

Fiction by Sigrid Nunez

The naked juror

It was always the same: she received her summons in the mail, reported to the courthouse punctually on the given date, went through voir dire two or three times, failed to be picked as a juror, and was told her service was done. The whole process would take two or three days. Much of that time would be spent in a large, crowded room, waiting to hear her name, Flora Defoe (“Present” was how they were instructed by the clerk to respond, though always a few people forgot), and to take her belongings and follow the guard, or bailiff, as he was called, to another room.

It was her sixth time, and it puzzled her that although she was called regularly, every couple of years, either to civil or criminal court, many people she knew had been called only once or twice in their lives, and some (her cleaning woman, for example) had never been called at

all. Another mystery to Flora was the way so many people seemed to consider the prospect of jury duty about as pleasant as time spent in the dentist’s chair, say, and would do anything (which usually simply meant committing perjury) to get out of it. She knew a couple who, though both had flexible schedules (they were both artists and childless), had had a psychiatrist write letters for them saying – well, whatever needed to be said to make sure that neither of them would ever have to serve. She had disapproved of this (*so self-important*, she judged them), had disapproved of their even talking about it, without shame, and though she still occasionally saw the couple, since then she had never really liked them.

On the other hand, she found it amusing, in the courtroom, to listen to what people said and to try and guess whether they were on the level or just hoping to be disqualified. “The defendant’s got the same haircut as my mother-in-law, which I feel I should reveal, being as I hate my mother-in-law.” “I don’t understand why you keep saying he’s presumed innocent. Obviously, he wouldn’t be here if he wasn’t presumed *guilty*.” “I just got married and my wife and I – well, I don’t know if I get enough sleep these nights to concentrate on a lot of

Sigrid Nunez, a Fellow of the American Academy since 2003, has published four novels, including “A Feather on the Breath of God” (1995) and “For Rouenna” (2001). Her new novel, “The Last of Her Kind,” will be published in January of 2006 by Farrar, Straus and Giroux. She is a 2005 Berlin Prize Fellow in Literature at the American Academy in Berlin.

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testimony, especially about something as boring as insurance.” Flora had found herself repeating these lines to her friends. The straight faces the attorneys and judges managed to keep throughout were often just as hilarious. Though, in fact, Flora felt sorry for those people. This part of their job, at least, struck her as painful, too tedious for words. If she had to repeat herself all day long like that, asking the same questions, over and over, giving the same explanations, over and over, clarifying the same points, again and again – not to mention having to listen to the others involved in the case do the same – she’d go mad. (Look around, and don’t be surprised if you see one of the bailiffs dozing.)

Flora had a curious nature (“like a child,” her husband, Ross, used to say), and she was very curious about everything that went on in a courtroom. *She* would never doze, or even let her attention wander, and once – it was her first voir dire – the defendant had caught her scrutinizing him and gave her a dirty look!

Another time, the prospective jurors had been asked whether any of them had ever been mugged, and everyone in the jury box had put up a hand. Flora had been appalled. Were half of them lying, or had it really come to this? (However bad, better the former.) *She* had not been lying, of course. The year she moved to the city she had been mugged at gunpoint by a child (so he seemed) wearing a cowboy hat and mask like the Lone Ranger (she’d half expected to hear “Trick or treat!”). But, as she told the court, that had been ages ago, she had all but forgotten the incident, and at any rate could promise that it would not interfere with her ability to be a good juror.

In fact, Flora had perfect confidence in her ability to be a good juror. Two words

that came up frequently during the selection process were “common sense,” and – *pace* Ross, who would have roared at this – she knew the difference between the kind of common sense Ross thought she lacked (“Why did you park so far away when you knew you were going to have all these packages?”) and the kind of common sense the court was looking for. And she was confident that she had this other, more important, kind of common sense, and that she also had the other desired qualities, such as patience and fair-mindedness – but what did any of this matter, since she was never chosen?

It was a mistake, Flora thought. For whatever reasons (which were, of course, never given), these people were depriving themselves of an ideal juror. But she had been excused so many times now, she no longer expected a different outcome. And that was all right, because although she was not like all those other people, praying to be excused, or lying to be disqualified, it was certainly not a matter of pride to Flora that she be chosen for a jury. Some people, she knew (the clerk had told them as much), took offense when they were not chosen and would demand an explanation. Silly things. Anyway, when Flora thought about how she would enjoy sitting on a jury, she was thinking of criminal cases only (she had to agree: insurance *would* be boring), because crime is always interesting, and Flora liked police and court dramas, she liked mysteries, though this was not her genre. (“What do you do, Ms. Defoe?” “I am a writer.”)

She had some reason to believe her being a writer might have been the very problem, because always someone, judge or attorney, would say something the sense of which put crudely would have been: “Any danger of you mixing up fact and fiction?” (She wrote fiction.) Al-

ways a hint of concern that her writer's imagination might get in the way of the all-important common sense, or that she might be tempted to turn the case into a story. One judge in particular had seemed very concerned about this, that she might want to write about the case.

Flora had often heard – though she had also heard it denied – that the higher your level of education the less likely you were to end up on a jury. Flora herself had nothing higher than a BA. An old friend of hers who happened to be in the academic job market, and who hated jury duty, said it was nice to know a doctorate turned out to be good for something. From what Flora could tell, if not professors, schoolteachers, especially retired ones, were a favorite, and this gave her pause. How would she have liked to be judged by old Miss Thorne, the Spinster Scourge of Grade Seven!

It was July, and the courthouse, which was of course air-conditioned, was as cold as if everyone were a judge with a long robe over street clothes. Flora had brought a sweater, but it was not enough. She was uncomfortable; the cold particularly bothered her neck.

It seemed that more and more of the attorneys were women, instantly identifiable because of their resemblance to their fictional counterparts – so familiar from TV shows like *Law and Order* – a resemblance you had to wonder at, hoping it was coincidence but fearing it was not. These women were usually on the young and thin side, and they all had either long or medium-length hair, and they all wore the same kind of tailored suit: plain, solid-colored jacket with matching narrow skirt. They wore pale nylon stockings and high heels. Flora (and she was not alone, she knew, having made small talk with the people around her) did not understand how these women

could bear to work in such frigid air. Their legs especially must feel it.

It was criminal court, and after less time than usual in the waiting room Flora heard her name (“Present!”) and found herself shepherded by the bailiff with what must have been a hundred others to a courtroom on an upper floor. When they had all filed in and sat down, the judge addressed them in that soothing voice so many of the judges seemed to have, which always made Flora wonder whether these men were the same at home, or if they were all more like Ross. She would never forget a Christmas card Ross had received from his staff at the animal hospital he headed, with a picture of a kitten stuffed in a red stocking: “To a boss who’s a real pussy cat.”

That was Ross. It was only at home that he was known for his sharp tongue and violent rages, the last of which had brought on the attack that carried him off at age forty-six. But it was things like that Christmas card that had kept Flora convinced for years that it must have been her: somehow she brought out this ogre in him. But then the children were born and they, too, more and more as they grew older, had had the same effect on him. (It had broken Flora’s heart to think this might have been because both Meg and Nicholas took so much after her.) And so she would not have been at all surprised to learn that it was the same with this judge, who was now telling them in his gentle way that the defendant, whom Flora, stuck way in the back, could barely see when he was introduced (Bruno something, she hadn’t caught the surname, but it sounded remarkably like “son of a bitch”), was on trial for murder. Bruno Sonovabitch was accused of having murdered his wife.

While the judge was speaking it had seemed that the room was utterly quiet,

but now you knew it had not been so. *This* was quiet. It was one of those moments when although there are many bodies in a room there is only a single consciousness. Now the judge spoke a little more, telling them about how long he thought the trial would last (two weeks), and assuring those for whom it might be a concern that the death penalty was not an issue. He then asked for the oath to be administered.

“Now,” he said, when they had all settled back in their seats. “There are a great many of you here, and to simplify things, let me begin by asking this. Are there any of you who feel that, for whatever reason, you would not be able to serve as a juror in this trial? Please raise your hand.” A big *whoosh* filled the room. Flora crossed her arms over her chest. Liars! Perjurers! But the judge, still the soul of courtesy, said that all those who had raised their hands were excused. Once those people had filed out, it could be seen that about twenty remained.

The judge now gave a few more details about the crime. The defendant and his wife had been quarreling (about what was not disclosed), and they had come to blows. The defendant was accused of having struck the victim with a blunt instrument. (For some reason Flora immediately thought *hammer*.) The prospective jurors were told that among the evidence they would be asked to examine were graphic, possibly disturbing, photographs. A girl who looked too young for jury duty raised her hand. If it was not too late, she said, she had changed her mind. Judge Easygoing said she could leave.

The same court officer who had administered the oath now placed the juror ballots in a drum, gave the drum several turns, and took the ballots out. Flora’s was the third name to be called.

She had learned her lesson from that first time: be discreet; avoid eye contact. This usually wasn’t too hard, because the defendants she had observed so far all but ignored the prospective jurors. Perhaps they had been instructed to do so, Flora didn’t know, but it always amazed her how indifferent those defendants seemed. There had never been one who looked especially anxious or under stress, as she was sure she would have looked in their place. But no, they were always as cool as the judge himself, apparently bored by the process, not paying attention, leaving it all to counsel. Didn’t they realize what a bad impression this made (especially on school-teachers)? Defendants were permitted to take notes during *voir dire*, but she had only ever seen one do so. That, too, had been a case of murder, and Flora had found it a bit disconcerting that those in the jury box were asked to state their names and where they lived, with this particular defendant scribbling away the whole time. But she had not been seriously concerned. You couldn’t worry about everything, every little potential danger, could you, or how could you live?

It was as she was taking her chair in the jury box, pulling her sweater more tightly around her, that Flora permitted herself a peek at the defendant.

Sit tight. Don’t raise your hand. Don’t do anything. No reason to act, not yet, and probably never. Be calm. Go through the process. Then you’ll be excused as usual, and no one will be the wiser.

Of course, he might recognize her, too. But the possibility, Flora thought, was slim. So many years had passed, and she was all too aware of how much she had changed. And even if he did recognize her, what would it matter? God knew, the man had more important things on his mind at the moment! Still, she did

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not want to be recognized. She kept her head turned away, which was painful, because her neck was stiff from the cold.

He had changed, too, of course, if not as much as she had. He must dye his hair, she thought: impossible that it could have remained so black. But it was the same strong profile, the same striking face with the Slavic cheekbones, somewhat craggier, somewhat thinner. A face she could never forget.

When it was her turn to be questioned – and how glad she was to have only two people ahead of her – she answered, as always, concisely and truthfully. She could usually count on a sympathetic glance from one or two people when she said that she was a widow (she would flatter herself that they were thinking *And still so young!*). Did she ever write about crime, or about anything that might have to do with the criminal justice system? Not so far, no. Would she ever think of being on a jury as a possible source of material? Well, for a writer every experience was a possible source of material. It amazed Flora that her voice did not crack. Her neck was killing her, her hands were so cold they burned. She was suddenly terrified that Bruno Sonovabitch was going to recognize her.

When she and the other excused jurors returned to the waiting room, they were told they could go home and would not have to come back. What – after only one morning? The clerk said it was because of the holiday: the day after next was July Fourth.

In the early days of their marriage, Flora and Ross had lived in an apartment a few blocks from the animal hospital where Ross had just started working. It was not a very nice apartment, and neither of them liked the neighborhood, but they did not plan to stay long – in fact, the apartment was just a sublet.

Flora was very much in love, but already she had had her first inklings that she might have made a mistake. She was unhappy. She had not yet developed the thick skin that would make life with Ross possible. Her husband. A compassionate man. A hero – rescuing the mute and helpless, day in day out, and not always demanding payment. Give him that. Responsible. He had left them all well provided for – give him that, too. And there had been times when months might have passed without an explosion.

She embarrassed him, he said, when they met other people, when he introduced her to colleagues and friends. “And what do you do, Flora?” “I am a writer.” “A writer is someone who *publishes*,” he would groan. And she would try to explain that it didn’t happen overnight, it took time – just as it had taken time for him to become head of his hospital. It could take years to get published. But he would see. She would show him!

And it had taken years, but she had done it. She had published stories, and she had published a book of stories. And she had done this while taking care of a family, raising two children who had in no way suffered for her career – she had made sure of that. She had been a good mother, her children knew it, and she knew it, because they had been loving enough to tell her so.

So why was it that now, whenever she said that she was a writer – in the courtroom, for example – Flora felt like a perjurer?

Because she had not written anything in years. Now, with Ross gone, and Nicholas and Meg on their own, with so much free time (all the time in the world, it could seem), now, though she tried – had tried every day for a while – she had not written anything in years.

Bruno. She had forgotten the name completely. He worked in the building next door, a building much larger than their own brownstone, with a hotel-like lobby and a large, mostly immigrant, staff. Flora had never been clear where exactly in eastern Europe he was from. He barely spoke English. He should have been in school rather than working. An uncle – one of the building’s doormen – had got him the job. He looked like an actor with that strong face, and all that lovely thick black hair, and he always wore black, too – in fact, from what Flora could tell those were the same clothes he wore every day: black jeans and a black vest, with no shirt underneath. And skin like milk. He had the arms and shoulders of a gymnast, a small waist.

Flora would often see him, putting out garbage cans, sweeping the sidewalk. But more often loafing, leaning against a parked car or sitting on the stoop of their brownstone, smoking (he smoked constantly), girl watching. And to this or that girl he might make some comment, and if one of them gave him a dirty look or said something nasty back he would laugh. And though he never made such comments to her, he would stare quite openly at Flora, though he knew she was married, knew who her husband was. And he flustered her – especially if she happened to be wearing a skirt and he happened to be sitting on their stoop when she went out. But she was never offended by him, he was so good natured, so young, just a boy, a poor immigrant boy. And so beautiful. And then one day she passed too close to him, and he caught it: the smell of her unhappiness, her desperation.

Once, it happened only once, she kept telling herself later. Her apartment. Her marriage bed, common sense right out the door – hand in hand with common

decency! But, in all honesty, she thought it probably would have happened again, except at the time she was already pregnant with Meg. Then Flora’s mother broke her hip, and Flora went home for a few weeks to take care of her, and by the time Flora returned she had begun to show. And when he saw this he changed completely towards her. He was polite, always, but now, stricken with confusion, or shyness, or disgust, he could barely bring himself to look at her. And then she and Ross heard about an apartment, a much better apartment, at a very good rent, and rather than wait as planned for the baby to be born, they decided to move at once.

But the shame went with Flora, and stayed with her a long time. She wanted to blame her having been pregnant. But why pretend – why lie? She had known what she was doing. She had done exactly what she wanted to do. She had known how pathetic it was, how wicked, how possibly even dangerous. But you couldn’t be afraid of every little danger, could you, or how could you live? Besides (honesty, again!) it had not been entirely out of character. Before marriage, before babies, Flora had been something of a party girl. She had had lots of men before Ross. She could not remember some of their names, either.

But to think that this same boy had turned out to be the kind of man who would take a hammer to his wife! And that by pure chance, after all this time, she would have to find this out about him! Millions of people lived in this town, yet such things were bound to happen – in fact, more than likely, it had happened before that a juror had recognized a defendant. (And she’d bet her life more than one clever person had pretended to recognize a defendant.) But it was cruel of the gods to throw this at her, when she had only been doing her

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civic duty. Was this her reward for being a good citizen? (But then, had she really deserved so unhappy a marriage?)

What brought her to the old neighborhood about a year later was, again, chance. She had been visiting a friend in the hospital, which was across the street from the animal hospital, or rather from where the animal hospital used to be (it was now a radiology clinic). It was a difficult visit. Her friend was dying, as it happened, of the same illness that had killed Flora's mother. Afterwards, Flora had not wanted to go directly home. She had started walking, and more because of her state of mind than because of any big changes in that street, she had not even realized where she was until she had almost reached the brownstone. And there he was, coming towards her from the opposite direction, clutching a package, smoking a cigarette, dressed in a dark blue worker's uniform. He glanced at her, caught her looking at him and nodded politely, but he had not recognized her. He seemed preoccupied, or in a hurry. A huge ring at his belt held numerous keys, which clanked with each hurried step. She watched him disappear into the large building through the service entrance, saw the red stitches on the back of his shirt spelling "Superintendent."

It had not been an apparition. There was no doubt in Flora's mind. Oh, granted, he was much changed. All that smoking had creased and discolored his skin, his back was stooped, his chest sunk, and his black hair, which was still remarkably thick, might have been dusted with flour. He looked every bit his age, if not older. But she knew him.

When she reached the end of the street, Flora was relieved to find an empty bench, where she sat down to collect herself. As if saying farewell to a dying

friend had not been enough tumult for one day! Oh Flora, Flora, she scolded herself. But it was really Ross she was hearing. How could you have made such a ridiculous mistake? How could you not have seen at once that the man in the courtroom was much too young to be the same person? *Why must you always be such a scatterbrain?*

Oh, how she had exasperated him. How any stupid mistake of hers could set him off, like that horrible horrible time, who could forget, him railing at her a good half hour before slamming into the bedroom. (Thanks to her, they had shown up for a dinner party the wrong evening.) And when she had dared to go in, she had found him sitting on the bed, his face the most unlikely color. He was dizzy, he said, reaching out for her, he was sick, and he had vomited right there, unable to stand.

Later, the ambulance, the emergency room, the doctor helplessly spreading his hands.

Oh, Ross, she thought, getting up from the bench to go home. Forgive me.

Her next summons to jury duty was from civil court. The day it arrived in the mail Flora misplaced it. Later, she turned the house upside down but could not find it, until she went to bed and took up the novel she was reading and there was the summons stuck inside. She laid it on the night table. And perhaps it was because the summons was there, next to her pillow, that she dreamed of jury duty.

In *The Interpretation of Dreams*, Freud writes that there are two types of dreams in which the dreamer finds himself naked in public – in one, the dreamer is ashamed and embarrassed; in the other, the dreamer feels no shame or embarrassment at all. Freud does not concern himself with the latter type. But why

not, Herr Doktor, when those are some of the best dreams of all?

Flora was sitting in the jury box, she was completely naked, and no one, neither those sitting in the box with her nor anyone else in the courtroom, batted an eye. No shock, no shame, no notice, even; everyone carrying on with perfect naturalness. And though she was naked Flora was not at all cold. She was as comfortable as could be, and she was doing all the talking. Just what she was talking about was not clear, but she was going on and on, in a lively, urgent way, and everyone was listening. She paused, and the prosecuting attorney in her lovely strapless pink gown said, "And then what happened?" And everyone in the room leaned forward to hear. Wine and cheese had been set out on the counsels' tables, and tall vases of flowers adorned the judge's bench. Quite a few people were smoking. The person sitting to her left tapped Flora's arm and passed her a large box of chocolates.

It was the last dream of the night, the one that came just before waking, so Flora would be sure to remember it, and she woke from it feeling purged and light, knowing that everything she did that day was going to be right.