

THE PENITENT - DAVID MAMET (EDITED)

(**CHARLES** and an **ATTORNEY**)

ATTORNEY

Officers of the court. Are bound by oath, from acting upon prejudice. And schooled to reject the formation of opinions. And confine ourselves to facts. That is *our* oath. The Hippocratic Oath, however, acknowledges that you *must* form opinions. You call them *diagnoses*. And adjures you only to keep them to *yourselves*. Is that correct?

(PAUSE)

CHARLES

Yes.

ATTORNEY

Yes. Then you must have had opinions about those many cases in which you testified for the defense. That must be true. Mustn't it?

CHARLES

...Have had opinions?

ATTORNEY

As to the "actual" guilt or innocence of those for whom you testified.

CHARLES

I believe the Hippocratic Oath debars me from answering that question.

ATTORNEY

Let me put it differently. Would it be reasonable, statistically to assume that some, as to whose mental state you testified, must have been legally guilty?

CHARLES

Their guilt or innocence was not my concern.

(MORE)

CHARLES (CONT'D)

It was my job to give, under oath,
my opinions as to the defendants'
mental states.

ATTORNEY

As you have said. And you did it,
as we've said, for money: you were
paid?

CHARLES

As...

ATTORNEY

Yes, "as is everyone here..." And
you put aside your prejudice, or
say, suspicions as to their
innocence or guilt.

CHARLES

That is correct.

ATTORNEY

Did you ever turn anyone down?

(Pause)

We can subpoena your records.

CHARLES

The records are protected by law.

ATTORNEY

Perhaps, and perhaps not. Did you
ever turn anyone down?

CHARLES

My, my records...

ATTORNEY

It appears. You did *not*. In no case
on record did you refuse a
defendant's request to testify. In
No Case. For pay.

CHARLES

I did the job I was sworn to do. By
my lights.

ATTORNEY

But you refuse to testify *now*.

CHARLES

Yes.

ATTORNEY

Which is to say your understanding changed?

CHARLES

It is the case, I believe, that a man, as he ages, may increase in wisdom.

ATTORNEY

What has improved your understanding?

CHARLES

Time.

ATTORNEY

But not solely time. Let me ask: has *religion* improved your understanding?

CHARLES

Yes.

ATTORNEY

You came to religion late.

CHARLES

That's right.

ATTORNEY

Recently in fact.

CHARLES

Yes.

ATTORNEY

You were not always religious.

CHARLES

No.

ATTORNEY

Your parents were religious.

CHARLES

Yes.

ATTORNEY

And yet, for most of your life, you were not? What is it prompted you?

CHARLES

Are my religious beliefs not...

ATTORNEY

Why *now*?

CHARLES

I...

ATTORNEY

At the same time as the alleged...

CHARLES

I don't know...

ATTORNEY

The alleged crimes of the young man.

CHARLES

I...

ATTORNEY

Who was your patient. You turned to religion. Why now?

CHARLES

I'm trying. To live in accordance with the dictates of the Bible.

ATTORNEY

Do you feel that they supercede your responsibilities as a citizen?

CHARLES

The two are not mutually exclusive.

ATTORNEY

Where you feel they are in conflict, how will you choose between them?

CHARLES

I have a conscience.

ATTORNEY

And that conscience comes from where? Does it come from God?

CHARLES

I believe it does.

ATTORNEY

May it be found in the Bible?

CHARLES

Yes. I was traumatized. By the Boy's Crime. You appreciate that. For all your "performance". I know you do. And I sought some understanding.

ATTORNEY

What did you come to understand?

CHARLES

That there is a plan. That the plan is unknowable. That we are part of the plan.

ATTORNEY

Do you believe the Bible is the Word of God?

CHARLES

I believe that.

ATTORNEY

And if that bid you go against the Laws of the State?

CHARLES

I believe that's called Religious Freedom.

ATTORNEY

You've testified that should you form an opinion, of a patient's guilt, you never act on it. And yet, you, finally, have turned a patient down. A man under your care accused of a crime. Will you say why?

CHARLES

I reread the Hippocratic Oath. I read it with a new understanding.

ATTORNEY

Because you found religion.

CHARLES

Yes.

ATTORNEY

So you rejected the young man's plea, then, for religious reasons?

CHARLES

If you will.

ATTORNEY

No, that's what you just testified. That there is a Higher Law. Permit me. "You shall not pervert justice." You recognize the quotation?

CHARLES

Yes. It's in Leviticus.

ATTORNEY

And you say it's the Word of God.

CHARLES

I do.

ATTORNEY

And several pages later, in Leviticus, we find: "A man who lies with another man, as with a woman, has committed an abomination. He shall be put to death."

CHARLES

Yes?

ATTORNEY

"A man..."

CHARLES

I heard you.

ATTORNEY

Is that familiar to you?

CHARLES

Yes.

ATTORNEY

Is it the Word of God?

CHARLES

It's in the Bible.

ATTORNEY

Do you believe it? Do you or don't you.

CHARLES

No. I don't.

ATTORNEY
You don't.

CHARLES
No.

ATTORNEY
Although it's in the Bible.

(Pause.)

CHARLES
No.

ATTORNEY
Do you consider homosexuality is a sin?

CHARLES
I do not.

ATTORNEY
But yet it's in the Bible. Do you believe in the laws of the Bible?

CHARLES
The laws, as any laws require...

ATTORNEY
Do you...

CHARLES
Re... They require interpretation. That's why there are judges.

ATTORNEY
"A practicing homosexual must be killed." That's open to interpretation?

CHARLES
Of course.

ATTORNEY
Interpret it for me.

(Pause.)

CHARLES
I'd have to...

ATTORNEY
You don't have an answer?

CHARLES
I would have to...

ATTORNEY
Yes?

CHARLES
I would have to consult a
rabbinical...

ATTORNEY
Prior to that consultation. How
have you acted upon that Biblical
Law?

CHARLES
I haven't acted upon it.

ATTORNEY
But yet you know of it.

CHARLES
Yes.

ATTORNEY
Did it affect your thinking?

CHARLES
No.

ATTORNEY
It meant nothing to you.

CHARLES
That's right.

ATTORNEY
So we may say you were "unmoved".
May we say that? "Unmoved". At the
situation of those put in peril by
the book of which you ascribe your
behavior. The Bible, which,
"uninterpreted", licenses the
abuse, indeed, the murder of
citizens because of sexual
preference.

(Pause.)
Is homosexuality a crime?

CHARLES
No.

ATTORNEY
Is it an abomination?

CHARLES

(Pause.)

No.

ATTORNEY

Then why, after your astounding religious conversion, have you refused to testify in support of a patient under your care? I await your response.

END OF SCENE