

FORESEEABLE

Peg Tittle

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**CAST:**

Mirjana Puskar, mid-twenties then mid-thirties  
Ana Jasic, mid-twenties then mid-thirties  
Goran Jasic, mid-twenties then mid-thirties  
Aleksander Bartol, mid-twenties then mid-thirties  
Janko Puskar, mid-twenties then mid-thirties  
Prison guard  
Janeta, mid-twenties  
Jakov Resnik, lawyer  
Refka Puskar  
Three daughters, all under nine  
Alina Begic, mid-fifties  
Judge Carman  
Judge Diminic  
Judge Perenda  
Court clerk  
Court security  
Dragoslave Lazar, prosecutor  
Court reporters (optional)

**SETS:**

Bombed out room somewhere somewhen  
Prison cell  
Prison visiting room  
Prison meeting room  
Office  
Living room

Scene 1:

It is a time of war, doesn't matter where or when.

Several people in their midtwenties are hiding in a bombed out room: ANA JASIC, GORAN JASIC, ALEKSANDER BARTOL, and MIRJANA PUSKAR are huddled together; Mirjana holds an infant to her chest. JANKO PUSKAR stands near the entrance, peering out anxiously.

Gunshots, running steps, and occasional shouts are heard in a way that suggests the enemy is shooting on sight everyone they find, and getting closer. The infant begins to whimper and shift in Mirjana's arms.

They all look at it, stricken, then they look at Mirjana. She jiggles it, strokes it, and kisses it, with increasing desperation, but the whimpering escalates.

Goran, closest to her, dangles his finger in front of the infant, trying to intrigue and distract it. It doesn't work. Its whimpers continue to escalate.

Janko turns toward Mirjana with annoyance and anger, and hisses at her.

The shots and steps get closer. Everyone holds their breath. Just as the infant opens its mouth to flat-out wail, Mirjana puts her hand over its mouth and nose. In a moment, the infant is still.

Scene 2:

Mirjana's prison cell.

Mirjana is sleeping, restlessly. She is ten years older than in the previous scene, but she looks twenty years older.

She awakens, sits up, then realizes she has dreamed once again of the incident of ten years ago. She is anguished but also angry, and, truthfully, a little bored with it — will she never forget? And she is tired. Physically, mentally, emotionally. So tired.

When she stands, we see that she has lost weight. She goes to the small sink, washes, then returns to sit on her cot, staring at nothing.

A PRISON GUARD approaches with a new prisoner, JANETA, who is in her early 20s. Her youth and energy contrast severely with Mirjana's age and lassitude. Janeta carries the belongings she is allowed to have in the cell she will now share with Mirjana.

JANETA: (indignant, as the guard opens the cell door and gestures Janeta to go inside) This is where I'm staying for the next two years? Uh-uh. You've gotta to do better than this.

The prison guard hustles her inside the cell, locks the door, and leaves.

JANETA: (calling after the guard) You tell my lawyer to get his ass back here. This is unacceptable, do you hear?

Mirjana manages a small smile at the irony. Janeta sits on the cot opposite Mirjana. Then she bounces up and extends her hand.

JANETA: Janeta.

MIRJANA: (shaking her hand) Mirjana.

Janeta sits back down. Mirjana turns away. After all, nothing has changed. Janeta bounces up and starts pacing the cell.

JANETA: So, you been in here long? (as if saying 'Come here often?')

MIRJANA: Ten years.

Janeta shows a flicker of the sobering effect this has, perhaps pausing almost imperceptibly in her pacing, but she bounces right back.

JANETA: What'd you do, kill someone?

Beat.

MIRJANA: Yes.

Janeta clearly pauses at this.

JANETA: What, some guy work you over?

Beat.

MIRJANA: (she smiles wryly) That too.

Then, since Janeta is so clearly waiting for her story, Mirjana obliges.

MIRJANA: It was during the war. We were hiding. The soldiers were coming, shooting. The baby started crying. So I put my hand — over.

Janeta then altogether stops her incessant moving around and sits. This is sobering.

JANETA: Oh. I'm — and the guy?

MIRJANA: My husband had me arrested for murder.

JANETA: But — he was one of the ones hiding there with you? So if you hadn't've —

Mirjana simply nods.

JANETA: Wow. (as if saying 'the bastard')

Then it suddenly dawns on her.

JANETA: And you've been in here all this time? Since the war? You lost your appeal?

MIRJANA: (dully) I'm still waiting for my appeal.

This really knocks Janeta.

JANETA: But — I'm scheduled in two —

Now it is Mirjana's turn to be stunned. Her face shows the horror of this information. And she doesn't understand.

MIRJANA: What did you do? (It's a silly question but it's the only thing she can think of that might explain ...)

JANETA: (apologetically, at the wrongness of the situation; it doesn't explain) I stole a car.

MIRJANA: But — you stole — a car? (It most definitely does not explain ...)

JANETA: (bouncing up again — she obviously thinks better on her feet) Something's wrong here. You should have — all the war criminals were tried and appealed years ago. That's all been settled.

Mirjana's eyes widen. She didn't know this. How could she have known this? More horror to process.

MIRJANA: (struggling to make sense of this) I wouldn't've been classified as a war criminal.

JANETA: (considers that, then says ambiguously) You're a woman. (trying further to make sense of it) But — Okay, and maybe the war crime trials were expedited. You know, bad publicity and all that. Maybe all those international aid organizations had something to do with it. (beat) But why didn't — didn't they know about you? Who's your lawyer?

MIRJANA: I don't have one. My mother keeps trying, but after the initial trial, the lawyer I had said I should wait a few years for an appeal. Until all the mess of the war blows over. So I waited. (She gestures vaguely at her cell.) My mother kept asking and asking and he did nothing. So then she tried to hire someone else. No one was available.

JANETA: More likely she just didn't offer enough money.

MIRJANA: (agreeing) She's on a limited income. The trips into the city alone —

JANETA: What about the other people who were hiding with you? Surely they'd want to do something!

MIRJANA: (nods) Ana and Goran, at first they tried too. But then, after a while — (This still pains her deeply.) They stopped visiting. They had their own lives to ... My mother tried to find them, to ask for their help, but ...

JANETA: But to leave you —

She leaves the sentence unfinished, seeing the anguish it causes Mirjana.

JANETA: What did your mother —

MIRJANA: She made so many phone calls, but most places won't tell you if someone works there. They won't give out that information. She went to libraries and looked in every phone book, trying to find where they'd moved to —

JANETA: Why doesn't she just google them?

Mirjana is unfamiliar with the term and shows it.

JANETA: On the internet?

Mirjana is unfamiliar with that term as well.

JANETA: (realizing then that Mirjana's mother probably doesn't know about that stuff, but surely Mirjana ...) They don't give you access to the internet in here?

She stomps to the cell door as if to demand internet access that very instant. Then returns to sit on her cot. She has a plan.

JANETA: Look, I have a friend. I'll ask him to go on the internet and find them. If anyone can do it, he can. Tell me their full names. And anything else you know about them. Occupation, where they might have moved to ...

Scene 3:

Prison visiting room.

Mirjana, in prison garb, is sitting at a table, waiting. She is hopeful and yet fighting her hope. A GUARD is standing at the doorway.

Suddenly Ana and Goran burst into the room, see her, and rush toward her. Mirjana stands, in spite of herself. Ana hugs her, Goran too, but Mirjana remains stiff. Partly she is that emotionally dead; partly these are friends who abandoned her. The guard makes a move as if to stop the physical contact, but then decides to allow it.

ANA: You're alive!

Mirjana steps out of the embrace and looks at her oddly.

GORAN: They told us you were dead!

Mirjana sinks into her chair, looking disoriented. Ana and Goran sit as well.

GORAN: (seeing her disorientation and not quite knowing what to think of her mental state) Right after the trial, you were taken away. We came to visit you ...

MIRJANA: Yes, I remember — once or twice ...

GORAN: Then one day when we showed up, they told us you'd been moved. They didn't seem to know where. Everything was ... We checked every prison. Then they told us you had died.

ANA: (slowly realizing) You've been here? All this time? (She looks around her as if to say 'like this?') Oh my god.

She begins to sob and reaches over to grasp Mirjana's hand.

GORAN: Bastards!

He stands in anger, but sees the guard shift, noticing. So he sits back down and reaches out to grab Mirjana's other hand, holding it tightly.

GORAN: We will get you out! Bastards!! (He so wants to hit something.)

ANA: (in full agreement) We will move back — (realizing Mirjana doesn't know) We moved to America, after. Started a new life. Look ... (She rummages happily in her

bag and brings out some photographs, beaming.) Look, there's our little — (She stops suddenly. Ashamed of her insensitivity, she starts to put the photographs back.)

MIRJANA: No, please. It would be nice to know some good has come of my ... sacrifice.

Ana nods, and brings out the photographs again.

ANA: This is our oldest: Mirjana. (All three of them start to cry.) And this is Durak. He just turned three.

Mirjana fingers the photograph. None of them can speak for a few moments.

GORAN: So — the young man who contacted us, he didn't know anything. Just that you were — you lost your appeal?

MIRJANA: I'm still waiting for my appeal.

Goran explodes again out of his chair, glances at the guard, then sits again.

GORAN: We will sue the bastards! For — (he doesn't know what for) Hasn't your lawyer —

MIRJANA: He apparently abandoned me too — (She cuts off the word 'too' but it's too late.)

ANA: Mirjana, we would never ... Oh god, that's what you — Of course. All these years. (She begins to sob again.)

GORAN: (making and holding eye contact) We will get you out. If it's the last thing we do!

Scene 4:

Prison meeting room.

Mirjana, in prison garb, is waiting at a table in a meeting room at the prison. A GUARD is standing by the doorway. JAKOV RESNIK enters, dressed in a business suit and carrying an attaché case. He approaches Mirjana.

RESNIK: Mirjana Puskar?

Mirjana stands.

MIRJANA: Yes. You are my lawyer? Mr. Resnik?

RESNIK: Yes, please. (He gestures for her to sit down.)

RESNIK: So. (He takes an electronic notepad out of his case. Mirjana stares a bit curiously.) First, I would like to ask you questions about your charge, then we will discuss your appeal. Yes?

Mirjana nods.

RESNIK: All right. Where did the incident take place?

MIRJANA: I don't know the exact address. We were — we kept going down side streets, I didn't stop to look at the street signs. In Foca, certainly. Near the Drina.

RESNIK: Fair enough. When did the incident in question take place?

MIRJANA: I don't remember the exact date. It was —

RESNIK: Do you remember the incident itself?

Mirjana looks at him in disbelief.

RESNIK: Please. I have to ask these questions. It's been — (he has the grace to look ashamed on behalf of his profession) ten years. And sometimes, even immediately after such an event, people forget. Sort of post-traumatic stress amnesia. It was traumatic, yes?

MIRJANA: Of course. It was — hard. (There is pain in her coldness.)

RESNIK: And you agreed to a plea of guilty?

MIRJANA: (shrugs) I did what they say. I killed the baby.

Resnik tries to cover his horror, but Mirjana notices.

MIRJANA: It was necessary. Don't you see? In order to save us. It was a necessary sacrifice.

RESNIK: But —

MIRJANA: (she is begging him to understand) In times of war, people sacrifice their children all the time. I was just more ... direct about it. More honest, if you will.

Beat.

MIRJANA: General Subasic made the same decision every day and no one's telling him he's a criminal. At least I did it to save other people's lives. Not for property, for this or that piece of dirt. Not for profit. Not even for some principle that is not, in any case, strengthened by their deaths.

RESNIK: All right. (though it is not at all 'all right') In that case, I think it best that we focus on the extenuating circumstances that might — but I do need you to describe —

MIRJANA: What is there to describe? The soldiers were coming. The baby started to cry. If they had heard it, they would have found us. And killed us all. So I put my hand over its mouth and nose.

RESNIK: Did you intend to kill it or just to make it quiet?

MIRJANA: I — (the question disturbs her in a profound way) I'm not sure there is a difference.

RESNIK: (nods uncertainly) And when you say 'us', who was with you?

MIRJANA: Friends of ours. Ana and Goran Jasic. Aleksander Bartol.

Resnik takes notes.

MIRJANA: And of course my husband at the time, Janko.

RESNIK: You are estranged?

MIRJANA: We are divorced. Shortly after.

RESNIK: I see.

He shuffles through the file he has with him, stopping at a particular piece of paper.

RESNIK: Ah, yes. (then in an odd voice, suspecting there may be more than meets the eye here) He was the one who brought the matter to the court's attention. (He looks at her curiously.)

Scene 5:

Office.

Janko is working at one of a number of desks in a large office area. He glances at the clock, which shows that it is almost noon, then he sees REFKA, his second wife, and their THREE DAUGHTERS waiting for him at the doorway.

His phone rings; Janko answers it.

JANKO: Yes?

His face goes black.

JANKO: I see. Thank you.

He slams down the phone, then he gathers his coat and heads toward the doorway. Refka has seen the call and his reaction.

REFKA: Everything is okay?

Janko does not greet his daughters, nor, for that matter, Refka.

JANKO: (patronizing) Nothing you need to worry about. Ready to go?

REFKA bristles a bit at his dismissal of her concern, then nods. They leave the office.

Scene 6:

Split: Aleksander's living room / door to outside

Light only on living room.

Aleksander is watching tv in the middle of the day; he has not done so well. The room is messy, he has a bottle of beer in his hand, and there are several empties sitting on the nearby table. There is a knock at the door. He doesn't respond. The knocking is repeated, more loudly. He doesn't respond.

Light now on the outside.

Goran and Ana are standing at Aleksander's door.

GORAN: Aleksander! It's us. Goran and Ana. Open up! Aleksander!

Aleksander reacts: he doesn't want to see them. Eventually gets up out of the chair and opens the door. He looks bleary-eyed at Ana and Goran. They step past him without waiting for an invitation.

Ana and Goran take in the state of Aleksander's living room. They have had minimal contact over the years and realize now that Aleksander's attendance at the appeal could be more damaging than helpful. Still.

GORAN: Mirjana's appeal is coming up. (there is no point in starting with 'How are you?') Did you get the notice?

Aleksander shrugs.

ANA: You're not coming?

Aleksander ignores the question, sits down, and stares at the tv. Ana and Goran are torn between sympathy and anger. Goran nudges Ana toward the door; they leave.

Scene 7:

Prison visiting room.

ALINA BEGIC, Mirjana's mother, enters the visiting area. She sits at one of the tables and waits. Mirjana enters the room from the other side, sees her mother, and goes quickly to sit across from her.

ALINA: Mirjana, I'm sorry, it's been —

Mirjana shakes her head. She understands. She reaches out to take her mother's hands in hers, but then remembers it is not allowed.

ALINA: You are well?

MIRJANA: Yes.

ALINA: You don't need for anything?

MIRJANA: No.

ALINA: Ana and Goran came to see me. They are — You are getting your appeal. (She starts crying, tears of joy.)

MIRJANA: Yes. We have a date.

ALINA: You will have to relive it all over again.

MIRJANA: I already relive it. All over again.

Alina nods.

ALINA: (she wants to reach out, touch her) You made a very difficult decision in a difficult time.

Mirjana nods, understanding that as support.

ALINA: I love you. Be strong.

Mirjana nods again, tears in her eyes.

Scene 8:

Courtroom.

JUDGES CARMAN, DIMINIC, and PERENDA preside. CLERK sits near the judges. SECURITY is present at the back of the room.

Mirjana and Resnik sit at the defence table. The Prosecutor, DRAGOSLAV LAZAR, sits at the prosecutor's table. Ana, Goran, and Aleksander sit behind Mirjana; Janko and Refka sit behind the Prosecutor.

The rest of the chairs are empty, except for, perhaps, a few REPORTERS.

CLERK: All rise. Appeal of case 649-261, wherein Mirjana Puskar is charged with the murder of Baby Puskar.

JUDGE CARMAN: Mr. Lazar?

LAZAR: (standing) I call Goran Jasic to the stand.

Goran takes the stand.

CLERK: Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth?

GORAN: I do.

LAZAR: You were present at the incident in question.

GORAN: Yes.

LAZAR: And did you see Mirjana Puskar kill —

RESNIK: Objection.

JUDGE CARMAN: Sustained.

LAZAR: Did you see Mirjana Puskar put her hand over the infant's mouth and nose?

GORAN: Yes.

LAZAR: So you saw Mirjana Puskar —

GORAN: (rushes to defend) It's possible the infant passed out from lack of oxygen, but —

LAZAR: But the infant did die.

GORAN: Yes. At some point in time.

LAZAR: Thank you.

Lazar sits, and Resnik stands.

RESNIK: Is it your opinion that if the infant had been allowed to cry out, you would have been killed?

GORAN: Yes. Most certainly. They were not taking prisoners. Mirjana —

RESNIK: Thank you.

Goran leaves the stand, reluctantly; there is so much more he wants to say, but he understands the process. Resnik sits, and Lazar stands.

LAZAR: I call Ana Jasic to the stand.

Ana takes the stand.

CLERK: Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth?

ANA: I do.

LAZAR: You were present at the incident in question?

ANA: Yes.

LAZAR: And did you see —

ANA: Newborns sometimes just die, we don't always know —

LAZAR: Did you or did you not see Mirjana put her hand over the infant's mouth and nose?

Ana looks beseechingly at Mirjana, who just nods.

ANA: I did. But —

LAZAR: Thank you.

Lazar sits, and Resnik stands.

RESNIK: Is it your opinion that if the infant had been allowed to cry out, you would have been killed?

ANA: Yes. And then you could have charged Mirjana with six counts of murder instead of one. (she gives a small smile of twisted triumph)

LAZAR: Objection.

Before the Judge responds, Resnik nods to Ana, permitting her to leave the stand. She does so. Resnik sits, and Lazar stands.

LAZAR: I call Aleksander Bartol to the stand.

Aleksander takes the stand.

CLERK: Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth?

ALEKSANDER: I do.

LAZAR: You were present at the incident in question?

ALEKSANDER: (dully) Yes.

LAZAR: And did you see Mirjana Puskar —

ALEKSANDER: (he does not want to hear the description again) Yes.

LAZAR: And the crying infant died as a result?

ALEKSANDER: Yes. And —

LAZAR: And?

ALEKSANDER: To know that I am alive because the child is dead, it's ... (he avoids Mirjana's eyes) It's ...

LAZAR: Thank you.

Lazar sits, Resnik stands.

RESNIK: Is it your opinion that if the infant had been allowed to cry out, you would have been killed?

Aleksander nods.

RESNIK: I'm sorry, sir. The court needs to hear your response.

ALEKSANDER: (harshly whispered) Yes.

RESNIK: Thank you.

Aleksander leaves the stand. Resnik sits, and Lazar stands.

LAZAR: I call Janko Puskar to the stand.

Janko takes the stand.

CLERK: Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth?

JANKO: I do.

LAZAR: You were present at the incident in question?

JANKO: Yes.

LAZAR: And did you see Mirjana put her hand over the infant's mouth and nose?

JANKO: Yes.

LAZAR: And is it your opinion that if the infant had been allowed to cry out, you would have been killed?

JANKO: Who can say? No one can predict the future. Anything can happen.

LAZAR: Thank you.

Lazar sits, Janko rises and starts to leave the stand, but Resnik rises.

RESNIK: A moment, please.

Janko sits down again.

RESNIK: Did you hear footsteps outside where you were hiding?

JANKO: Yes.

RESNIK: Did you hear any gunshots in the ... (as if casting about for an appropriate span of time) two minutes immediately prior?

JANKO: Yes.

RESNIK: Were there any soldiers of your side in the area? To the best of your knowledge?

JANKO: No, but —

RESNIK: And had the enemy killed civilians before?

JANKO: Yes, but —

RESNIK: Thank you.

Janko leaves the stand, Resnik sits, and Lazar stands.

LAZAR: I call Mirjana Puskar to the stand.

Mirjana takes the stand.

CLERK: Do you swear to tell the truth, the whole truth, and nothing but the truth?

MIRJANA: I do.

LAZAR: Ms. Puskar, you have heard the testimony of Goran Jasic, Ana Jasic, Aleksander Bartol, and Janko Puskar. (beat) Did you or did you not hold your hand over your baby's mouth and nose, thereby killing it?

MIRJANA: I did. It was the infant's life or ours. One for five. It was a necessary sacri-

LAZAR: If you truly believe in the sacrifice of one for the many, you would go to the nearest hospital and tell them to take all of your organs for transplant, since you could in that way save many lives. One for the many. Would you go to a hospital now?

MIRJANA: (she is disturbed by this analogy) No.

Resnik stands immediately.

RESNIK: If you knew that you were going to be killed in a horrible car crash that would render your organs unusable, would you in that case go to the hospital? Now?

MIRJANA: Yes. (She is grateful to him.) If the car was bearing down on me. (She smiles a little at the impossibility of the analogy.)

LAZAR: All right. Even so. But surely this isn't a matter of arithmetic. The quality of life —

MIRJANA: The quality of the infant's life was unknown. The quality of the others' lives — we were healthy, productive, Ana, a teacher, Goran, an architect, Aleksander, a computer technician ...

LAZAR: But the infant's potential —

MIRJANA: Again, unknown. The others — I had a good idea of their potential.

LAZAR: But surely the infant still had a right to life.

MIRJANA: Yes. But so did the rest of us. Rights are seldom absolute. Some rights are stronger than others.

LAZAR: You've thought this out.

MIRJANA: (suddenly flashing in anger) Of course I've 'thought this out'! (with great vehemence) Wouldn't you have?

LAZAR: Your Honor, if the crime was premeditated —

MIRJANA: Of course it was premeditated! That makes it worse? (with disbelief) I should end the life of a newborn on the spur of the moment? Without thinking about it? Surely that would be the greater crime!

GORAN: (standing in an outburst) If she hadn't've done it, I would have! So help me God! (He lets out a sob.)

Ana is not sure she can say the same, but she stands with Goran. She looks to Aleksander, but he cringes miserably; he cannot stand.

Scene 9:

Courtroom as before.

RESNIK: Your Honor, we do not contest the facts of the case. We are trying to determine whether the circumstances warrant — (beat) My client was charged with ending a life. She may as easily have been charged with saving five. It is a matter of description, as the action is the same in both cases.

LAZAR: (taking offense at this 'wordplay') Your Honor!

RESNIK: While it is almost certain that Ms. Puskar's actions of putting her hand over the infant's mouth and nose caused its death, it is also almost certain that had she not done so, the infant would have still met its death, as would have everyone else in hiding. Her action was only the most immediate cause, not the real cause, of the infant's death.

Janko leaps to his feet.

JANKO: (vehemently correcting his use of 'infant') 'The infant' 'The infant' My son's death! She killed my son!

Mr. Resnik gives him a long look, understanding just now the sexism behind his decision to report the incident to the authorities, then ignores his outburst.

RESNIK: Consequently, any argument for punishing Ms. Puskar for an action that —

Mirjana stands now, in anger.

MIRJANA: If you want to punish someone for an action, why don't you punish him! (She glares at Janko.) For making the baby in the first place! I had no part in that action!

Mr. Resnik expresses surprise, as do the Judges and Mr. Lazar: Mirjana's words amount to a charge of rape.

RESNIK: Your Honor, a recess, please.

JUDGE CARMAN: Court will adjourn until ...

He looks to his Clerk, who checks the calendar; they confer.

JUDGE CARMAN: Thursday, next.

Judge Carman bangs his gavel and they all stand as the judges exit.

Scene 10:

Prison meeting room.

Resnik enters and paces while he waits. Mirjana is brought in. He sits on one side of the table; she sits on the other; the guard stands at the door.

RESKNIK: You are alleging that Janko, your husband at the time, raped you?

MIRJANA: (bitterly) You think a woman would want to be pregnant in a time like that? How stupid do you think we are?

RESNIK: I don't — Do you have any proof?

MIRJANA: What evidence could I possibly have? (beat) What evidence would you accept? Since the fact that it would have been so clearly not in my best interests is insufficient.

Resnik shrugs, as if to say 'People do —'.

MIRJANA: Ah. The irrational act is believed, but the rational one is not. (beat) As Mr. Lazar observed, yes, I thought it out. It was foreseeable that, if I were pregnant, I would have been put in just such a situation. (beat) Which is why his action is all the more inexcusable. Do you have any idea what it's like to give birth in a time of a war? In hiding?

(Beat.)

RESNIK: Why didn't you abort?

MIRJANA: (sarcastically) Oh, why didn't I think of that? I'm sure all the abortion clinics were open for business at the time. (beat) I tried to induce a miscarriage. Nothing worked.

RESNIK: (nods) Well, the rape changes things. Perhaps we can invoke post partum depression.

MIRJANA: I was not depressed. I was not attached to the infant — how could I fall in love with — something that — (she shrugs) Even if I wanted to, I couldn't — knowing that one day, I might have to — (she looks away, then looks back) I knew what I was doing. And I would do it again. In the same circumstances.

RESNIK: You say it so —

MIRJANA: Simply? Not at all. I do not — I did not kill lightly, Mr. Resnik.  
(She does not say 'unlike so many others'.)

RESNIK: But surely what you did should be done only as a last resort.

MIRJANA: Were there alternatives I failed to consider? Do tell. Perhaps I could have cut its vocal cords without killing it?

RESNIK: Maybe the child was just hungry.

MIRJANA: Yes. Very likely it was. You're an educated man, Mr. Resnik. Surely you know what stress does to a body. I had no milk to give! Which is why I would never have chosen to —

RESNIK: Be in that position in the first place. (He gets it now and he's angry.)

Scene 11:

Prison visiting room.

Ana and Goran are sitting across from Mirjana at a table; the scene starts in the middle of a conversation.

GORAN: (leaning across the table, speaking in urgent tones) We'll take your place. It's our turn.

Mirjana shakes her head.

GORAN: You have given us ten years, now we'll give you ten years.

MIRJANA: But —

GORAN: Ten years we wouldn't've had if it weren't for you!

ANA: Goran ...

MIRJANA: But your daughters!

GORAN: Wouldn't exist if not for you. We wouldn't exist if not for you!

ANA: Goran, it can't work that way, they wouldn't —

GORAN: We can ask!

Ana is torn by the idea, but she knows it's only fair.

Scene 12:

Courtoom as before.

RESNIK: I call Ana Jasic to the stand.

Ana takes the stand.

JUDGE CARMAN: Witnesses are reminded they remain under oath.

Ana nods.

RESNIK: You are one of Mirjana's friends?

ANA: Yes. We are good friends.

RESNIK: Do you know if she wanted a child?

ANA: (sadly, fondly) Yes. She did. We both did. But we both decided that we would wait until the trouble was over.

RESNIK: And she didn't change her mind?

ANA: Why would she change her mind? (as if to say 'only an idiot')

RESNIK: And when she discovered she was pregnant?

ANA: She was very angry. Very upset. She even —

RESNIK: Yes?

Ana looks to Mirjana as if asking permission. Mirjana nods.

ANA: She tried to get rid of it. But it didn't work.

RESNIK: Thank you.

Ana steps down.

RESNIK: I call Alina Begic to the stand.

Lazar stands.

LAZAR: Your Honor, where is this going?

JUDGE CARMAN: Mr. Resnik?

RESNIK: A little latitude, your Honor. Please.

Judge Carman nods permission to Alina to take the stand; she does so, as Lazar sits.

RESNIK: You are Mirjana's mother?

ALINA: Yes.

RESNIK: Are you close?

ALINA: (she smiles at her daughter) I think so.

RESNIK: Do you know if your daughter wanted a child?

ALINA: She did. At one time. But as Ana has said, she had decided to wait. It would have been insane to become pregnant then.

Janko jumps up from his seat.

JANKO: Why are you listening to the women? I know! She wanted it! (This last line is delivered so as to be reminiscent of rapists who justify their actions with the very same words.)

Refka quietly rises and leaves the room.

RESNIK: (ignoring Janko) Thank you.

Alina steps down.

RESNIK: Where I'm going (he turns to Lazar) is here: If not for Janko Puskar's action, Mirjana Puskar would not have been put in the position of having to silence the infant. If not for his action, her action would have been unnecessary. So as to cause, and blame, and appropriate punishment ...

END