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Interrogations of Justice in Zora Neale Hurston's *Their Eyes Were Watching God*

Alicia M. Renfroe *

In her autobiography, *Dust Tracks on a Road* (1942), Zora Neale Hurston comments on justice; she writes, "there is universal agreement on the principle, but the application brings on the fight. Oh, for some disinterested party to pass on things! Somebody will hurry to tell me that we voted God to the bench for that. But the lawyers who interpret His opinions, make His decisions sound just like they made them up themselves" (p. 289).

Hurston's lawyers tell stories, stories about justice designed to reconcile the tension between the legal code presumed to embody universal principles and the response reflected in the particularity of human experience. These lawyers, apparently following Milton's attempt in *Paradise Lost*, "justify the ways of God to men" by making God's decisions, and justice more generally, their own through storytelling (p. 126). Hurston's reference to God suggests a transcendental definition of justice as a reflection of natural law, and the reference to voting "God to the bench" implies a form of social organization predicated on choice and consent. Indeed, she seems to describe a model of justice associated with social contract theories. Generally speaking, the social contract creates a society in which individuals can express their autonomy by freely choosing the contracts they will enter. The social contract also provides for dispute resolution through applying an external standard of justice, presumably consistent with transcendental principles of natural law, represented by the legal codes the state enacts and the legal institutions designed to enforce the codes. In *Their Eyes Were Watching God* (1937), Hurston questions traditional notions of justice that rely on natural law, and the call for justice, for judgement itself, constitutes the driving force of the novel.

Judgement is at issue from the opening pages as the narrator explains that the beginning of the story is a woman, who the reader later learns is Janie Crawford, and that she has "come back from burying the

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dead [...] the sudden dead, their eyes flung wide open in judgement" (p. 1). When Janie returns to Eatonville, where she lived for many years with her second husband, Joe Starks, the townspeople "saw her come," and "they sat in judgement" (p. 2). Janie's former community stands ready to judge her actions both in leaving Eatonville after Joe's death and in the alleged murder of her third husband, Tea Cake. Her old friend Phoeby serves as a jury of one to hear Janie's case and, we assume, to tell Janie's story to the community; according to Michael Awkward, "Janie's narration of her story in the novel's frame represents an extended, didactic 'call,'" that "represent[s] Hurston's application of the Afro-American behavior call-and-response — in a modified form — to the genre of the novel" (p. 54). The African American oral tradition, particularly the call-and-response pattern, forms an important part of the novel as Janie seems to learn to manipulate language through exchanges with an engaged audience.¹ Awkward also suggests that the novel includes "verbal exchanges that correspond to the call-and-response pattern prevalent in all forms of Afro-American expressivity" (p. 50). More generally, Roger Abrahams explains the nature of expression essential to this tradition:

the vitality of storytelling lies in two characteristic elements: first the seizure of the role of narrator and the maintaining of it in the face of ongoing critical commentary; second, the constant audience commentary and periodic introduction of call-and-response songs.

(quoted in Callahan, p. 15)

These characteristics, particularly the idea of sustaining a narrative in the face of criticism, sound remarkably similar to the characteristics of a good lawyer, a lawyer whose story about justice persuades the jury despite critical commentary from opposing counsel. Thus, the ability to tell one's story or to have one's story heard occupies an important role in legal proceedings.

For many critics, Janie's ability to tell her story establishes her innocence at her trial for Tea Cake's murder and determines the possibility, and finally the success or failure, of her quest for identity. Indeed, these critics suggest that the novel stages Janie Crawford's search for her own voice and thus her identity. According to this view, when Janie becomes what Henry Louis Gates, Jr. refers to as a "speaking subject" she achieves autonomy. Similarly, Susan Lanser characterizes the novel as "a record of Janie Crawford's struggle to find voice and through voice an identity" (p. 201), and Mary Helen Washington

¹ Geneva Smitherman defines the call-and-response pattern as "spontaneous verbal and non-verbal interaction between speaker and listener in which all of the speaker's statement's ('calls') are punctuated by expressions ('responses') from the listener" (p. 104).

interprets the novel's theme as "Janie's search for identity" ("Zora", p. 15). As Richard Callahan explains, Janie "must formulate her own scripture and learn to be articulate about it in a voice of her own" (p. 128). Many critics believe that Janie's quest is ultimately successful. Nellie McKay argues that the novel charts Janie's move from "male-identified to self-identified woman" (p. 63), and Sigrid King indicates that Janie represents a "a model of powerful self-identification" (p. 126). Similarly, Barbara Christain believes Janie "achieves self-fulfillment and understanding" (p. 174) and the novel uses "language as a means of exploring the self as female and black" (p. 175).²

However, not all critics view Janie's quest, and its fulfillment through language, in such positive terms. Though Washington agrees that the novel is about identity, in "Zora Neale Hurston: A Woman Half in Shadow," she recognizes that Janie's identity only "begins to take shape as she throws off the false images which have been thrust upon her because she is both black and woman in a society where neither is allowed to exist naturally and freely" (p. 15). In "I Love the Way Janie Crawford left Her Husbands': Emergent Female Hero," Washington argues that the novel "represents women's exclusion from power, particularly from the power of oral speech" (p. 98). Other critics question the ideological assumptions that ground Janie's identity; in *Blues, Ideology, and Afro-American Literature: A Vernacular Theory*, Houston A. Baker, Jr. writes that "Janie's true grounding is in the parodic economics of black, middle-class respectability marked by Logan Killicks and Joe Starks" (p. 58). For Baker, Joe's property ultimately enables Janie's freedom, and African American artists like Hurston must "negotiate the restrictions sanctioned by the economics of slavery if they would achieve expressive wholeness" (p. 59).

In order to understand fully Janie's quest for autonomy, it is important to consider the role of law, and by extension justice, in relation to that quest because it is in the courtroom, the symbolic site of justice, that Janie's voice and justice itself seem most contested when Janie is tried for Tea Cake's murder. For Rachel Blau DuPlessis, the narrative structure itself "is like a trial," and Janie's testimony to Phoeby, the proper jury, "claims final power and final appeal" (pp. 105-106). Similarly, Jon-Christian Suggs notes that the "courtroom scene is actually the second trial in the story and is embedded in the first" which

2 Michael Awkward sees the issue a bit differently; Janie's experiences reveal "the potency of voice and the consequences of its absence" (p. 48). Third-person narration enables Hurston "to represent shared voice as a narrative possibility for the genre of the novel"; thus, the narration "offers an example of an Afro-American pattern of verbal communication that represents collective interaction rather than individual dictation" (p. 55).

“begins on the opening page of the novel when Janie returns home and is confronted by a jury of her peers” (p. 232). Thus, the narrative frame calls our attention to the act of judgement. If the text constitutes a call for justice, what version of justice ultimately emerges from Janie’s testimony to Phoeby and by extension, to us?

Before turning to the trial scene, it is also important to consider Janie’s view of marriage because she is accused of murdering her husband. Hurston invokes both legal code and response through her representation of the marriage contract, and Janie’s marriages suggest different versions of justice. According to one view, the marriage contract creates relationships based on status, and the justice of such relationships derives from the status of each party. Due to Nanny’s experiences as a slave and her daughter’s rape, Nanny teaches Janie that a legally sanctioned marriage will provide paternalistic “protection” by improving her economic situation and assuring her position in the community (p. 14). Indeed, Janie marries her first husband at Nanny’s insistence, primarily because of “his often-mentioned sixty acres” (p. 20). Even though Janie has a “lawful husband” in Logan Killecks (p. 21), she is unable to find true happiness with him, at least partially because he refuses to recognize her as an equal; Logan tells Janie, “You ain’t got no particular place. It’s where ever Ah need yuh” (p. 30). Logan also reminds Janie of her family’s position in the community and suggests that she is lucky that he married her because “’tain’t too many mens would trust yuh, knowin’ yo’ folks lak dey do” (p. 29). However, Janie soon grows frustrated with Logan, especially as she develops a different view of the marriage and sees it as a way to “compel love like the sun the day” and to create a relationship between equals (p. 20).

Janie wants her own “place” separate from that dictated by Logan, and, because she believes it is important to make her own choices, she eventually leaves Logan to run away with Joe Starks. Though they participate in a marriage ceremony, they are not legally married; however, this legal technicality does not concern them, and their marriage carries a certain ethical authority. Because Janie voluntarily chooses Joe, she believes that through their marriage contract she will find the freedom associated with an agreement between equals as well as economic security. According to this view of contract, which is quite similar to the view of contract articulated in most social contract theories, the contract is just because both parties freely choose to enter the contract. Thus, the justice of the contract is predicated upon consent. Initially, their marriage promises Janie self-fulfillment, a “change” that seems “bound to do her good” (p. 31). Similarly, Joe Starks speaks for “change and chance” and provides an opportunity for Janie to improve her life (p. 28). Joe forges his own social contract of sorts when he builds and organizes an all-black town because he believes that “de man dat

built things oughta boss it" (p. 27). Joe's logic echoes the rhetoric of post-Civil War legal reform that posited freedom "as ownership of one's self and one's labor — the right to make contracts and to keep at least some portion of the fruits of labor" (Stanley, p. 475). Thus, owning one's labor becomes a marker of freedom and autonomy.

Initially, Joe seems like a better match for Janie than Logan Killecks precisely because he represents the freedom denied Janie in her first marriage. For instance, when Janie observes a mule being mistreated by its owner, she tells Joe that "people ought to have some regard for helpless things" (p. 54).³ Joe buys the mule to impress her, and it works. As Janie puts it, "you have tuh have power tuh free things and that makes you lak uh king uh something" (p. 55). However, as the elected mayor of the town, Joe's power should be based on the consent of the townspeople because social organization based on a social contract should negate the need for a king to embody and to enact justice. However, Joe is described as the king and, at times, seems the sole arbiter of justice; his power in the town is synonymous with his power in his marriage.

In a telling scene invoking distributive justice, Joe is figured as the judge when a neighbor begs at the store for a piece of meat. Though he seems to have "some regard for helpless things" when he buys the mule for Janie, this regard does not appear to extend to people in need, especially when those people need economic assistance. After haggling over the size of the piece of meat, Mrs. Robins protests what she views as a stingy cut; she argues that "some folks ain't got no heart in dey bosom. They's willin' tuh see uh po' woman and her helpless chillun starve tuh death. God's gointuh put 'em under arrest" (p. 70). Here, Mrs. Robins invokes the transcendental justice of natural law to check Joe's judgement; however, since Joe owns the store and even bills Mrs. Robins' husband for the meat he seems to give her, the scene also reinforces the link between justice and economic status.⁴ As a man of some means, Joe's status as a property owner grants him authority over the townspeople; this power reinforces his position as a judge.

Yet, Janie eventually undercuts his role as judge during an argument over the way she cuts the meat for their customers. When Joe

3 The mule scene also serves as a reminder of Nanny's comment that "de nigger woman is de mule uh de world" (p. 14).

4 In *Blues, Ideology, and Afro-American Literature: A Vernacular Theory* Houston A. Baker, Jr. argues that the novel reveals the "economics of slavery" (p. 57). He focuses on Nanny because she "conflates the securing of property with effective expression," and the novel as a whole "implies that she is unequivocally correct in her judgement" (p. 57).

criticizes both her ability and her looks, Janie fights back verbally, in front of several other people: "Talkin' bout me lookin' old! When you pull down yo' britches, you look lak de change uh life" (p. 75). With this statement, Janie "robbed him of his illusion of irresistible maleness that all men cherish [...] she had cast down his empty armor before men and they had laughed, would keep on laughing" (p. 75). Joe realizes that "when he paraded his possessions hereafter, they would not consider the two together. They'd look with envy at the things and pity the man that owned them. When he sat in judgement it would be the same" (p. 75). His material possessions no longer serve as adequate markers of his freedom. In this scene, Janie realizes the power of her voice when she stands up to Joe.⁵ At the same time, she undercuts Joe's role as judge, both in the town and in their relationship. Rather than a representation of Janie's voluntary choice and a marker of her freedom, her marriage becomes a matter of pure exchange; she "got nothing from Joe except what money could buy, and she was giving away what she didn't value" (p. 72). She realizes that in marriage "she had been set in the market place to sell. Been set for still-bait" (p. 86). Thus, the justice of their relationship depends on an economic exchange rather than voluntary consent.

In what turns out to be Janie's happiest marriage, the terms of the contract are made most explicit, and those terms are quite different from the economic factors prominent in her other marriages. When Joe dies and Janie falls in love with Tea Cake Woods, Janie decides to sell Joe's store because "Tea Cake ain't no Joe Starks," and, as a result, they will "start all over in Tea Cake's way" (p. 108). Janie writes her own contract, and absent economic issues, this marriage promises an equality of spirit.⁶ Their relationship is associated with justice; when Tea Cake first meets Janie, he flirts with her using the language of the court. Janie asks if he is as sweet as his name, and he replies, "Ah may be guilty. You'd better try me and see" (p. 93). Here, courtroom language is playfully invoked, setting the stage for their marriage as a playful game while at the same time suggesting that justice is less than absolute. Janie defines the terms of their agreement: "Dis ain't no buisness proposition, and no race after property and titles. Dis is uh love game" (p. 108). Here, the marriage contract becomes a game, and thus suggests a shifting view of

5 In "The Signifying Monkey," Henry Louis Gates, Jr. argues that Janie "gains her voice, as it were, in her husband's store not only by engaging with the assembled men in the ritual of signifying (which her husband had expressly forbidden her to do) but also by openly signifying on her husband's impotency" (p. 290).

6 The economic element of their marriage is problematic. Though Tea Cake refuses to live on Janie's money, he is willing to take her money, without her knowledge, to throw a party for his friends.

justice, a view of justice that emerges as Janie achieves a powerful voice. Justice, then, is neither grounded in natural law nor connected to economic status.

The marriage contract and justice are inextricably linked when Janie is tried for allegedly murdering Tea Cake. The trial scene, much like the narrative frame, invokes both code and response. Since Janie never divorces her first husband, her subsequent marriages to Joe and Tea Cake complicate the relationship between justice and law itself since Janie, Joe, and Tea Cake refuse to follow the letter of the law. The legal code is also represented through criminal laws, enacted by the white community, that address murder as well as the judicial system itself; "the court set and Janie saw the judge who had put on a great robe to listen about her and Tea Cake. And twelve more white men had stopped whatever they were doing to listen and pass on what happened to Tea Cake and Janie Woods, and as to whether things were done right or not" (p. 176). The jury of white men decides what is right in this case and provides one audience for Janie's testimony.

However, Hurston's portrayal of Janie's testimony problematizes the courtroom scene since Janie's voice is never heard at her trial. Instead, third person narration tells the reader that Janie speaks without revealing what she actually says: "She didn't plead to anybody. She just sat there and told and when she was through she hushed. She had been through for some time before the judge and the lawyer and the rest seemed to know it" (p. 178). For some critics, this is a troubling moment for Janie to remain silent. Robert Stepto first raised this issue at the 1979 M.L.A. Convention and later offers a similar reading of the scene in *Behind the Veil*. Stepto argues that Hurston provides "only the illusion that Janie has achieved her voice," and the third person account of the trial "implies that Janie has not really won her voice and her self after all" (p. 166). At the M.L.A. Convention, Alice Walker countered Stepto's argument by asserting that Janie's silence is an intentional choice because she knows when it is better not to speak.⁷ For Richard Lowe, Janie's silence "keeps us from reading the story the way the white jury does, for they are charged to choose whether she is a 'wanton killer' or 'a poor broken woman'" (p. 192). Cora Kaplan suggests that allowing Janie to speak, even through the third person narrator, "acknowledges the relatively recent historical amelioration of the most overt and brutalizing forms of enforced African American silence" (p. 114). In contrast, refusing Janie the first person point of view, according to Kaplan, also allows Hurston to suggest "that black female

7 For an account of this debate, see Mary Helen Washington's introduction to *Their Eyes Were Watching God*.

voices are still constrained, although perhaps now in more covert, complex, and less absolute ways" (p. 114). However, Jon-Christian Suggs provides an important reading that directs attention away from Janie's voice (and a debate that seems unlikely to ever be resolved) and argues instead that "the effect of the court scene can be to reinforce our awareness of law's mediating role" (p. 231).⁸ For Suggs, the judge plays a role similar to Phoeby's; the judge "reports to the jury his reading of Janie's experience and situates it within a possible grammar of the law; he suggests to them how her story can be read" (p. 231).

Indeed, the "grammar of the law" provides for two ways to view Janie's actions. The judge tells the jury:

Gentlemen of the jury, it is for you to decide whether the defendant has committed a cold blooded murder or whether she is a poor broken creature, a devoted wife trapped by unfortunate circumstances [...]. If you find her a wanton killer you must bring in a verdict of first degree murder. If the evidence does not justify that then you must set her free. There is no middle course.

(p. 179)

Both ways to view Janie's actions suggest the representations of justice in her first two marriages. To view Janie as a "devoted wife trapped by unfortunate circumstances" demands that the jury see Janie in terms of her status, and this view is consistent with her position as Logan Killecks' wife. As wife, Janie needs the jury's "protection" just as she needs Logan's protection during their marriage. Lacking autonomy, she is "trapped" and unable, then, to choose to commit murder. In contrast, to view Janie as a "wanton killer" requires the jury to see Janie as an autonomous agent who chooses her own ends, and this view is consistent with the initial emphasis on choice during her second marriage to Joe Starks. Thus, as the act of a "wanton killer," Janie's choice to commit murder justifies the legal result. However, both views seem inadequate to describe Janie's and Tea Cake's relationship according to its own terms.

For whatever reason, the jury does decide to free Janie, but the result seems somehow unsatisfying because the verdict does not resonate with the black spectators who watched the trial. According to Janie, the "colored people" are "all against her," and she feels them "pelting her with dirty thoughts. They were there with their tongues cocked and loaded, the only real weapon left to weak folks" (p. 176). The black spectators want "a chance to testify" (p. 177), to participate in the process of justice. When Tea Cake's friend, Sop-de-Bottom, asks to

⁸ For Suggs, Janie's voice, or lack thereof, in the trial scene becomes less relevant because the story she tells Phoeby "is the testimony Hurston does not write for the embedded trial scene" (p. 232). According to Suggs, Janie "is free on the first page of the novel" (p. 233).

testify, a white official tells him, "We are handling this case. Another word out of *you*, out of any of you niggers back there, and I'll bind you over to the big court" (p. 178).⁹ The black spectators, according to the code of law, lack the right to participate in or to respond to the judicial process. The process of justice also seems ambiguous because the two lawyers "talked to the judge in secret up high there where he sat" (p. 178). The judge "up high" again reminds us of a transcendental, god-like justice associated with natural law; at the same time, the secrecy of the proceedings, at least from the perspective of the black spectators, suggests that natural law is hardly transparent despite its unveiling by God.¹⁰

Since Janie is acquitted, it does seem that justice has been served, but the role of her testimony remains unclear and continues to trouble many critics because Hurston never indicates whether Janie's own testimony or the testimony of several white officials finally convinces the jury that Janie should be set free; thus, for many critics, the trial scene calls Janie's autonomy into question. Similarly, since the jury accepts the picture of Janie as "a poor broken creature, a devoted wife," the verdict tends reinscribes status-based relationships and perhaps fails to resonate with the black community as a result of this reinscription.¹¹ For instance, Steven M. Feldman points out that slave owners often defended slavery as a part of the divine order of human relationships based on status; "natural law imposed a natural order on society with slaves supposedly entrenched in their proper roles" (p. 87). Paradoxically, anti-slavery advocates also relied on natural law and natural rights, particularly as entitlements to personal liberty or property in the person, as key justifications for abolishing slavery (p. 87). Thus, both the ambiguous representation of Janie's testimony and the response of the black spectators to that testimony suggest that appeals to a transcendental

9 Though Sop-de-Bottom later defends Janie to the community, his initial response suggests the problematic character of justice. Indeed, money is again associated with justice in Sop-de-Bottom's defense of Janie. As Sop-de-Bottom later explains, "Ah ain't mad wid Janie [...]. You can't blame her for puhtectin' herself. She wuz crazy 'bout 'im. Look at de way she put him away" (p. 181). Here the money Janie spends on Tea Cake's burial operates as evidence to absolve her in the eyes of the black community.

10 When Tea Cake helps bury the victims of the hurricane, he remarks on the white workers' insistence on segregation even among the dead: "They's mighty particular how dese dead folks goes tuh judgement [...]. Look like dey think God don't know nothin' bout de Jim Crow law" (p. 163). Tea Cake's statement suggests that universal justice may not be that different than the particularity of Jim Crow laws.

11 Suggs points out that "the only liberating narrative has been that constructed within the conventions dictated by the law white men make and operate" (p. 232).

version of justice cannot provide an adequate means to critique positive law or particular social practices.

The questions raised in *Their Eyes Were Watching God* are strangely prophetic of Hurston's later experiences with the law. Twelve years after the publication of *Their Eyes Were Watching God*, Hurston was arrested for allegedly engaging in sodomy with a ten year-old boy.¹² Even though she was in Honduras at the time the events supposedly occurred, it seemed likely that the case would go to trial, and the experience shook Hurston's view of justice. She claimed that the situation "smack[ed] of an anti-Negro violation of one's civil rights [...]. If such an injustice can happen to one who has prestige and contacts, then there can be absolutely no justice for the little people of the community" (quoted in Hemenway, p. 320). Though the charges were eventually dropped, the press sensationalized the story and damaged her career. In an October 30 letter to Carl Van Vechten, Hurston expressed a profound loss of faith in the judicial system:

A society, eminently Christian, and supposedly devoted to super democracy has gone so far from its announced purpose, not to protect children, but to exploit the gruesome fancies of a pathological case and do this thing to human decency. Please do not forget that this thing was not done in the South, but in the so-called liberal North. Where shall I look in this country for justice?

(quoted in Hemenway, pp. 322-323)

Hurston's question serves as a reminder that justice is never easy, and the title of her most famous work reinforces this point. In *Their Eyes Were Watching God*, Janie and others watch for a God-like justice as idealized as it is problematic. Hurston later wonders where to look at all. Perhaps Hurston says it best in *Dust Tracks on a Road* when she writes, "I too yearn for universal justice, but how to bring it about is another thing. It is such a complicated thing, for justice, like beauty, is in the eye of the beholder" (p. 289). Hurston leaves us watching.

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¹² See Hemenway's *Zora Neale Hurston: A Literary Biography* for an in-depth account at pages 319-353.

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