

**Peter Biskind, "We the Jury: 12 Angry Men and the Anatomy of Consensus," from *Seeing Is Believing: How Hollywood Taught Us to Stop Worrying and Love the Fifties* (Holt, 2000).**

We are presented with a shot of the massive façade of the Supreme Court Building in New York's Foley Square. The camera slowly crawls up the stone columns to the pediment above. Carved across it in bold letters are the words: "The administration of justice is the firmest pillar of good government." Ninety minutes later we will have seen justice served, and know that in the United States, government is indeed good. The Supreme Court Building is a monument, like the Lincoln and Jefferson memorials that are "quoted" in so many films, and as we look up with the camera at the majestic inscription over our heads, we realize that this will be a film that legitimates an American institution: the criminal justice system.

When the camera takes us inside a small, dingy room, we see a man staring moodily out the window at the steep sides of the skyscrapers beyond. The man is Henry Fonda, the film is Sidney Lumet's *12 Angry Men* (1957), and we are about to sit in on the deliberations of a jury. As the film unreels, we notice that the characters don't have names. And when one wryly says to another, after a particularly acrimonious exchange, "Nice bunch'a guys," and the latter replies, "I guess they're the same as any," we realize that these figures are symbols, standing for everyone, and that the film, more than legitimating this or that institution, is after bigger game. It will legitimate a process. For society to work, it was not only necessary that Americans hold certain beliefs in common, but that they agree on the mechanics of reaching agreement. The jury, with its frequent straw votes, its tug-of-war between opposing perspectives, its give-and-take, its stress on conciliation, on integrating clashing points of view, and its imperative of unanimity, was particularly well suited to dramatizing this process.

The defendant in *12 Angry Men* is an eighteen-year-old, apparently Hispanic youth who is charged with stabbing his father to death. (I say "apparently," because although the film suggests that the defendant is a member of a minority group, it is a bit coy about saying just which one. Like the jurors, he is a "symbol"; he stands for all of them.) There is strong circumstantial evidence against him. The downstairs neighbor heard him threatening his father, heard the thud of the body against the floor, and saw the boy run downstairs immediately after the murder. The son admitted to owning a knife identical to the murder weapon, a switchblade with an unusual, intricately carved handle found sticking out of his father's chest. He implausibly claimed he had lost the knife before the murder, and further told police he was at the movies at the time of the killing, but when pressed by the prosecution, he couldn't remember the names of the movies or anything about them. The circumstantial case is apparently clinched by an eyewitness: a woman living directly across from the apartment of the murdered man on the other side of the elevated subway tracks. She claims she saw the boy kill his father through the window. Finally, to add insult to injury, the defendant has a long record of muggings, car thefts, and so on. But we know there must be something wrong, because in one extended close-up of the boy in the courtroom, before

the jury retires, we see that he doesn't look like a murderer; on the contrary, he looks sensitive, soulful, and unhappy.

In view of the strong case against the defendant, it is not too surprising that the jury's first straw vote comes out 11 to 1 for conviction. The sole dissenting vote is cast by the hero, Henry Fonda. It's not that he's certain the boy is innocent; he's just not certain he's guilty. "It's not so easy to raise my hand and send a boy off to die without talking about it first," he says.

Fonda's dissent doesn't sit so well with the other jurors, for whom it's an open-and-shut case. Three of them take a hard line against the accused. We know they're bad guys even before they open their mouths. One, a salesman (Jack Warden), noisily chews gum, flicks the wrapper out the window, and sits on, not at, the conference table. He has tickets to the ball game that night and is anxious to have the deliberations over and done with so that he can get there in time for the first pitch. "The kid's dangerous; you could see it," he says. Another, a self-made businessman, Ed Begley, has a bad cold and keeps blowing his nose with a flourish of soiled handkerchief. "Human life doesn't mean as much to them as it does to us," he says between snuffles. We know yet another self-made businessman is bad news, because he's played by Lee J. Cobb, who always is, and because he too sits on the table, talks too loud, and is among the first to take off his coat in the sweltering heat. Cobb doesn't even think the boy should have been given a trial. "That's the system," he snarls, in his gravelly voice, "but I'm telling you, sometimes I think we'd be better off if we took these tough kids and slapped'em down hard *before* they make trouble." All three have already made up their minds, and they have nothing but contempt for the jury process. A fourth juror, E. G. Marshall, is a neatly dressed stockbroker who wears the kind of wire-rimmed granny glasses later made fashionable by Robert McNamara. We know he's a cut above the others because he doesn't sit on the table, but primly in his seat, and despite the heat, he keeps his jacket on. Nevertheless, he shares their dim view of the defendant. "Children from slum backgrounds are potential menaces to society," he says. The remaining seven jurors are fence-sitters, leaning first one way and then the other.

Despite the apparent strength of the evidence, there are some puzzling inconsistencies. Why did the boy return to the scene of the crime later that night if he indeed murdered his father? Could the woman across the way really have seen what she said she saw, when there was a train passing between the victim's apartment and her own exactly at the moment of the murder? As Fonda tugs at the loose ends, the prosecution's case begins to unravel, and it becomes obvious that the jurors will not be able to reach a quick decision. Under the press of the summer heat, tempers flare and the debate turns rancorous. The purpose of the deliberations, which is a straightforward, purely practical one—the determination of the guilt or innocence of the defendant—is forgotten, and the differences between Fonda and the others escalate into a battle to the death between irreconcilable principles, making it much more difficult to reach an agreement. In other words, the question at issue is obscured by a cloud of ideology; it has become politicized. "What is it, Love Your Underprivileged Brother Week, or something?" Cobb bellows at Fonda, smacking his lips like a beached flounder. "You come in here with your heart bleeding all over the floor about slum kids and injustice. Everyone knows the kid is guilty. He's got to burn." As Cobb, Begley, and Warden shout and carry on, they sweat like pigs, and even as we watch, dark, ugly rings appear under their armpits. They are erratic, excitable, and irrational, leaping about, frantic with

anger, always on the verge of losing control. "I'll kill you, I'll kill you!" thunders Cobb, threatening Fonda with a knife. He has no desire to debate or compromise with those who disagree with him. He just wants to destroy them.

As Fonda and Cobb go at it, the dialogue, plot, physical presentation of characters, and placement of the camera all make us sympathize with Fonda, make us see the issues his way, through his eyes. In contrast to Cobb et al., Fonda is cool as a cucumber; throughout Cobb's tirades, he sits calm and collected in his pale cord suit, like Marshall, declining to remove his jacket until well into the last reel. Moreover, he is mild and reasonable. Despite the fact that he initially defies the others, he is not out to polarize the group; rather, he tries to bring them together, convince them he's right. He is not content to splinter the original, false majority against him; he wants to fashion a new, true majority. Luckily, he has the "facts" on his side. As he analyzes the prosecutor's case, it turns out that both witnesses, the downstairs neighbor and the woman across the way, lied on the stand. Then he demonstrates that the boy's alibi is not so implausible as it sounded at first blush. These facts are enough to convert those who are poorer, weaker, and possibly to the left of himself: a refugee, presumably Jewish, from the Holocaust; a garage mechanic, presumably working-class; and a house painter. With these jurors in tow, Fonda proceeds to forge an alliance with the Wall Street stockbroker, E. G. Marshall. Marshall has been embarrassed by the antics of Cobb and his friends, but since he in essence agrees with their point of view, he has not been able to disavow them. According to Reginald Rose's script, however, "The stockbroker is a man of logic, a man without emotional attachment to the case," and therefore Fonda is able to convince him that the defendant is innocent.

The relative ease with which Fonda brings Marshall over to his point of view indicates that the two men play by the same rules, speak the same language. But this in itself is somewhat of a surprise. Why should they, in fact, share the same assumptions? After all, Fonda, the "bleeding heart," is a liberal, afflicted by the liberal's characteristic compassion for the victim, while Marshall, with his decidedly illiberal attitudes toward the defendant, is considerably to the right of him. In the thirties, during the New Deal, when an alliance of leftists and liberals, Communists and Democrats, faced an alliance of rightists and conservatives, reactionaries and Republicans, across the abyss of the Depression, Fonda and Marshall would have been enemies. But times had changed. This was the fifties, the decade in which it seemed that the United States had solved most of the basic problems of modern industrial society. The miracle of the economy, the seemingly endless flow of consumer goods, the constant technological innovation, ironically promised to realize Marx's dream of a harmonious, classless society, not in the Soviet Union, but right in the heart of capitalist America. The thirties, in other words, were obsolete, and the political alignments that characterized them had shifted dramatically. Liberals and conservatives made common cause against leftists and rightists; the center turned on the extremes. As David Riesman and Nathan Glazer put it, "What happened is that the old issues died, and on the new issues former friends or allies have become enemies, and former enemies have become friends. Thus: liberal intellectuals have had to switch their attitudes towards Wall Street—symbolizing both the great financiers and the giant corporations they organize—and towards 'small business.'" "Liberal intellectuals" and "Wall Street" had become "natural allies."

For its part, Wall Street was quick to respond to love calls from the left with cooing noises of its own. It realized that the New Deal reforms of "that man" (FDR) had saved capitalism, not buried it, that unions were here to stay, and that labor, with an assist from the witch-hunt, had traded in its vision of a socialist future for a car, a television, and a house in Levittown. In other words, if labor accepted the capitalist framework, capital reciprocated by agreeing to play by the rules of the game that had been laid down by the New Deal. Thus, when Eisenhower took over from Truman in 1953, far from rolling back New Deal reforms like social security and unemployment insurance, as some conservatives and most reactionaries had hoped, his administration accepted and consolidated them, gave them the imprimatur of the business community.

The components of this new alliance were the moderate wing of the Democratic Party, the so-called "cold-war liberals"—an assortment of disillusioned ex-Communists, old New Dealers, and social democrats who wholeheartedly embraced the cold war—bankers and lawyers like Averell Harriman and Dean Acheson, along with intellectuals like Daniel Bell, Arthur Schlesinger, Jr., Sidney Hook, and David Riesman. Their counterparts to the right were the "corporate capitalists," the left wing of the Republican Party, made up of the liberal business and financial leaders of the big East Coast, northern, and midwestern-based banks and corporations. The Truman (and later Stevenson) Democrats and Eisenhower Republicans played at the game of electoral politics, but it was this "corporate-liberal" alliance of the center, this "bipartisan" coalition of moderates from both parties, who made up the rules of the game.

*12 Angry Men* follows this script quite closely. It is, in some sense, a film written by ideology. Although its nameless cast of characters are meant to be just plain folks, fifties Everymen, they actually correspond to clearly defined political types. Fonda, an architect by profession, constructs the alliance of moderates. We know he is a liberal, but we can be much more precise than that. We don't find out anything about his views on Communism or the witch-hunt, but we can also determine that he is a "cold-war liberal" precisely because he is engaged in building a bridge to those to the right of himself and bringing those to the left along with him. Stockbroker Marshall is, of course, the enlightened corporate capitalist, the symbol of Riesman and Glazer's "Wall Street." The understanding between Fonda and Marshall forms the backbone of the corporate-liberal alliance of the center.

The common language Fonda and Marshall speak was called pluralism. Pluralists believed that America was composed of a diversity of interest groups which competed on a more or less equal basis for a piece of the pie. Like the various blocs of jurors in *12 Angry Men*, they could adjust their differences by reasoning together, if they would only avoid ideologizing their conflicts. With the example of Nazi Germany and Communist Russia fresh in their minds, fifties corporate liberals blamed ideology for polarizing societies, pitting one class or ethnic group against another, thereby rendering democracy unworkable. It was the glory of America that in the fifties, ideology was dead. As Schlesinger summed it up: "The thrust of the democratic faith is away from fanaticism; it is towards compromise, persuasion, and consent in politics, towards tolerance and diversity in society." But the corporate liberals' obituary for ideology was premature. It was alive and well, dwelling where we had looked for it least, in the end-of-ideology ideology of the corporate liberals. It was pluralism itself.

Unlike Marshall, Cobb and his friends are old-fashioned ideologues. They don't care about the language of fact. Or, to put it another way, as Fonda continues to argue with them, we gradually see the ground shift from a dispute over the facts of the case to a dispute over the importance of facts per se. At the beginning of the film, as we have seen, Cobb et al. claim the facts for themselves. "I just want to talk about the facts," says Cobb. "You can't refute the facts." At this point, the facts seem to indict the defendant. Two witnesses, a motive, an alibi like Swiss cheese, apparent possession of the murder weapon, and a long criminal record, all say he's guilty. The facts seem to speak for themselves. "What's there to talk about? Nobody had to think twice except you," Warden complains to Fonda. Cobb derisively calls Fonda "preacher" and berates him for pandering to the passions of the jurors with emotional appeals. By the end of the film, the facts are on the other foot. The bleeding hearts have the facts on their side. "I don't think the kind of boy he is has anything to do with it," says one juror. "The facts are supposed to determine the case." In contrast, Cobb et al. are convicted of emotionalism. When Cobb assures the other jurors, "I have no personal feelings about this," it's just not true. His passionate outbursts, and his refusal to throw in his lot with the developing majority, are signs of psychological imbalance. His problem is his relationship with his son. In the final scene, this emerges as the true reason for his hatred of the defendant, and Cobb nearly has a nervous breakdown. And by this time, Fonda has succeeded in persuading his opponents to accept this framework. They dismiss the facts, ceding them to Fonda and friends. "I'm sick of the facts," admits Begley. "You can twist'em any way you like." Bereft of facts, Cobb et al. are content to fall back on intuition, on feeling, on subjectivity. They just *know* the boy is guilty.

In the same way that Fonda seizes the ground of fact from Cobb, so pluralists fought to secure the rights to reality from their enemies. In the forties, Lionel Trilling wrote that the future historian of the fifties, undertaking to describe the assumptions of his culture, "will surely discover that the word *reality* is of central importance in his understanding of us." Trilling knew what he was talking about, because he and others like him played a key role in prescribing just what could legitimately be considered "real" in the fifties. Pluralists were quite clear about what reality was not, but they were rather vague about what it was. They would say no more than that reality was complex, ambiguous, and mysterious. Trilling, for example, praised Hemingway and Faulkner for their "willingness to remain in uncertainties, mysteries, and doubts," their talent for seeing "the full force and complexity of their subject matter." And it wasn't only poems and novels that required detailed exegesis. "The problems of national security," wrote Daniel Bell in a characteristic statement, "like those of the national economy, have become so staggeringly complex, that they can no longer be settled by common sense or past experience." If reality was as complex as pluralists said it was, straightforward explanations of events were useless; phenomena had to be interpreted. In *12 Angry Men*, facts don't speak for themselves, and Cobb and friends are blinded by common sense, which assumes that they do. Those jurors who believe that reality is amenable to simple, lay, or amateur interpretation are not only wrong, they're dangerous.

What is at issue in *12 Angry Men* is not only what really happened, but how we find out what really happened, and whom we listen to. The answer, of course, is the corporate liberals themselves. Getting at the truth is a strenuous operation, requiring the intervention of a dispassionate, rational consciousness, which is why the jurors have to be tutored in the language of reality by Fonda. Fonda is

an expert who qualifies for his role by virtue of his superior education. The cult of complexity implied that experts—intellectuals, scientists, and technocrats—were the only ones who could understand and therefore run society. Both capitalists and workers, wrote Schlesinger, are trapped in a state of "mutual bewilderment," leaving "the way open for ... the politician-manager-intellectual types" to step in. Like Fonda, they are well suited to deal with reality because they have the correct ideology, that is, no ideology.

If Marshall and Fonda represent the center, Cobb and his friends are archetypal versions of what centrists liked to call "extremists." From the vantage point of pluralists, extremists were trolls and goblins who dwelled in darkness outside the center; in short they were totalitarians of the right and left, Fascists and Communists who rejected pluralism, that is, had nothing but contempt for the democratic process. Extremists displayed a "tendency to convert politics into 'moral' issues," wrote Bell, whereupon "political debate moves from specific interest clashes, in which issues can be identified and possibly compromised, to ideologically-tinged conflicts which polarize groups and divide society." Like Barry Goldwater, whose 1964 presidential campaign slogan was "In Your Heart You Know He's Right," they dismissed reason in favor of feeling. They were neurotic "indignants," as Riesman and colleagues called them in *The Lonely Crowd*, troublemakers who got "themselves worked up about political abuses; they have a positive tropism to evidence of race discrimination, police brutality, corporate skullduggery." Extremists, in other words, were radicals, most often of the left, but also of the right, as in *12 Angry Men*. Left or right, extremists, according to pluralists, were the way they were because they were anxious about their "status." They were insecure because they had risen or fallen too quickly through the ranks of class. In *12 Angry Men*, the status-anxious extremists are either rags-to-riches self-made men like Cobb and Begley or petit-bourgeois losers like Warden.

Although Fonda manages to defeat his extremist opponents in debate, the rules of the jury process, like the rules of pluralism, require that he has to include them in the emerging majority for acquittal. As a good corporate liberal, he believes that a stable society is based on inclusion, not exclusion. So long as groups with competing ideologies subscribed to the ground rules of the center, submitted, as Bell put it, "to the discipline of compromise," to the rules of the game, the center was happy to have them on the team. Therefore, Fonda must conciliate the losers. In one scene, when most of the jurors have risen from the table to turn their backs on Begley, who has made a racist remark, it is Fonda who beckons them back, countering their indignation with a kind word for Begley: "It's always difficult to keep personal prejudice out of a thing like this," he says sympathetically. (A little indignation is a good thing, but too much would threaten to turn the jurors into extremist "indignants" themselves, and interfere with the good-natured give-and-take of pluralist politics.) Fonda finds it easy to forgive Begley, because Begley is essentially sick, not bad. Similarly, near the end, when Cobb sits shattered by the realization that he has failed his son, Fonda welcomes him into the fold by putting a comforting hand on his shoulder. At each other's throats throughout the film, they are now friends. Both have compromised. If Fonda has accepted Cobb into the group, Cobb has swallowed his pride and relinquished his hatred of Fonda. With Cobb on board, finally convinced that he too has a stake in society, the process is completed. When the jurors enter the courtroom at last, Cobb, Begley, and Warden take their places

alongside everybody else, join Fonda and Marshall in closing ranks before the world. Their differences are all in the family.

When Fonda persuades Cobb et al. to join the others, he succeeds in domesticating the extremists, making bad reactionaries into good conservatives. Conservatives were the final ingredient in the fifties political pie. Somewhat to the right of the corporate liberals, they were nevertheless their junior partners. The economic base of conservatism lay in small and medium-sized farms and businesses, along with the new wealth of the Southwest, the area that would later be called the Sunbelt. Their party was the right wing of the Republican Party, the midwestern Old Guard gathered around senators like Dirksen and Knowland, often joined by the right wing of the Democratic Party, the so-called Dixiecrats. Their favorite son and perennial candidate for president was Robert Taft. Conservatives differed from corporate liberals on the details of how things should be run, but in times of crisis, like Cobb and friends, they closed ranks with their corporate-liberal allies, remaining well within the center.

The fruit of Fonda's labors has been the unanimous verdict for acquittal. But the verdict itself feels like an anticlimax. What is important in this film is not that the jury acquitted the defendant but that the decision was unanimous. *12 Angry Men* is more interested in consensus than in justice. Consensus, the shared agreement between corporate liberals and conservatives (however reluctant) on fundamental premises of pluralism, was—outside, perhaps, of the H-bomb—the fifties' most important product. Since *12 Angry Men* endorses consensus, it is a centrist film. And because the consensus is dominated by the corporate liberals and their ideology of pluralism, it is moreover a corporate-liberal or pluralist film.

In many films, however, the imposition of consensus, the assertion of the authority of centrists over extremists, is secondary, and the stage is given over to the quarrel inside the center between corporate liberals and conservatives for authority over consensus, the right to dictate its contents and set its limits. While Elia Kazan's *Panic in the Streets* (1950) also imposes the authority of centrists over extremists, it is the quarrel within the center that is crucial.