen with glasses.) And what
is it that stops this depraved witness? An insightful, judicious man provisionally agrees to vote guilty and execute the young man, though his true purpose is to send the young man home where he belongs. He, Fonda, displays solomonic wisdom, uncannily arriving at the right result by aiming at the wrong one. As for the woman in makeup, it can only be said that the movie makes a harlot of her.

9. One final clue. The jurors are reviewing the testimony of the man who lives downstairs from the murder victim. Fonda argues to the others that the man couldn’t have gotten to the door as quickly as he said, because he is partially paralyzed from a stroke. The others disagree. So they decide to walk through the witness’s account, step by step. They examine a chart of the witness’s apartment and measure out the distance he had to cover to reach the door. As someone times him with a watch, Fonda climbs out of chairs doubling as a bed and slowly limps across the room, pretending to be the witness making his way down an imaginary apartment corridor. Everyone gathers round to watch.

What are the men witnessing here? Somewhere between literally and figuratively—much of what they see takes place in an ambiguous space between the two—a lame man is being made to rise from his bed and walk. Look at the men as they stare apprehensively at the action, unsure what to make of it; listen to them debate its significance afterward. These men are evidently in the presence of a miracle worker. They would not believe him,
so he is giving them a demonstration. In time, there will be other demonstrations for these men, who suffer from a variety ailments—colds, sore throats, difficulties with hearing and seeing, and demons that torment some of them. There is also the matter of a young man who has been given up for dead by everyone in the world. At this point it remains to be seen whether anyone will be able to piece together the significance of all of this.

Something else is also happening in the downstairs neighbor scene: the attempted reenactment of someone’s story. Fonda is trying to bring the past—or at least someone’s account of the past—to life before everyone’s eyes. Some of the men doubt this is possible. “You can’t reconstruct a thing like that,” jeers Juror #7. That, indeed, would appear to be one of the questions in this case: whether you can reconstruct a thing like that. Juror #7, despite being the unbeliever—or is it because of that?—is capable of making hugely perceptive remarks. As Fonda rises from his ersatz bed, Juror #7 asks in mock incomprehension, “What are we going to do, play charades now?” It’s hard to deny the Fool is on to something.

III

Let’s see what we can piece together from these scattered clues. The action begins in a courtroom on a Friday, where a young man is on trial for his life. He sits before the judge, surrounded by a group of men. A trusted ally has betrayed the young man, flubbing the defense because, it is later surmised, the case didn’t pay enough. He had more lucrative opportunities elsewhere. What will ye give me, and I will deliver him unto you? And they covenanted with him for thirty pieces of silver. In the one glimpse we have of the young man, he is alone in the courtroom, abandoned by whatever friends or allies he may have had. And they all forsook him, and fled.

Most of the men in the crowd have nothing much against the accused. However, a couple of the elders—mainly Juror #3, with support from Juror #10—want to get rid of him for reasons having little to do with any real crimes he has committed. The young man represents a threat to their status and authority, and they need a scapegoat. They will do their best to set the

4. Matthew 26:15. All italicized sentences in this essay are quotations of the King James Bible. For the remainder of this section, biblical references will be collected in a single footnote at the end of each paragraph.

5. Mark 14:50.
crowd against the young man. *And the chief priests and all the council sought for witness against Jesus to put him to death* . . . . They will try hard to paper over the weaknesses and inconsistencies of the testimony of the witnesses. *For many bare false witness against him, but their witness agreed not together.*

The judge has given the accused a chance to respond to the charges. The young man has nothing to say to himself, lacking the words to substantiate his alibi. When we see him, he sits silently before the judge. The witnesses have gone unanswered. *And Pilate asked him again, Answerest thou nothing? behold how many things they witness against thee.*

Turning to the men, the judge tells them that their verdict will determine what becomes of the accused. He leaves it up to them to decide whether he would live or die. *What will ye then that I shall do unto him whom ye call the King of the Jews?* Their answer will be immediate: execute him. *And they cried out again, Crucify him.* With his words, the judge asks the men to weigh the evidence. *Why, what evil hath he done?* With his tone and manner he tells them they can do whatever the hell they want. *And they cried out the more exceedingly, Crucify him.* He thanks the

men and helps himself to some water. *He took water, and washed his hands before the multitude, saying, I am innocent of the blood of this just person: see ye to it.*

The men troop out the room, the defendant’s fate in their hands. *And the soldiers led him away into the hall, called Praetorium; and they call together the whole band.* Upon arrival in the jury room, the foreman starts preparing ballot sheets. “Great idea! Maybe we can get him elected senator,” cackles Juror #10. *And they clothed him with purple, and platted a crown of thorns, and put it about his head, And began to salute him Hail, King of the Jews!* After joking about the case for a few minutes, they get down to business. Maybe they can get this over with quickly. *And when they had mocked him, they took off the purple from him, and put his own clothes on him, and led him out to crucify him.*

A cruciform object is brought into the room and thrust into the table. It is mid-afternoon. *And it was the third hour, and they crucified him.* The object has a tag on it, on which is written a reference to the accused and the case against him. *And the superscription of his accusation was written over, THE KING OF THE JEWS.* We know his type, some men say of the defendant, he’s just a common criminal like the rest of them. *And the scrip-

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ture was fulfilled, which saith, And he was numbered with the transgressors. 10

A storm will arrive late in the afternoon. Upon its arrival, someone will ask the time, and will be told it is 6:00 p.m. The storm will bring sudden darkness with it, which will lift a few hours later. And when the sixth hour was come, there was darkness over the whole land until the ninth hour. The young man, proven guilty of no crime, has no one to protect him. And at the ninth hour Jesus cried with a loud voice, saying, . . . My God, my God, why hast thou forsaken me? 11

Does all this mean the defendant is some sort of messiah? Hardly. It means the trial he’s getting is no different than the one that a certain other nameless young man got a long time ago in return for chafing under authority. Just another routine disposal of an anonymous troublemaker, performed by an ignorant mob letting itself be manipulated by the elders. Naturally, the men don’t see it that way; they’d be horrified by the comparison. But that only shows how blind they are. What a fallen, corrupt society they live in, in which so many profess to be Christians: you can reenact the crucifixion line for line in front of everyone’s face, without causing the slightest

fuss. No one even realizes it's happening. *Father, forgive them; for they know not what they do.*

**IV**

But something unexpected happens on the way to the execution. An unnamed man votes not guilty, saying maybe they have the wrong man. He can't quite explain why, he just thinks they should stay here a while to go over the evidence. The others are bewildered, unable to understand what he is talking about. The elders are angered by his refusal to go along. “Boy, there's one in every crowd,” fumes bigoted Juror #10. In time, though, Fonda's enigmatic words will be vindicated. They do have the wrong man, in more ways than one.

Who is this architect whose words turn out to be so prophetic? Let us consider some of the clues. Think of the downpour in the film, and Fonda's effort to keep the others in this room long enough to avoid disaster; note also how carefully he measures out the dimensions of the room, how he tends to the windows. *The length of the ark shall be three hundred cubits, the breadth of it fifty cubits, and the height of it thirty cubits. A window shalt thou make to the ark, and in a cubit shalt thou finish it above....* Think of his attempts to play lawgiver to men inclined to worship golden idols, and his competition with would-be priests who preach misguided dogmas; notice how they fast on a Friday. *Ye shall keep my sabbaths, and reverence my sanctuary: I am the Lord. If ye walk in my statutes, and keep my commandments, and do them; Then I will give you rain in due season, and the land shall yield her increase, and the trees of the field shall yield their fruit.*

Think of the judicious way he sees through the evidence, including the testimony of the nefarious woman who would sooner see the young man die than be identified herself as a childless spinster. *Then the king answered and said, ... in no wise slay it: she is the mother, thereof. And all Israel heard of the judgment which the king had judged; and they feared the king: for they saw that the wisdom of God was in him, to do judgment.* Think of the scorching heat—it is the hottest day of the year—and Fonda's lament for these men who have eyes but see not, who have ears but hear not, who will not abide by the sacred covenant. *Because they have not hearkened to my words, saith the Lord, which I sent unto them by my servants the proph-

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ets, rising up early and sending them; but ye would not hear, saith the Lord. . . . The Lord [shall] make thee like Zedekiah and like Ahab, whom the king of Babylon roasted in the fire.¹⁶

And think of the way he practically adopts the defendant as his own son. This will be our focus for the next few pages. Go back to the scenes immediately following the first vote. Fonda is trying to persuade the others that they should go over the evidence before returning a verdict. Juror #3, who has already emerged as his archrival, thinks they shouldn’t even dignify the kid’s crime with discussion. The kid killed his father, he has to pay for what he did. Fonda’s response, in essence is that the kid never had a father. The brute who raised him with his fists was a father only in the biological sense. The kid spent two years in an orphanage while his father was in jail—for forgery, fittingly. This “father” was a fraud. They owe the kid at least a few minutes of their time.

The jurors agree to discuss one piece of evidence: the murder weapon. Stockbroker Juror #4 argues that the accused must be the killer because he has admitted owning a knife just like this one. Fonda responds by pulling an identical knife from his pocket, which he bought last night at a pawnshop in the defendant’s neighborhood. If he was able to buy this kind of knife on the street, he argues, it’s possible someone other than the defendant did so as well and used it to commit the murder. “Possible, but

not very probable,” replies Juror #4, whose business is rational calculation. “The odds are a million to one,” snarls the Fool, the gambling enthusiast. The jurors go back to their seats. Fonda has a demoralized look.

Juror #3 has everyone on his side, and wants Fonda to throw in the towel. “You’re the only one,” he says, off-camera, to Fonda. There is a pause as Fonda conducts some internal dialogue with himself. Then he makes a proposal to the jury.

EIGHT: I have a proposition to make to all of you. I’m going to call for another vote. I want you eleven men to vote by secret written ballot. I’ll abstain. If there are eleven votes for guilty, I won’t stand alone; we’ll take in a guilty verdict to the judge right now. But if anyone votes not guilty, we stay here and talk it out.

It’s a reckless action on his part, a crazy leap of faith. Putting his trust in a bunch of men who have shown themselves impervious to reason; he is agreeing to do the one thing his conscience cannot permit—to send the young man to his death. “All right, let’s do it the hard way,” the Fool says excitedly, clapping his hands, delighted to see that a man is being made to undergo an ordeal. The ballots are distributed. Anxiety, perhaps doubt, clouds Fonda’s face as they are counted. The first nine say guilty. Fonda prepares to cast the vote that will seal the young man’s fate.
Miraculously, the tenth ballot says not guilty. No one can believe it. Fonda turns around suddenly, as though grabbed from behind. “Another champ flaps his wings,” the Fool whines, making flapping motions with his arms. Juror #10 demands to know who switched his vote. Another juror calls the demand unfair, remarking that it was a secret ballot. “Secret? What do you mean secret? There are no secrets in a jury room. I know who it was,” says Juror #3. This man thinks he is omniscient, and will tolerate no defections. He immediately accuses shy Juror #5 of being the turncoat. It is one of the movie’s numerous cases of mistaken identity committed by people who think they’re omniscient.

“It wasn’t him, it was me,” a voice says. The camera pans and zooms in on the elderly Juror #9 (Joseph Sweeney), making it look as though he has appeared from nowhere. “Would you like me to tell you why?” he says to the others. “No, I wouldn’t like you to tell me why,” snorts Juror #7, looking away in disgust. But Juror #9 wants to explain anyway. “It’s not easy to stand alone against the ridicule of others,” he says of Fonda. “So he gambled for support, and I gave it to him. I respect his motives.” Unable to take it any longer, the Fool stalks off to the bathroom. “I’m talking here!” Juror #9 shouts. Fonda touches him on the arm. “He can’t hear you; he never will,” he says to the angelic old man.

Look at the iconography of this scene. Fonda has told the others how terrible the kid’s upbringing was, how everyone has let him down. He’s the
closest thing to a father the kid has had. Now Juror #3, the violent, implacable father, furious at the erosion of his authority, is going to put him to the most awful of tests. And it came to pass after these things, that God did tempt Abraham, and said unto him, Abraham: and he said, Behold, here I am.

Hearing the angry man’s offscreen voice, Fonda realizes he has no choice. Juror #3, who fancies himself the maker of man (“I’ll make you a man if it kills me”), is making Fonda prepare to kill the kid by his own hand. Take now thy son, thine only son Isaac, whom thou lovest, and get thee into the land of Moriah; and offer him there for a burnt offering upon one of the mountains which I will tell thee of. Knife drawn from pocket, he is moments away from doing the terrible deed. And Abraham stretched forth his hand, and took the knife to slay his son.

But at the last moment his hand is stayed. No one can see who has interceded to halt the execution. All we know is that, as the Fool helpfully has pointed out, the rescuer has wings. And the angel of the LORD called unto him out of heaven, and said, Abraham, Abraham: and he said, Here am I. It turns out that the man who intercedes is old enough to be Fonda’s father. No one sees him at first, and not everyone can hear him. He is impressed by Fonda’s motives, his willingness to trust. And he said, Lay not thine hand upon the lad, neither do thou any thing unto him: for now I

17. The passages in this and the next two paragraphs are quoted from chapter 22 of Genesis.
know that thou fearest God, seeing thou hast not withheld thy son, thine only son from me.

For this show of faith, the old man gives Fonda the chance to win over the others. By myself have I sworn, saith the LORD, for because thou hast done this thing, and hast not withheld thy son, thine only son: That in blessing I will bless thee, and in multiplying I will multiply thy seed as the stars of the heaven, and as the sand which is upon the sea shore; and thy seed shall possess the gate of his enemies; And in thy seed shall all the nations of the earth be blessed; because thou hast obeyed my voice. In time, Fonda will be surrounded by legions of supporters and shall possess the gate of his enemies. Such is the bounty to the one who is willing, against all odds, to heed a voice that no one else can hear.

Notice how the jurors allocate roles in this remarkable performance. Juror #3—who is bent on playing God—plays the part of the deity who puts Fonda to the test, demanding the kid’s life. Kindly Juror #10 plays the angel through whom the Lord speaks after Fonda raises the knife, and who rewards him by letting him conquer the gates of his enemies. Their splitting of the divine role recalls, fascinatingly, the ambivalence of the scriptural passage itself, which represents the deity as occupying some impossible, unfathomable space between bottomless cruelty and infinite benevolence.

What was the purpose of this ordeal? We will never know for sure, but perhaps the reason has to do with initiating the men into the mysteries of "reasonable doubt." Great rewards await the man of reasonable doubt, but great sacrifices lie in store for him as well. To live by reasonable doubt may require him to put everything he holds dear in the hands of ordinary people, trusting—despite all appearances to the contrary—that one of them will turn out to be an angel in disguise.

Notice also the several roles being played by Juror #3. All of the jurors have multiple parts in this movie, but Juror #3 has the most. Here we can see him as not only the deity who tests Fonda’s faith, but also as one of the rivals Fonda will eventually subdue. Late in the movie the vote will be 11–1 in Fonda’s favor, and the tables will be turned. “You’re alone,” Fonda will say, echoing Juror #3’s earlier line. But Fonda will be a magnanimous conqueror. Rather than slay his victim, which would be Juror #3’s way of doing business, he will graciously offer him his coat.

And there is yet a further wrinkle to Juror #3’s performance. His insatiable anger is, we learn at the end, a mask for a deeper emotion: remorse over his treatment of his son. Look at him, crumpled over the torn, ruined photo: the one he truly cannot forgive is not his son but himself. As he sobs in despair, silently begging forgiveness from the lad he drove
away, there are powerful overtones of Melville’s Captain Vere, murmuring on his deathbed the name of the young man he executed. Like the captain, who saw himself as the young sailor’s father, this misguided man has lost his beloved son, and for pretty much the same reason: keeping martial discipline. He had to make a fighter of the boy. He gave the boy as an offering to the god of war, and no angel intervened at the last second. In his way, Juror #3 is as much an Abraham figure as Fonda is. He too adored his son, and did with him everything he was told. It’s just that he was listening to the wrong voice.

V

We’ve really only begun to describe Fonda’s ordeal, though. Let’s take one more look at the crucial knife scene. The murder weapon is sticking out of the table, seemingly indicating the defendant’s inevitable fate. Fonda tells the others maybe it’s not the kid’s knife. “I’m saying it’s possible,” he says. “And I say it’s not possible,” Juror #3 bellows. Fonda is silent. Wait till you see what’s possible, his expression says. He stands, pulls out his own knife, flips it open and plunges it in the table. The men gasp and gather around, looking in amazement. “Listen, you pulled a real bright trick, now suppose you tell me what it means,” Juror #3 hisses venomously.
What it means, though no one quite says it, is that Fonda is carrying a cross for someone. Arrogant Juror #4 casts a cold eye on him. “It’s against the law to buy or sell a switchblade,” he observes, an undertone of menace in his voice. Fonda is defiant. “That’s right, I broke the law,” he says, daring them to turn him in for his crime. Notice the pattern: buying this knife got the kid into trouble; now Fonda has bought the same one, exposing himself to punishment, in order to get the kid out of trouble.

In a movie full of real bright tricks, this one is among the brightest, and among the easiest to miss. The Fool was right—the hand is quicker than the eye. Everyone is so distracted by his idiotic coin tricks that they don’t see there is a real magician in their midst, who is doing a most extraordinary feat of prestidigitation. With his switchblade, Fonda is switching places with the lad without anyone realizing it. No one can quite see it, but it is true: this architect is not just here to prevent the young man’s execution. He is here to suffer and die in the lad’s stead.

And this, it turns out, is what he has been up to all along. Think back to the early scenes. Standing up for the lad, he made himself the target of the ridicule and invective the men were previously directing at the lad. Now he is putting himself on trial for the lad; he has even committed the one crime we know the kid is guilty of in this case. Soon he will put his own life at risk. First he will goad Juror #3 into a murderous rage by calling him a beast and a sadist; “I’ll kill him! I’ll kill him,” the frenzied man will
scream, falling into Fonda’s trap. Then, when Juror #3 demands that someone volunteer to be stabbed with the knife, Fonda will step forward because no one else will. Fonda is putting himself through exactly the ordeal originally slated for the kid: abandoned, put on trial, tormented by the mob, and put to death on his own cross.

Of course, he is not really going to die. Is he? For a second or two, when the knife is in the air, it’s clear that Juror #3 would really like to stab Fonda. He’s in a sort of trance, and is just about to plunge the knife when everyone else cries out in alarm, snapping him out of it. Fonda has not flinched. Why is that? Juror #3 has already threatened his life. Fonda knows the man is violent and unstable, and has a little trouble separating fact from fancy; he can see that Juror #3 has a serious God complex, and seems to think the accused is his own son. Fonda cannot know this man will not stab him for real. But there he stands, ready for what has to happen. Juror #3 has decided that someone incarnating his son must die tonight—either literally or figuratively, no one can be sure—and Fonda has resigned himself to the fact that it must be him. He will also let the others take turns stabbing him with the knife. He will play the role of martyr, because no one else will.

A key part of that role, it seems, is that it must be misunderstood by everyone. No one comprehends that this man is laying down his life; nor does anyone see why he is doing it. Everyone thinks it’s the kid who’s on

... and carries a cross for others?
trial here, that he’s the one who’s in jeopardy. How deluded these men are. They have no clue that they are the ones on trial, that they are the ones in the most terrible danger. They have no idea how false their sense of security is. For what shall it profit them that they gain Wall Street, Madison Avenue, and Yankee Stadium, yet lose their souls? Fonda is not here to save the kid, for heaven’s sake. He’s here to save them.

But he cannot tell them this. All he can do is make gestures, drop hints. Pay attention, he tells them, don’t be too quick to judge. Appearances can be deceptive. You owe this business a few minutes of your time. A seemingly routine judicial matter, even one involving a poor, nameless young man from the wrong side of town, might be more important than it looks. Maybe the police, witnesses, and everybody else have gotten it wrong. Maybe we have a case of mistaken identity here. Maybe—this is the one thing he can never say—it’s not just the kid whose identity has been mistaken.

That, surely, is the meaning of the film’s otherwise inexplicable final scene, when elderly Juror #9 chases Fonda down.

NINE: Hey! What’s your name?
EIGHT: Davis.
NINE: My name’s McCardle. [Pause] Well, so long.
EIGHT: So long.
It seems such a peculiar way to end. Who cares what his name is, when that has not been an issue in any way up until now? But that is just the point: his name is very much an issue, and has been since the beginning. Whom do men say that I am? No one knows exactly who this man is. And they answered, John the Baptist: but some say, Elias; and others, One of the prophets. Some call him a preacher; some call him a salesman; some call him other things. But whom say ye that I am? Juror #9 was his first ally, coming to his side when everyone else thought he was a nut. And Peter answereth and saith to him, Thou art the Christ. “Davis”? Perhaps. But remember, a man like this generally takes certain steps to conceal his true identity. And he charged them that they should tell no man of him.18

VI

So he has come, unrecognized and unannounced, to a place he is least expected and most needed. Just as everyone is about to crucify the accused, who should appear but the man himself, arrived to rescue the jurors from the allegory they have found themselves in. The men can’t see the trap they’ve walked into. They have been hoodwinked into playing the part of the unthinking mob that does the bidding of the envious priests.

18. The italicized passages in this paragraph are from Mark 8:27–32.
But how will he save the men? It’s not enough to talk to them or show them the evidence; they have trouble hearing, and have vision problems that eyeglasses only seem to worsen. To reach these men, Fonda will have to do more than preach. He will have to show them extraordinary things. He will have to cure their blindness and other afflictions. He will have to play the part of martyr. In fact, in the few hours of afternoon and evening covered by this movie he will have the men reconstruct and perform the entire three-plus years of Christ’s ministry, culminating in his death, resurrection, and commissioning of the apostles. Let me note some of the major episodes.

*The Ministry:* He arrives, unnamed, and begins delivering sermons to the people around him. He preaches kindness, self-sacrifice, and compassion for the less fortunate; he warns against the distractions of wealth and pleasure; he speaks enigmatically about a coming moment of truth. The men are selfish and materialistic, reluctant to listen. They tell him to get lost. Who does this “architect” think he is, interfering with Friday’s ceremonies? A prophet is not without honor, save in his own country.

*The Gathering and Instruction of the Apostles:* He asks twelve ordinary men, drawn from different walks of life, to leave their jobs and follow him. The men don’t really know what he wants of them. They spend much of the time jostling for status, trying to impress one another, disputing among themselves who shall be greatest. They think they are too good for
some insufferable kid. Fonda says they must receive the child in his name. He tries to initiate them into the secrets of "reasonable doubt," but they are easily distracted. He is generally very patient, but occasionally he gets exasperated at their hardened hearts, slowness to comprehend, and poor memories. Indeed.

The Clearing of the Temple: Early in the deliberations, men engage in various forms of changing money in the temple of justice. One looks at the stock pages; another shows off his knowledge of the advertising business; others play board games. One, charmingly, is busy cheating a banker. Fonda tells them to take these things hence, that this temple is not a house of merchandise. The one who does coin tricks is irritated at Fonda's high and mighty attitude. He wonders aloud about the temple falling down on people's heads.

The Temptation by the Devil: Early in the story, he finds himself alone with the nihilist, who dangles before him the prospect of earning big money in sales, and tries to make him feel bad for wasting everyone's time. Fonda tersely answers his questions, but avoids eye contact and won't engage him in conversation. The tempter gets himself hence, and immediately another man (brawny, goodhearted Juror #6, played by Ed Binns) comes into the room to say he doesn't really mind spending time on the case.

The Confrontation with the Scribes and Pharisees: Some of the elders accuse him of presuming to speak on matters he is untrained in, of performing acts of deception to trap the gullible. They take him to task for throwing in his lot with publicans and criminals. Fonda explains to them that it is the wrongdoers who most need society's protection. He has come to help not the righteous, but the sinners. The elders don't realize that he is referring to them.

The Miracles: The men around Fonda cannot see, cannot hear, and have sore throats. The ones inclined to vote not guilty don't have a leg to stand on, as Juror #7 cheerfully remarks at one point. In the end, Fonda heals all of these ailments and more. The men have their eyes and ears opened, and learn to speak truth. The demons that have possessed poor Jurors #3 and #10, causing them to shriek and rant, are exorcised. And then there is the central sign and wonder of the movie: a youth given up for dead at the point of death is restored to life.

The Betrayal: The apostles are gathered around the table at around supper time. He warns them about not living up to their obligations. The
The demon tormenting Juror #10 is exorcised

one sitting next to him is offended at the suggestion: surely not I? He asks them to pay attention for an hour, but they can't; their attention flags. He's right, there is a traitor in their midst, the motive for his treachery being hidden in his wallet. The traitor will be made miserable by his act. At the end of the film he will throw the wallet away and collapse in tears.

_The Passion:_ Fonda gives himself over to the mob and is put on trial. He has angered the elders by suggesting they are not preaching the true faith. The chief among them removes his coat and denounces Fonda as a blasphemer, declaring there is no need to examine the evidence further. Fonda is ridiculed, spat upon, and (nearly) put to death on his own cross. After he has been pierced in the side, the executioners start to have doubts about what they are doing. Maybe it was a mistake to persecute this man.

_The Resurrection:_ Fonda's twelve apostles process the eyewitness account offered by the sinful woman. She provides a critical piece of evidence: stigmata. ("What do you call those things?" asks the foreman, pointing to the bridge of his nose.) Everything Fonda said turns out to true. They realize how blind they've been. They have all become believers, except for the one in the hat.

_The Fate of the Traitor:_ The sources disagree on what ultimately happened to the man whose treachery caused so much suffering. In this version, it appears that he is forgiven just as, we are told, a man who sues at
"Were you in the room when the father was killed?" Or the son?

law should be forgiven by the defendant—or as an errant son should be forgiven by his father. In the penultimate scene, he buries his head in his hands, servile before the one he has given such grief. Yet Fonda greets him with compassion, not anger. Give him a coat, bring the fatted calf, and rejoice. For my son was dead, and is alive again; he was lost, and is found.

The Great Commission: Fonda’s twelve apostles take on the task of telling the world what they have seen and heard. The camera shows the relics on the table of the remarkable events that have taken place. Then it moves outside, showing a shining city. On the steps of the temple, Fonda introduces himself to the first of his twelve disciples. Blessed is he, Juror #9 called McCardle, for he recognized who “Davis” really was before flesh and blood revealed it. And upon this rock will be built a great church; and the gates of hell shall not prevail against it.

VII

Fonda’s twelve disciples? Yes, dear viewer; twelve. Isn’t that, in the end, what this whole thing is about? Isn’t that what was being hinted by the initial confusion over the number twelve? Juror #12, you will recall, couldn’t find his seat. Later, when the foreman called out the number twelve, Juror #12 stared blankly at the screen, and had to be prompted a second time to respond. And he is always donning and removing his glasses, anticipating the all-important gesture by the moviegoer. Number
twelve, it seems, doesn't know who he is or where his place is at the table, can't see without his glasses on, and stares at us when his number is called. Shouldn't that be telling us something about the number twelve spot?

We have been with these men from the beginning. We were there when Fonda arrived and began preaching his messages of charity toward others, of a coming moment of truth. We were with the other eleven as they joined him on a mission whose purpose was only dimly specified. We gave up our time—our work, our recreations—to be with him and the others. We were there as he debated the scribes and pharisees and cleared the temple of the moneylenders. We heard him tell the others that they erred in thinking they were above some kid who had come to them for help. We heard him urge everyone to give up what they had, to take up the cross and follow him. We saw him perform his miracles, curing those who were blind, deaf, and dumb, banishing the demons, bringing back to life a youth whom the whole world had pronounced dead. Didn't we?

We were with him and the other eleven at the table at supper time. We heard him say enigmatically that some were not living up to their obligations in this case. We saw that the man who professed great loyalty to this organization had in his possession a wallet that he looked at surreptitiously. We heard Fonda ask the other men to abide with him for one hour, which they could not do without dozing off. We stood by and
watched as a crowd of men fell upon him and he offered no resistance. We saw him accused of blasphemy by the high priest in the presence of an unruly mob. We saw his coat removed, a spear put in his side, men playing at lots. We saw night fall early and then lift again a few hours later. You saw the anxiety in this man’s face, the flicker of doubt that darkened his brow at a crucial moment. We were with the eleven as they were gathered together later, piecing together the evidence. We were with them when they realized, after considering the sinful woman’s testimony, that everything he said was true. We were with them as they agreed to go forth into the world and bear witness to the extraordinary truth about this case. We went through all this with the other eleven, and yet we wonder who Fonda’s twelfth disciple is?

Fellow viewer, the answer seems to me to be clear. We have been playing all the roles the jurors have. A terrible storm was coming, and we didn’t know it. We are one of the twelve tribes who needed to have the law explained to us. We are in the presence of a great judge, whose wisdom exceeds that of any other. We have been in the crushing heat, hearing the warnings of a prophet’s jeremiads. We have seen a man of faith rewarded for his willingness to listen to the right voice. And we have been participants in the entire story of Christ’s salvation of humanity. We have been his auditors, the witnesses of his miracles, the ones whose blindness
We too have a seat at the table

has been cured; we have participated in his execution, standing there as people handed around the knife; and we have been, at last, his apostles. And like them, we have been clueless all along to the special role we were being asked to play. Am I wrong?

VIII

Let me turn to the question of what we should make of this elaborate game of charades. Really there are two questions here: What is this stuff about faith, sacrifice, and redemption doing in a movie about rational deliberation, the evaluation of evidence, and reasonable doubt? And what should we make of the fact that it is hidden, so to speak, in plain view—persistently gestured at but never spoken aloud? In what follows I am going to venture an answer to these questions. In essence, I want to speculate about why the filmmakers might have chosen to put so much barely concealed imagery in the film. My objective is not to show what actually animated the filmmakers, but rather to make some conjectures about what function the film’s allegorical features may have been designed to serve.19

19. I have not been able to locate any discussion, by the filmmakers or anyone else, of the film’s religious allusions. Screenwriter Reginald Rose and director Sidney Lumet both discuss the making of the film in READINGS ON TWELVE ANGRY MEN 36–45 (Russ Munyan ed., 2000), and the subject of the film occasionally comes up in the interviews collected in SIDNEY LUMET: INTERVIEWS (Joanna E. Rapf ed., 2006). To my knowledge, the closest Lumet has come to signaling the presence of the allegory is in
I am aware that speaking of authorial intentions—whether actual ones or, in this case, hypothetical ones—is a highly unfashionable method of interpretation. It seems to me, however, to be quite unfair to the film to ignore how deliberately constructed its religious allegory is. The visual and narrative allusions to biblical stories are far too extensive and systematic to be there by accident; the teasing references to double meanings, overlooked details, and incomprehension make it clear that the filmmakers are perfectly aware they are introducing a subtext to the film. Just look, for example, at how Juror #12 is constantly putting on and taking off his thick-rimmed glasses; he is not doing that because anything has changed in his field of vision. Once we acknowledge that this game of charades has been very carefully and self-consciously designed and plotted, I think we can’t avoid asking what the designers were getting at. The answer I give in the remainder of the essay offers one way of making sense of the film. I’m not sure it’s correct, but as someone in the film says, I think it’s possible.

his book Making Movies, in which he says of this film just one word, “Listen.” SIDNEY LUMET, MAKING MOVIES 14 (1995). His other great law film of course makes extensive use of explicit religious imagery. See THE VERDICT (Twentieth Century-Fox Film Corp. 1982).
Let me get at the issue in the following way. When he’s not busy giving us the stare, or calling attention to himself by putting on and taking off his glasses, Juror #12 shows off his chops at designing advertising campaigns. The foreman has to ask him to knock it off, because they have real work to do. As we’ve seen with the Fool’s antics, supposed distractions of this kind may in fact signal the main order of business in this movie. Why does the movie refer so insistently to advertising, which, with the possible exception of baseball, is mentioned more often than any other line of business in the movie? Here’s my suggestion: the Fool was right, as always. Fonda is a salesman.

One generation cometh and another generation passeth away, but one principle abideth forever: to get a message to the uncomprehending masses, use a catchy hook. ("Rice Pops—the breakfast with a building bounce! I wrote that line," the ad executive says proudly.) Parables, allegories, subliminal ads; the names change, as do some of the techniques, but the essential idea remains the same: they’re all variants of the soft sell. Suppose you are a filmmaker (or team of filmmakers) trying to give a boost to the values of legal liberalism—the rule of law and not of men, respect for due process, tolerance of dissent, equality under law, the responsibilities of citizenship, a healthy skepticism instead of dogmatism, and so on. The
year is 1957, and these items are not in high demand in the United States. Large segments of the population see them as expensive luxuries they cannot afford. Others don’t see that the items are worth anything at all. What to do?

One possible strategy might be this: Devise a carefully orchestrated advertising campaign to give legal liberalism an aura it otherwise lacks. Send in a top salesman, preferably one with experience playing Christ figures. Suggest that those whom he reaches have been touched by the hand of God. Make the Constitution a sacred covenant, equate courts with churches, conflate reasoned deliberation with religious conversion.

Remind everyone that the twelve-person jury, at least according to popular lore, is modeled on the twelve apostles of Christ. Represent those who would punish dissenters or unpopular racial groups as priests of a misguided creed, or as men possessed by demons. Let their would-be victim be represented as a kid, the lamb of God. Compare Joe McCarthy to Judas by having one self-pitying juror play them both. Represent those—a gesture toward the viewers—who are able to see past appearances, to appreciate the story behind the story, as the elect, the members of the savior’s inner circle. Few Americans, after all, dislike being told they’re the chosen ones, or that their institutions have halos around them.

20. Fonda’s performance as Tom Joad in THE GRAPES OF WRATH (Twentieth Century-Fox Film Corp. 1940) was widely understood in those terms.
But do all of this silently, so viewers don’t feel they are being manipulated. Create elaborate narrative parallels to the best-known stories from the Hebrew Bible and the New Testament, without explicitly calling them to anyone’s attention. Pepper the film with visual double entendres—judges with water, wallets concealing the motive for betrayal, men limping across the room with everyone staring in amazement, and so on—that are outwardly secular but charged with religious connotation. Fill the movie with a thousand visual and verbal puns that implicitly signal the presence of allegory (“no one would even find the body till the next day”). Refer constantly to time discrepancies, raising questions about whether this movie is set only in 1957. Also refer constantly to the idea of visual demonstration, the possibility of recreating the past, the repetition of stories (“That’s the story for the 19th time”; “I heard a pretty good story the other day”; “You’re pulling stories out of thin air”). Never mention religion except once, in passing, when a ranting Juror #3 calls Fonda a “golden-voiced preacher.” And there was in their synagogue a man with an unclean spirit; and he cried out, Saying, Let us alone; what have we to do with thee, thou Jesus of Nazareth? art thou come to destroy us? Throw in countless biblical references, but only between the lines.

Structure the movie in a way that positions liberal legalism as the fulfillment of biblical patterns and prophecies. Present the hero as the latest in a series of prophets and just men stretching back to the book of Genesis. As the story of Christ’s passion is thought by some to fulfill the story of Isaac’s sacrifice, let Fonda’s actions seem to fulfill both. Organize the film around the motif of cruel fathers—the murder victim, Juror #3—giving way to kind fathers such as Fonda (father of three) and Juror #9. Implicitly associate this with popular accounts of the Bible, accounts in which an angry God of the Hebrew Bible is replaced by a kinder God of the Gospels. Suggest that legal liberalism is a step up from authoritarianism in the same way that, in the thinking of many viewers, a New-Testament ethos of charity and forgiveness is a step up from an Old-Testament ethos of vengeance and punishment.

Let legal liberalism be associated with good fathers who nurture their children, while authoritarianism is associated with brutal fathers who beat their sons and abjure responsibility for sound parenting. Let Fonda take the defendant under his wing, caring for him as he would care for a son. Make Juror #9, Fonda’s benefactor, old enough to be everyone’s father. Have the benefactor say early in the movie that he is well pleased with the purity of Fonda’s motives. In the intervening period, have Fonda die and be resurrected. In the final scene, show Fonda reunited with the benefactor who treated him as a son. Connect the triumph of legal liberalism with the reunion of Jesus and his father.

Associate legal liberalism with men who stand up unflinchingly to adversity and stick to their principles. Show that supposed tough guys like Juror #3 are weak and self-pitying. Let him dismiss Fonda’s supporters as a bunch of old women, but then burst into tears at the end. Call into question the masculinity of men who will not take their responsibilities seriously. (“What kind of man are you?” says someone when Juror #7 switches his vote for the hell of it.) In contrast, show Fonda bravely enduring the insults and physical threats the others heap upon him. Suggest that real men, like Jesus, like Fonda, sacrifice themselves and don’t inflict gratuitous suffering on others.

More disturbingly, make use of stock characters drawn from the Bible, attaching crude symbolism to make clear who they are. Stock characters such as a woman who bears an unmistakable resemblance to both Mary Magdalene and the wicked harlot in the story of Solomon’s judgment. Or such as a Jew who wears a funny hat, cheats bankers, ignores what’s on his hands, talks about noses, and refuses to accept Fonda’s message no matter how much evidence he is presented with. Make these two characters the
most despicable ones in the movie, the ones who are ready to kill a young man for the pettiest of reasons—pleasing the menfolk in her case, getting to the baseball game in his. Make sure they are unredeemed, even in the end. Let her remain forever in disgrace. Let it be suggested that he is not a real man at all. Let Fonda ignore eye contact with him, resist his overtures, decline even his offer of chewing gum (while accepting the blue-eyed banker’s offer of a cough drop). Let him be the true traitor among the twelve, the only one who never repents of his error; let him opportunistically change his vote only so he can get out of Fonda’s presence more quickly; at the end, when everyone learns the astonishing truth, let him look at his watch and run out the door before anyone else, not giving a damn what the truth is.

Put these characters in the service, astoundingly, of the film’s message that men must overcome their prejudices. The masses apparently need someone to hate, if they are to learn not to hate. Imply, therefore, that people who judge by appearances are like that loose woman across the street. Imply that people who won’t consider a case on its merits are like that guy in the funny hat who has nasal issues. Bring the themes together in a subtle, obscene dance at the end: show that goodness triumphs when men start inspecting one another’s noses and hunting for women wearing makeup. This is all in the service of a higher cause, you understand; that is why it is possible even for a screenwriter and a director who are both card-carrying liberals, not to mention Jews, to make use of such shameful imagery. Show that “reasonable doubt,” like any faith, may make paradoxical demands: as Abraham must give up what he holds most dear in order to gain it back, so a film that wants to illustrate the wickedness of stereotypes may have to resort to the oldest, most vicious ones in the book.

Introduce very dark undertones from European history into the movie. When the unbeliever reveals he does not care what happens in this case, let him be confronted and interrogated by Juror #11 (George Voskovec). Let that interrogator come from a part of the world in which millions of Jews were slaughtered only a dozen years before the movie was made. Let the interrogator demand that the unbeliever swear allegiance to the faith others have subscribed to.

ELEVEN: Guilty or not guilty?
SEVEN: I told you, not guilty.
ELEVEN: Why?
SEVEN: Look, I don’t have to, uh –
ELEVEN: You do have to! Say it!
Let the interrogator merely roll his eyes contemptuously and walk away when the unbeliever proves unable to answer. Let the viewer realize how different America is from the interrogator’s place of origin; there, the man in the hat would have been put in a cattle car and sent to the gas chambers for the shape of his nose alone. But let it be suggested—whether
intentionally or not, I do not know—that the methods being used to spread the faith known as "reasonable doubt" have a troubling resemblance to the forced conversion of Jews. Raise unsettling questions about what happens to the ones who do not convert.
Set this scene off against Fonda's interrogation of the moviegoer portrayed in the film. Let someone first ask him whether he ever sweats, and let him say no. Then let Fonda brutally examine him on the questions of what movie he saw and who was in it. Let the interrogation resemble the third degree; let him break out into a sweat; let him be humiliated. Suggest that viewers must put themselves on the rack to examine their own beliefs. Suggest that whoever is not with Fonda is against him.

IX

Some further steps to consider for this hypothetical advertising campaign: Make liberal reference to the work of Melville, the master allegorist who is enjoying a comeback in the 1950s. Create reflections of Billy Budd in the defendant, another dark-skinned young man who has trouble answering his accusers; as the Handsome Sailor is innocent before God, let the defendant be innocent before Law. Create reflections of Ahab in the implacable Juror #3, putting viewers in mind of a certain senator from a midwestern state who is leading his fellows in suicidal pursuit of a great red whale. Create reflections of the Confidence Man in Juror #7, the cheating trickster who nonetheless tells everyone the truth about themselves and the society they live in. Use Melville as a model for commenting on the extremism, the false piety, and the shallow materialism of 1950s America, as well as the hypocrisy of the racists and witch hunters who claim to be good Christians while doing their best imitation of the mob that killed Jesus. Borrow Melville's trademark method of hiding brutal irony behind a solemn surface. Suggest that if Christ were to appear in America in 1957, he would be denounced as a communist agitator or a lover of "those people"; that he would be strapped into the chair within hours, and not a soul would know the difference.

Show the audience, as Melville would have, that many of its members are complicit in this state of affairs. Demonstrate to the viewers that they can watch a crucifixion in the making without having the foggiest idea. Remind them that false priests do not always hand out business cards, and that saviors do not always wear white linen. Quietly analogize them to the bystanders on the road to Calvary Hill, watching a young man led to his death without registering the significance of what they are seeing. Hint to them that they do the same thing every day of the week, sitting by while their fellow citizens are legally lynched for having the wrong skin color or put in jail or blacklisted for having the wrong friends or political beliefs. Suggest to them, as the author of the Handsome Sailor's yarn would have, that they are blind to the subtext of what they are seeing and hearing. They
accept irregular trials and hasty executions as tragic necessary evils, when
in fact they are injustices of catastrophic proportion.

Allude also to the overtones of religious doubt that creep into Mel-
ville’s work. Hint, as he would, that much as one would like to believe
otherwise, we may be all alone. Create the atmosphere of a world aban-
doned by God in which life seems to have lost its purpose. Represent soci-
ety as filled with con men and painted women peddling their wares to
people who have nothing to believe in. Suggest, gently, that we impute the
qualities of savior to an ordinary man like Fonda out of fear and despera-
tion. Raise the possibility, as Melville would, that faith is a kind of confi-
dence trick that we use to give sense to an otherwise meaningless universe.
But do not end on that note. People prefer happy endings. Let the tongue-
tied young man live this time rather than be sent to the gallows. Let the
misguided captain turn back from his mad quest for vengeance, and instead
help rescue another man’s son who has been lost at sea. Create, as Melville
would, a character to serve as a proxy—a broker—for the audience. Show
that he is very intelligent but blinded by vanity. Show him ignoring mes-
sengers with business cards. Show him patronizingly lecturing the others
about evidence he only imagines he understands. Show him waving around
the central symbol of the movie—the switchblade—without showing the
faintest notion of its significance. Show him brandishing it mockingly in
front of the person who will turn out to be his savior. Make
him the last one to see the truth. But give him redeeming qualities: let him be repelled by McCarthy-like Juror #3’s boorishness; let him tell racist Juror #10 to shut his mouth for the remainder of the movie. And let him simply and sincerely declare at the end that he was wrong. Let his words “I have reasonable doubt now” stand as a profession of faith in the viewer’s ability to achieve the same state of grace.

Allude as well to postwar existentialism, in both its theistic and atheistic variants, complementing the themes of faith and doubt drawn from Melville. Make it necessary for the lead character to show passionate commitment in the face of absurdity. Make the story of Abraham’s sacrifice of Isaac, beloved of the Christian existentialists, a key motif. Suggest that the crowd is untruth. Introduce a deluded man who rants about a terrible parricide, evoking a madman who runs through the marketplace telling of the death of God. Set the movie at twilight and show the toppling of idols. Suffuse the film with references to inauthenticity (“two years for forgery”) and the evasion of responsibility. Let the men be thrown into a situation not of their own making, and let them decide what to make of it. Let them know that the judge has given them no instruction, that the foreman has made no rules, that they can do what they will and no one will correct them. Let them be deluded into thinking, for a while, that they can get away with saying they are only following orders. Let them slowly realize that they alone are answerable for their actions. Let them be
condemned to be free. Let them be locked in an infernally hot room, with no exit.

Leave them unnamed, suggesting that they have no fixed identities. Imply that identity is something chosen rather than given, that it is created and revealed through action, that you are what you do. Hand the defendant over to the men in circumstances that unambiguously recall the crucifixion of Christ, have the judge give them the green light to execute the kid, and let them decide whether they will accept the role. Let a man come forward to change places with the defendant—not because anyone told him to, but because he chose to. Put a storm on the horizon, and let the men decide who will stay inside and who will be washed away. Exile them in the desert, and let them decide who will follow the law and who will listen to the phony priests. Put them in Solomon’s court and let them decide whether they will side with the wicked harlot or with the man of justice. Put them in the presence of a man of faith, who wins the admiration of a man old enough to be everyone’s father; let them decide whether to be his friends or his enemies. Above all, give them the chance to play a series of roles from the story of Christ, and let them decide which one they will take. Let them choose, in the end, to be apostles. But suggest, tantalizingly, that every character in that story—Christ, the apostles, the mob of executioners, and everyone else—may be found in each of us, and that it is up to us to decide
which one of them to bring to life. Suggest that whether we know it or not, we make these existential choices at every moment in our lives.

Allude, finally, also to Shakespeare’s great play—which Melville had at hand when writing *Moby Dick*—about men obsessed with the trappings of authority, and their offspring who must don disguises to save them from disaster. Have the action driven by a man who foppishly insists on being called “sir,” who lashes out wildly at youngsters who pay him insufficient respect, who drives away his own child for being too meek. Let him be driven insane by grief and flail about madly during a storm. Let there be parallels between him and the murder victim, as there are parallels between Lear and Gloucester; let the confusion over who is whose father or son echo comparable confusions in the play. Have people repeatedly put on and take off their coats, hinting at the use of costumes; insert references to blindness and even to glass eyes; let there be shocks of recognition at the film’s climax. Let the mad authority figure be rescued by someone who conceals his identity, and let him weep in anguish at the end over what he has done to his child. Suggest that men who cannot distinguish between reality and masquerade—between true authority and its outward forms—will succeed only in bringing destruction on themselves and on their children. Let the absence of God in the film recall a similar absence in the play. And, of course, put in a court jester to provide running commentary on the drama that is being enacted.

With these themes, raise profound questions about the limits of allegory itself. Suggest that in a sense these men’s whole problem is that they have been trapped by allegorical thinking, which assigns them roles they can’t imagine their way out of. Juror #3 has lost his grip on reality, thinks he’s God, can’t distinguish this case from his own family drama; Juror #10 thinks “those people” are on trial here, which prevents him from considering the merits of this case; the others, in their different ways, have told themselves stories about the case that have prevented them from seeing things clearly. Show Fonda liberating them, or help them liberate themselves, from the personae they have unthinkingly accepted. Show that the men who are supposed to be weak or stupid or shallow all break out of the confines of those roles; so too the one who is too smart for his own good; so too the ones for whom this case is the occasion for a vendetta. Suggest that seeing the world in terms of preconceived stories blinds us to reality, traps us in roles we don’t have to play, makes us do awful things to others and ourselves.

Suggest, on the other hand, that breaking free of allegory is easier said than done. Suggest that Fonda does not release the men from the grip of
The Fool juggles paper balls

allegory; all he does is help them take on a different set of roles. Let the crucifixion allegory be completed after all, but with Fonda taking the kid’s place, and the jurors gradually dropping the roles of executioners and taking on the roles of apostles. Suggest that he becomes the father figure the men in the movie crave, Juror #3 most of all. Suggest that there will always be people who try to play God, and for that reason someone will have to play the martyr in order to stop them. Suggest that there will always be people who insist on being blind, and for that reason someone will have to play the part of prophet and healer. Hint that the law will never escape its origins in ritual sacrifice; the most it can hope to do is substitute allegorical bloodlettings for real ones. Acknowledge that many viewers will not embrace legal liberalism on its own terms, because it disenchant the world. Cater to their desire to see the word made flesh. Give them signs and wonders that make it possible for them to believe.

X

Send these messages but, as I’ve said, send them under the radar. Keep cards to chest, wagering that the viewers will absorb much of the film’s subtext—maybe not all of it, but a lot of it—without being aware they are doing so. That’s the thing about the soft sell: when it’s done right, people don’t know it’s happening. If this film is done right, audiences will love it without fully knowing why. They will christen it America’s #1 law
“Supposing this whole building should fall down on my head.”

movie, never realizing what a clever, elegant trick they’ve fallen for. If anyone should point the trick out to them—should show that it was all an elaborate game of charades—some viewers will reject the idea out of hand. They’ll say that he’s reading too much into it, splitting hairs, seizing on coincidences. Best of all, they’ll do this without even going back to review the film! The irony will be lost on them.

But their resistance will be understandable. As we know from the film, people are reluctant to admit that they don’t fully understand the significance of what they have seen and heard. Whenever someone comes forward to suggest that they’ve been deceived by appearances or that they’ve ignored significant details or that there’s more to this case than anyone understands (including himself), they’re likely to dismiss him as a crank, ignore what he’s saying, and cling to their prior views as long as possible. There’s not much that can be done for people in this situation, beyond gently suggesting that they should have another look at the evidence. Whether they’ll follow that advice is an open question. When the advice comes from someone like Henry Fonda, people listen. But when it comes from someone like the Fool, who correctly says it’s as plain as the nose on your face, no one pays any attention. What explains the difference? Who knows. Maybe it’s their choice of garments.