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Law, Ethics and Reflexivity in Krzysztof Kieslowski's *Decalogue*

1. Introduction

Krzysztof Kieslowski's *Decalogue* (1988) raises complex philosophical questions on the relationship between ethics, morality, theology, law, and cinema. The affinity between law and cinema emerges already during the project's initial crystallization. Kieslowski wrote the screenplay of the ten chapters with the criminal lawyer Krzysztof Piesiewicz, whom he had met in 1982--at height of Solidarity protests--while documenting political trials of dissidents of Poland's communist regime. Piesiewicz, a counsel for political defendants, was among the first to eagerly collaborate with Kieslowski after having discovered that the camera deterred judges from pronouncing arbitrary verdicts and imposing heavy sentences. He harnessed the cinematic gaze to his struggle against the law's and the regime's arbitrary decisions, and when Kieslowski asked him to collaborate on a feature film based on his court experience, the result was the screenplay of *No End* (1984), in which the ghost of a lawyer scrutinizes Poland after Solidarity and the military regime. The ambitious idea of making a film underpinned by the Ten Commandments, the legal-moral code first mentioned in Exodus, occurred to them later.¹

The Ten Commandments, the moral foundation of Judaism, Christianity, and Islam are actually the first written constitution of Western culture. Kieslowski and Piesiewicz decided to examine the universal, moral, and legal validity of this ancient code in the Western world of the late 20th century and its relevance to the secular

individual today. Each commandment has a self-evident aspect whose universal nature most individuals accept as obvious. On the other hand, in controversial situations people may consciously or unconsciously transgress this or that commandment. On this contradiction Kieslowński commented in 1990:

We were aware that the Commandments influence our daily lives. We were aware that no philosophy or ideology had ever challenged the fundamental tenets of the Commandments during their several thousands years of existence, yet they are nevertheless transgressed on a routine basis. Or to put this more simply: everyone knows it is wrong to kill another human being, yet wars continue and police forces all over the world find dead bodies in cellars and parks with knives in their throats.²

Thus, in order to examine each commandment's validity, Kieslowński & Piesiewicz looked for complex borderline situations that defied easy decisions. The project's structure echoes the structure of the tablets of the law: ten one-hour chapters, each of them a dramatic narrative unrelated to the others, which takes place in Poland of the late 1980s. These ten independent stories unfold in Warsaw's residential neighborhoods, with central characters of one chapter appearing sometimes as passers-by in another story. One silent character consistently appears in almost all ten chapters³ at the plot's dramatic turning points. This passer-by, called in the screenplay "the man who appears from everywhere",⁴ is portrayed by the same actor, yet his

profession and entire being differ from chapter to chapter. With his recurrent random appearance at the plot's critical moment, he represents fate or, alternatively, the meta-narrator's gaze. Kickasola calls him Theophanes,⁵ and Kieslowński explained his function to be of someone that:

Doesn't have any influence on what's happening, but he is a sort of sign or warning to those whom he watches, if they notice him.⁶

Although each story is an independent dramatic unit, meaningful in itself even outside the context of *Decalogue*, the chapters' connective elements link it to the ten-chapter meta-unit whose new panoramic meaning infuses each chapter. The characters of the Warsaw neighborhood, who return in other chapters, thus linking them chronologically, confer on the series the spatial and temporal unity that Aristotle considered indispensable for the definition of a complete dramatic structure. Unity of action, apparently abolished by the variety of plots, is replaced by unity of idea, i.e., the recurrent relation between each plot and its respective commandment as well as the concept of the Theophanes. The ten different plots are all variations of family conflicts, most within the family structure, whether between parent and child or between spouses. The unity between the ten chapters transpires from the interpretation of the commandment and its characteristics. Kieslowński and Piesiewicz create complicated human situations that prompt most characters to transgress the commandment at some point during the story.

At the beginning of each chapter it seems that there is only one transgressor, yet as the narrative and complex problem unfold, more characters are drawn into a situation where they fail to keep the commandment.⁷ Furthermore, in all ten chapters there are few secondary commandments that are transgressed in addition to the main commandment which is the subject of the chapter. As it weaves this type of plots the film illustrates the moral complexity of the dilemmas it presents and raises a philosophical, moral, and legal debate within the dramatic context.

2. The realization

The protagonist of the second commandment, "Thou shalt not take the name of the Lord thy God in vain," is a woman whose terminally ill husband is dying in the hospital. The woman pressures his doctor to tell her whether her husband will live, but he refuses to give her an unequivocal answer. The desperate woman explains to the doctor why this information is so vital for her. Following years of sterility she is pregnant, though not from her ill husband. She loves her husband and she wants to keep the baby. Should her husband live, he would feel unbearable pain to see her carry another man's child, and she would be forced to give up the baby. Only the certainty of her husband's imminent death can allow her to keep it. If the doctor guarantees that her husband will live, she will abort the baby for his sake, even though she will hardly have another chance to get pregnant again. The doctor yields to her entreaties and pronounces her husband's case hopeless. The woman decides to give birth, and the film ends with the husband's unexpected recovery. Transgression of the commandment "Thou shalt not take the name of the Lord thy God in vain" is reminiscent of the hubristic transgression in Greek tragedy. In this chapter, blind faith in science as a source of absolute, infallible answers and the action prompted by the

scientific forecast rather than by a moral decision in matters of life and death are tantamount to "using the Lord's name in vain." The transgressor is "punished"--the woman, now saddled with a confrontation she tried to avoid, loses control over her life. Now she must cope with what to her seems an impossible situation, that is, to bring a stranger's baby into her life with her recuperating husband. The commandment's transgression stems from the artificial link the woman established between her husband's chances to live and the embryo's life. The doctor transgressed the commandment because he offered her an unequivocal answer that ruled out the husband's chances to recover and at her request even swore by God.⁸ The story of *Decalogue II* is resolved, at least psychologically, six chapters later, in the eighth commandment, "Thou shalt not bear false witness against thy neighbor." A central character in this film, a philosophy professor at the university, asks her students in a course on ethics to bring stories from their lives that raise moral/legal dilemmas, and during the lesson they conduct a debate on them. The structure the professor creates echoes the structure Kieslowski and Piesiewicz create in *Decalogue*. One student brings the story from *Decalogue II*. The professor, who represents the film makers, adds that she is familiar with the story because she happens to be the neighbor of the doctor who erroneously foretold the husband's imminent death. The professor believes the doctor was caught in a thorny dilemma. He wanted to cure the patient rather than guess his fate. In particular, he did not want to determine the embryo's fate. He fought for his patient's life using available medical means, whereas he saved the embryo's life with an arbitrary statement on the patient's imminent death. That is, his choice to transgress the commandment "Thou shalt not take the name of the Lord thy God in vain" stemmed from his desire to save a life. This dilemma implies a conflict between the second commandment and the fifth commandment, "Thou shalt not kill." The

doctor transgressed the second commandment in order to prevent what he perceived as the woman's transgression of the fifth commandment. What for him was a moral choice conflicted with common medical ethics. Moreover, this dilemma reveals an internal contradiction of the Ten Commandments as a whole. Each commandment tacitly assumes that there are no situations in which it conflicts with another. Should such a conflict arise, the individual must decide according to his values which commandment is more important and how to interpret it. Kieslowski and Piesiewicz are looking for situations in which commandments conflict with each other, preventing the individual to make a moral decision based on the commandments themselves. This approach illustrates the complexity the film makers create when they drive their characters to the utmost edge. Furthermore, the connections they weave between chapters yield a variegated human mosaic and stir a many-layered moral/legal debate.

The fifth commandment, "Thou shalt not kill," is thought to mark the transition from offences against God to those committed against individuals. Similarly, in the middle of *Decalogue*, the fifth commandment reflexively examines the entire project, pointing to a further aspect directly related to our discussion on law and the cinema.⁹ In this film a young man brutally murders a taxi driver. The murder has neither ideological nor socioeconomic motives, nor any other causal relation to the victim's identity. It is absolute evil aimed arbitrarily at a random victim who happened to be at the wrong place at the wrong time. Kieslowski's and Piesiewicz's depiction of the murderer's character and his circumstances prevent the spectator from feeling any empathy for him. The film's protagonist is neither the murderer nor the victim but the murderer's lawyer, who, desperately and against all odds, is fighting to get the

murderer off the death penalty. Concomitantly he is trying to understand the murderer's motives and to ferret out of him a spark of human feeling that would elicit empathy in the lawyer. But he fails and the murderer is executed. Kieslowński devotes much screen time to the execution and the prior preparations, a time long enough to echo the murder and the murderer's preparations, which were perpetrated at the film's beginning. The editing and shooting angles set on a par the murder at the beginning and the execution at the end. If, at the beginning, only the young man seems to have transgressed the commandment "Thou shalt not kill," at the end the state too turns out to be a transgressor of the very same commandment, though now under the aegis of the law. This poignant example illustrates Kieslowński's and Piesiewicz's strategy throughout the entire series: a certain offence constitutes, unanimously, a severe transgression of a precept contained in ancient Ten Commandments. The first transgression is followed by further transgressions within complex circumstances, whose definition as transgression is controversial. In the case of the fifth commandment, the lawyer's attitude and demeanor reflect the situation's moral complexity. He represents Kieslowński's and Piesiewicz's tacit position, revealing their view of the entire series.

At the beginning of the film, between the credits and the first frame, a voice that turns out to be the lawyer's, is heard against a black background. The content addresses the problematic aspects of the entire *Decalogue*, and this may be why the words are said against a black background, as they are not specific to this commandment alone:

The law should not imitate nature. The law should improve nature. People invented the law to govern their relationships. The law determined who we are and how we live. We either observe it, or break it.¹⁰

The black background has yet another function. At the beginning the spectator attributes the words to an omniscient narrator who represents the film makers. Only later does he discover that these are the lawyers' thoughts. The illusion that the film makers are saying these words paves the way for the interpretation that they actually echo their voice. That is, these sentences are meaningful in terms of the plot, as they disclose the lawyer's motivations; at the same time they function as a meta-text that reflexively interprets the film. This text may, then, help us understand Kieslowski's and Piesiewicz's motivation in this series. If, indeed, we are merely the result of the laws we keep or break, understanding these laws and their sources, "the Ten Commandments," will offer an insight into human nature. The film maker, who attempts to understand human behavior through drama, must try to understand the essence of the laws people do or don't abide by. For some 2,300 years we have embraced Aristotle's *Poetics*, according to which dramatic characters reveal themselves through their action. Kieslowski and Piesiewicz set this definition to a more specific context. The characters' general actions are not sufficient; the specific laws they keep or transgress must be taken into account. If a reflexive meaning is embedded in the second half of the statement, it may be in the first half as well. That is, if we replace "law" with "cinema" in the sentence on the relation between law and nature, it may be read as a corrective interpretation of Aristotle: "Cinema should not

imitate nature--this is the mimesis Aristotle discussed-- Cinema should improve nature." Cinema cannot make do with mimesis of reality; its purpose is to change people. "It has been invented by people to govern their relationships." As a statement about cinema, this redefinition is not only a new interpretation of Aristotle's ancient insight but also the reflexive essence of *Decalogue*. Following the above statement, the lawyer's face is seen in the mirror. Just as the law is a reflection of the human species, we are dealing, then, with both reality and its reflection in the mirror. The statements said in this connection are specifically relevant to the fifth commandment:

People are free. Their freedom is limited only by the freedom of others. Punishment means revenge, in particular when it aims to harm, but it does not prevent crime. For whom does the law avenge? In the name of the innocent? Do the innocent make the rules?¹¹

In these statements and questions Kieslowński reveals the lawyer's dilemma and that of the film makers throughout the entire *Decalogue*. The lawyer expresses their skepticism about punishment and its ethics. *Decalogue* tries to examine human standards and the values reflected in the laws we keep. The lawyer's role is not to change the human being but to understand his motives and express his understanding within a legal context. After all, despite his failure at the trial, the lawyer did get closer to the murderer and got an insight on human behavior that the other characters could not gain. The insight the lawyer got throughout the film provides no

psychological explanation of the motives behind the murder. Rather, it is rooted in his existential-emotional experience. He recognizes and accepts that he must accommodate his inability to find a reasonable explanation for such a monstrous act. His change lies precisely in his daring attempt to fathom the murderer's emotional depths, at the risk of his professional prestige, in his understanding that he is facing a dark, undecipherable secret, and in his acceptance that this too is part of ghastly human experience. Later in the film, the lawyer says:

This profession can improve the justice machine...

Through this profession I meet people that otherwise

I would not have met.¹²

The director's and screenwriter's role implied in the entire series is, likewise, not to judge but to explore the characters. The reward of such an endeavor is the encounter with people and human phenomena one would otherwise not meet.

To conclude, it is worth noting Annette Insdorf's final comment on *The Decalogue* in her book on Kiesłowski:

Kiesłowski's ten short films about mor(t)ality don't so much illustrate as interrogate the commandments.

They ask of the viewer lucidity and compassion – both in the

watching of *The Decalogue* and in our lives. ‘Everyone seems to accept the Ten Commandments as a kind of moral basis’ the director observed, ‘and everyone breaks them daily. Just the attempt to respect them is already a major achievement. If I had to formulate the message of my *Decalogue* I’d say live carefully, with your eyes open, and try not to cause pain.’¹³

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¹ Stok, Danusia (editor), *Kieslowński on Kieslowński* (London: Faber and Faber, 1993) 125-143.

² Kieslowński Krzysztof & Piesiewicz Krzysztof, *Decalogue: The Ten Commandments* (London: Faber and Faber, 1991) xiv.

³ The recurrent passer-by is missing from *Decalogue VII* according to Kieslowński because he didn't film him right and he had to cut him out, and from *Decalogue X* as a script choice (Stok, 158).

⁴ Kieslowński & Piesiewicz, 133.

⁵ Kickasola, Joseph. G. *The Films of Krzysztof Kieslowński* (London & New York: The Continuum International Publishing Group Ltd., 2004) 163.

⁶ Stok, 159

⁷ See for example: Insdorf, Annette, *Double Lives, Second Chances: The Cinema of Krzysztof Kieslowśk* (New York: Hyperion, 1999) 214-215.

⁸ Kieslowśki & Piesiewicz, 54.

⁹ This chapter has also been made into a separate long version, *A Short Film about Killing*.

¹⁰ *Decalogue V*, dir. Krzysztof Kieslowśki, Wri. Krzysztof Piesiewicz 1989, 0:00:15-0:00:36.

¹¹ Ibid 0:00:36-0:01:10.

¹² Ibid 0:06:00-0:06:30.

¹³ Insdorf, 124.