



# LAW AND ADMINISTRATION IN POST-SOVIET EUROPE

THE JOURNAL OF KOLEGIUM JAGIELLOŃSKIE TORUŃSKA SZKOŁA WYŻSZA  
VOL. II: 4–16

DOI: 10.1515/lape-2015-0001

Anna Garczevska  
Kolegium Jagiellońskie Toruńska Szkoła Wyższa

## Polish contemporary legal system and its movie depict

**Key words:** Polish law, law-and-film, movies about lawyers, organized crime, justice system

### 1. Introduction

Polish law is portrayed by films, directly or indirectly. There are very few Polish films dealing directly and thoroughly with legal issues<sup>1</sup>, some of them are based on or inspired by real cases<sup>2</sup>, some are documentaries<sup>3</sup>. Legal problems are often presented when dealing with political matters, usually in the background, as a sort of

explanation or consequences, connected with the main subject – politics<sup>4</sup>. Sometimes Polish law is also presented in foreign movies or in films in cooperation with Polish filmmakers<sup>5</sup>. There are also festivals<sup>6</sup> or presentations<sup>7</sup> of legal films in Poland, raising awareness of legal and social problems.

I would say that films dealing with Polish legal system, as scarce as they are, may be classified into three groups depending on their main subject:

<sup>1</sup> Such films were also made during the communist regime (e.g.: *Without Anesthesia* (*Bez znieczulenia*), dir. A. Wajda, 1978; *No End* (*Bez końca*), dir. K. Kieślowski, 1984; *A short film about killing* (*Krótki film o zabijaniu*) dir. K. Kieślowski, 1987; *Collusion* (*Zmowa*), dir. J. Petelski, 1988). Legal system existing in Poland between 1944 and 1989 as well as a bit different conception of popular culture during that time would demand more in-depth analysis, therefore such films are omitted in this article, as I concentrate on contemporary law and culture.

<sup>2</sup> For example: *Collusion* (*Zmowa*, dir. J. Petelski, 1988), *The Debt* (*Dług*, dir. K. Krauze, 1999), *Immensity of Justice* (*Bezmiar sprawiedliwości*, dir. W. Saniewski, 2006). *Collusion* (*Zmowa*) is based on “Połaniec case” of 1976, that was also made into series of articles, books and a theatre play. The other two films are described herein.

<sup>3</sup> E.g.: *Execution* (*Egzekucja*), dir. J. Krysiak, J. Morawski, 2000; *Strongwoman* (*Siłaczka*), dir. M. Zmarz-Koczanowicz, Poland 2002.

<sup>4</sup> E.g. *Pigs* (*Psy*), dir. W. Pasikowski, 1992; *The Provocateur* (*Prowokator*), dir. K. Lang, 1995; *Entanglement* (*Uwikłanie*), dir. J. Bromski, 2011; *Aftermath* (*Pokłosie*), dir. W. Pasikowski, 2012.

<sup>5</sup> For example: *To Kill a Priest* (*Zabić księdza*, dir. A. Holland, USA /France, 1988), *Polish cash* (*Polski crash*), dir. K. Heidelberg, 1993; *Strajk – Die Heldin von Danzig* (*Strajk* dir. V. Schlöndorff, Poland /Germany, 2006); *Hope* (*Nadzieja*), dir. S. Mucha, Poland/Germany 2007; *Limousine* (*Kierowca*, dir. J. Dassier, Poland, 2008).

<sup>6</sup> Most known festival of films on human rights is WATCH DOCS, an international event organized since 2001.

<sup>7</sup> There are also some reviews or presentations of legal movies, organized mostly locally within universities (usually by and for law students), barely advertised, and majority of the movies presented there are not Polish.

- general problems of justice and efficiency of Polish judicial system:
  - *The Debt* (*Dług*)<sup>8</sup>
  - *Father's Law* (*Prawo ojca*)<sup>9</sup>
  - *The Collector* (*Komornik*)<sup>10</sup>
  - *Symmetry* (*Symetria*)<sup>11</sup>
  - *The Lynch* (*Lincz*)<sup>12</sup>
  - *Immensity of Justice* (*Bezmiar sprawiedliwości*)<sup>13</sup>
  - *The Closed Circuit* (*Układ zamknięty*)<sup>14</sup>
- social problems with legal background:
  - *Dad* (*Tato*)<sup>15</sup>
  - *Nothing* (*Nic*)<sup>16</sup>
  - *Saviour Square* (*Plac Zbawiciela*)<sup>17</sup>
- crime (criminals, organized crime, law enforcement, prison system)<sup>18</sup>.

<sup>8</sup> *The Debt* (*Dług*), dir. K. Krauze, 1999.

<sup>9</sup> *Father's Law* (*Prawo ojca*), dir. M. Kondrat, 1999.

<sup>10</sup> *The Collector* (*Komornik*), dir. F. Falk, 2005.

<sup>11</sup> *Symmetry* (*Symetria*), dir. K. Niewolski, 2003. I agree with the remarks of P. Wrześniewski, *Film "Symetria" w aspekcie prawnym*, [http://pwrz.pl/varia/film\\_symetria/index.html](http://pwrz.pl/varia/film_symetria/index.html) [11.04.2014]) therefore I skip analysis of this film in here.

<sup>12</sup> *The Lynch* (*Lincz*), dir. K. Łukaszewicz, 2010.

<sup>13</sup> *Immensity of Justice* (*Bezmiar sprawiedliwości*), dir. W. Saniewski, 2006.

<sup>14</sup> *The Closed Circuit* (*Układ zamknięty*), dir. R. Bugajski, 2013.

<sup>15</sup> *Dad* (*Tato*), dir. M. Ślesicki, 1995.

<sup>16</sup> *Nothing* (*Nic*), dir. D. Kędzierska, 1998.

<sup>17</sup> *Saviour Square* (*Plac Zbawiciela*), dir. K. Krauze, J. Kos-Krauze, 2006.

<sup>18</sup> *Three days without conviction* (*Trzy dni bez wyroku*), dir. W. Wójcik, 1991; *Pigs* (*Psy*), dir. W. Pasikowski, 1992; *Pigs II: The Last blood* (*Psy II: Ostatnia krew*), dir. W. Pasikowski, 1994; *The Provocateur* (*Prowokator*), dir. K. Lang, 1995; *Young Guns* (*Młode wilki*), dir. J. Żamojda, 1995; *Young Guns ½* (*Młode wilki ½*), dir. J. Żamojda, 1997; *Anger* (*Gniew*), dir. M. Ziębiński, 1997; *Polish Roulette* (*Sztos*), dir. O. Lubaszenko, 1997; *The Hitman* (*Kiler*), dir. J. Machulski, 1997; *Two Kilers* (*Kiler-ów 2-óch*), dir. J. Machulski, 1999; *The Punisher* (*Egzekutor*), dir. F. Zylber, 1999; *Father's Law* (*Prawo ojca*), dir. M. Kondrat, 1999; *One Week From Man's Life* (*Tydzień z życia mężczyzny*), dir. J. Stuhr, 1999; *Boys Don't Cry* (*Chłopaki nie płaczą*), dir. O. Lubaszenko, 1999; *Fluke* (*Fuks*), dir. M. Dutkiewicz, 1999; *Sucker Season* (*Sezon na leszcza*), dir. B. Linda, 2000; *It's me, the thief* (*To ja złodziej*), dir. J. Bromski, 2000; *Huntsmen: No Mercy* (*Sfora: Bez litości*), dir. W. Wójcik, 2002; *Vinci* (*Vinci*), dir. J. Machulski, 2004; *Lawstorant* (*Lawstorant*), dir. M. Haremski, 2005; *PitBull* (*PitBull*), dir. P. Vega, 2005; *Surfers' Time* (*Czas surferów*), dir. J. Gąsiorowski, 2005; *The Foundation* (*Fundacja*), dir. F. Bajon, 2006; *Crime Detectives – Silesia Mission* (*Kryminalni. Misja śląska*), dir. M. Pie-

Legal issues in the third<sup>19</sup> category of the films are usually in the background, therefore this category is of the least interest for me in this article. I will concentrate on the films from the first and second category as they directly concern crucial issues of justice, security, crime and punishment. Some of those Polish films will be analyzed here chronologically. I chose those that seem to be the most important.

## 2. *Dad* (*Tato*), dir. M. Ślesicki, 1995

The film tells the story of a father, Michał<sup>20</sup>, fighting for parental care over his 7-year-old daughter Kasia<sup>21</sup>. Michał's wife leaves him, and files for divorce, as the plot evolves it turns out that she suffers from bipolar disorder and is admitted to a mental hospital. Michał hires a lawyer<sup>22</sup>, who won parental care in favor of a father before, but it still does not improve much his position in court. When a care over Kasia is given to her grandmother instead of Michał, he kidnaps his daughter.

Problem of father's rights presented in the film almost 20 years ago is still a live issue in Poland, and *Dad* (*Tato*) is often used in discussions. Discrimination of men, especially fathers, by family courts are often brought up by media and non-governmental organisations<sup>23</sup>, singular cases<sup>24</sup> or general statistics are signifi-

przycą, 2006; *God's Little Garden* (*U Pana Boga w ogródku*), dir. J. Bromski, 2007; *Crown witness* (*Świadek koronny*), dir. J. Sypniewski, J. Filipiak, M. Gazda, 2007; *Tibi et Igni* (*Dla ciebie i ognia*), dir. M. Jemioł, T. Zasada, 2008; *The Dark House* (*Dom zły*), dir. W. Smarzowski, 2009; *Hoax* (*Mistyfikacja*), dir. J. Koprowicz, 2010; *Weekend* (*Weekend*), dir. C. Pazura, 2010; *Trick* (*Trick*), dir. J. Hryniak, 2010; *Los numeros* (*Los numeros*), dir. R. Zatorski, 2011; *There and back* (*Tam i z powrotem*), dir. W. Wójcik, 2001; *Entanglement* (*Uwikłanie*), dir. J. Bromski, 2011; *Polish Roulette II* (*Sztos II*), dir. O. Lubaszenko, 2011.

<sup>19</sup> The third category includes films from different genres and subgenres as long as they concern legal problems. This group is the widest, the most varied and the most numerous, there are fictional dramas and comedies, as well as stories inspired by the real events. Law in those movies is a defining factor for the characters, as they are usually police officers or criminals, but it is not the main focus of the story.

<sup>20</sup> Played by Bogusław Linda.

<sup>21</sup> Played by Aleksandra Maliszewska.

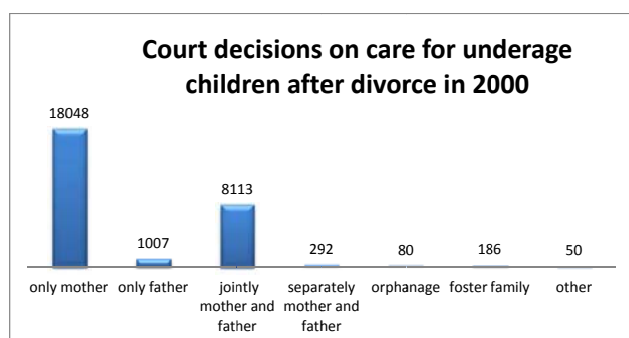
<sup>22</sup> Played by Krystyna Janda.

<sup>23</sup> There are numerous societies fighting for fathers' rights, one of the first being SOPO (*Stowarzyszenie Ruch Obrony Praw Ojca*) registered in 1987 and confederation of fathers associations *Dzielny Tata* [*Intrepid Dad*].

<sup>24</sup> Sometimes very tragic, ending in suicides.

cant, yet give only partial view of the problem. That area of law and social studies on matters connected with application of family law is lacking thorough and wholesome research and publications<sup>25</sup>.

When it comes to statistics from the Central Statistical Office and Ministry of Justice we can say that there is quickly growing number of divorces in Poland and slowly increasing participation of fathers in raising children sanctioned by law. Between 1990 and 2000 there were more than 42 500 divorces per year, and the number has started growing annually since 2001, in 2013 there were more than 64 000 divorces in Poland. In 1990 and in 2000 out of 42 500 divorced marriages nearly 15 000 had no children, and in 2012 – 64 000 and 26 000 respectively. In 2012 two-thirds of divorces were by wife's petition, two-thirds of dissolved marriages had at least one child together, and there were 54 000 children of divorced parents. In 2000 in 29% of cases the child care was granted jointly to mother and father, in 65% exclusively to mothers and only in 4% solely to fathers. In 2012 in 33% of cases child care was granted jointly to mother and father, in 61% exclusively to mothers and only in 4% solely to fathers. Percentage of cases where fathers are given sole care over children did not change within a decade, but there is a slow increase in joint custody and slow decrease in mothers as sole caretakers<sup>26</sup>.

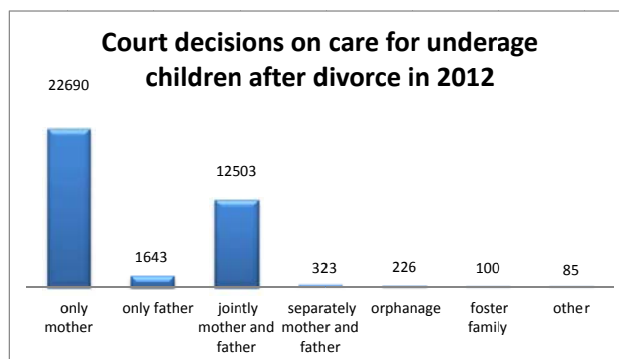


Pic.1. Court decisions on care for underage children after divorce in 2000<sup>27</sup>.

<sup>25</sup> One of very few is a book: M. Archewska, *Spoleczne role sędziów rodzinnych*, Warszawa 2009.

<sup>26</sup> GUS, *Matżeństwa zawarte i rozwiązane w latach 1970–2009*, [http://www.stat.gov.pl/cps/rde/xbcr/gus/lu\\_struktura\\_ludnosci\\_04\\_tablica4.xls](http://www.stat.gov.pl/cps/rde/xbcr/gus/lu_struktura_ludnosci_04_tablica4.xls), 10.04.2014; GUS, *Rocznik Statystyczny Rzeczypospolitej Polskiej 2013*.

<sup>27</sup> Based on GUS, *Rocznik Demograficzny 2013*.



Pic.2. Court decisions on care for underage children after divorce in 2012<sup>28</sup>.

Until 2009 in Polish law the court had to state in the divorce ruling one place of inhabitation of a child. Even if joint parental rights were given to both parents it was almost impossible for parents to physically share the care, or at least spend the same amount of time with the child. Since 2009 under the changed article 58 of the Family and Guardianship Code<sup>29</sup> there is an option of an agreement of joint custody between the spouses in which they decide how to exercise parental authority and maintain contact with the child. It's still rare but slowly increasing in use. The abovesaid article 58 is a visible effect of immense work done by the fathers' associations (those societies even prepared a draft of a statute changing the code).

Family is a crucial social institution in Poland and many of films presenting problems within families are often considered as breaking the taboo or being on the verge of it<sup>30</sup>. Dad was criticized for promoting poor upbringing values<sup>31</sup> and antifeminism. In the film, the main character, Michał, is represented by a woman in the court of law, the judge and jurors are women, expert witnesses are women, his opponent in court is his wife and the person appointed as temporary guardian

<sup>28</sup> Based on Statistics Office of the Ministry of Justice: *Przyznanie władzy rodzicielskiej po orzeczeniu rozwodu 2000–2011*, <http://bip.ms.gov.pl/pl/dzialalnosc/statystyki/statystyki-2012/download,1928,11.html>, 04.04.2013.

<sup>29</sup> Ustawa z dnia 25 lutego 1964 r. – Kodeks rodzinny i opiekuńczy, t.j. Dz. U. z 2012 r. Nr 0, poz. 788 ze zm..

<sup>30</sup> E.g. *Nothing (Nic)*, dir. D. Kędzierawska, 1998.

<sup>31</sup> It promotes violence and disobeying the law. When Michał is arrested for alleged home violence a policeman advises him to beat his wife without leaving marks. That is not only unethical it is simply illegal (attempted accessory). Michał advises his 7-year old daughter to beat up a boy who is teasing her, he also allows her to use knives in the kitchen and cook without supervision.

is his mother-in-law. Every woman in the film [except for his lawyer] is against him, and every man supports him. The trial is shown as a bureaucratic machine with no interest of child well-being and court ruling granting the child's care to the grandmother instead of the father seems as extremely unjust<sup>32</sup>. The judge is biased and her motivations are not explained, it's hard to believe all judges behave like that. . In my opinion the film is biased intentionally to show how a man "feels". Some elements of the trial are exaggerated, but the general intention that women are mostly assigned as prior child caretaker by women-judges is consistent with the truth<sup>33</sup>. The whole situation is out of proportions, but it seems like a conscientious decision. When you look at the statistics it's very hard not to see why this image is so distorted, so one-sided. It's not a documentary. It's a voice in debate. And it's still valid.

### 3. *The Debt (Dług)*, dir. K. Krauze, 1999

The plot of the film concentrates on four main characters: Adam<sup>34</sup>, Stefan<sup>35</sup>, Tadeusz<sup>36</sup>, and Gerard<sup>37</sup>. In early 1990's Adam and Stefan want to start a business and need money, so they accept Gerard's offer of help. Instead of assistance with finance he forces them, and their friend Tadeusz, into committing crimes and de-

mands money using verbal and physical force. After a few months the businessmen feel so cornered they kidnap the extortionist and his bodyguard. They tried to scare them, but the situation got out of control and Adam murdered both gangsters. They cut off the heads of the victims so the police would think it was Russian gang warfare. In the final scene of the film Adam is calling police to report his crime<sup>38</sup>.

This film is based on real events<sup>39</sup>. In 1997 Artur Bryliński (Adam in *The Debt*) and Sławomir Sikora (Stefan in *The Debt*) were sentenced to 25 years of imprisonment for murder and Tomasz K. (Tadeusz in *The Debt*) was sentenced to 12 years of imprisonment. Tomasz K. served the whole sentence, Sławomir S. was pardoned by the President, Aleksander Kwaśniewski, in 2005, Artur B. was pardoned by the President, Bronisław Komorowski, in 2010.

Roughness and simplicity of the film, on-screen perception of off-screen reality, the young men's need of success, sense of instability and lack of security among the generation watching the movie and a universality of the victim-offender relation are probably the reasons for the success of movie. *The Debt (Dług)* became a hit<sup>40</sup>, but most importantly, it shook the public opinion and started a debate on racketeering, organized crime and law enforcement. The other visible effect of the film was pardoning of the two sentenced. Under article 139 of *the Constitution* the President of the Republic of Poland has the power of pardon<sup>41</sup>. The film gained so much attention and social support (more than 30 000 people signed supportive petitions – [www.dlug.org.pl](http://www.dlug.org.pl), [www.dlug.com.pl](http://www.dlug.com.pl))<sup>42</sup> that it is considered to have direct impact on the pardoning process.

<sup>32</sup> S.f.: E.Ciszewska, B.Lewandowski, *op.cit.*, p. 23–24.

<sup>33</sup> Majority of judges in Polish courts are women (more than 60%, and the number is much higher in family courts), only in military courts more than 90% of judges are men. S.f.: Statistics of Ministry of Justice, <http://isws.ms.gov.pl/pl/29.03.2014>; E. Winnicka, *Sędziowie od życia*, 1.05.2009 "Polityka" <http://www.polityka.pl/tygodnikpolityka/kraj/289472,1,sedziowie-od-zycia.read>, 29.03.2014; *Gdzie ci mężczyźni, czyli Temida jest kobietą*, 28.09.2011 "Rzeczpospolita", <http://prawo.rp.pl/artykul/723938.html> 29.03.2014; *KRS: sędziami są głównie kobiety*, 19.11.2012 "Lexis.pl", <http://lexis.lexisnexus.pl/aktualnosci/na-rynku-prawniczym/krs-sedziami-sa-glownie-kobiety-K1jqHn> 29.03.2014; *Parytet w orzecznictwie czyli niech nas sądzą oni*, 10.04.2013 "Forsal", [http://forsal.pl/artykuly/696359,parytet\\_w\\_orzecznictwie\\_czyli\\_niech\\_sadza\\_nas\\_oni.html](http://forsal.pl/artykuly/696359,parytet_w_orzecznictwie_czyli_niech_sadza_nas_oni.html) 29.03.2014; *Dla kogo fioletowy żabot*, 22.05.2013 "Gazeta Prawna", [http://serwisy.gazetaprawna.pl/prawnik/artykuly/707048,dla\\_kogo\\_fioletowy\\_zabot.html](http://serwisy.gazetaprawna.pl/prawnik/artykuly/707048,dla_kogo_fioletowy_zabot.html) 29.03.2014; W. Tumidański, *Sędzia statystyczny*, 10.10.2013 "Wokanda" <http://nawokandzie.ms.gov.pl/numer-18/wokanda-18/sedzia-statystyczny.html> 29.03.2014.

<sup>34</sup> Played by Robert Gónera.

<sup>35</sup> Played by Stefan Bercuch.

<sup>36</sup> Played by Cezary Kosiński.

<sup>37</sup> Played by Andrzej Chyra.

<sup>38</sup> Artur is the Savior's Square while making the call in the final scene. It's the only religious reference in the film. It gets additional dimension as another film of this director taking legal problems under consideration is titled *The Savior's Square*.

<sup>39</sup> A feature film *The Debt (Dług)* was followed by a documentary *Execution (Egzekucja)* dir. J. Krysiak, J. Morawski, 2000.

<sup>40</sup> It is estimated that ca. half a million of people saw it so far. The film won couple of national film awards.

<sup>41</sup> The pardon does not alter court ruling, it does not acquit the sentenced and cannot be extended to individuals convicted by the Tribunal of State. More s.f.: P. Rogoziński, *Instytucja ułaskawienia w prawie polskim*, Warszawa 2009, *passim*.

<sup>42</sup> J. Kuisz (*loc.cit.*) is of opinion that support for pardoning the murders deserves a wide research.

Pathology showed on screen was a common problem, not an exception at the time. After political shift of 1989 the free market became available in post-communist Poland. With great opportunities came new downsides and dangers, the real plague of the early capitalism were rackets, extorted all over the country by organized crime<sup>43</sup>. Behavior of the extortionist (Gerard, in the movie) can be qualified as marginal morality<sup>44</sup>, he becomes an economic criminal i.e. a person with destructive self-orientated behavior of lower morality criminalizing others to achieve maximum gain.

Construction of the film makes it easy to sympathize with the crime committed by Adam and Stefan<sup>45</sup>. We do not condemn them for being reckless and not checking thoroughly who they enter into business with. We do not see a danger in the amount of money they are trying to borrow to invest, because it is good to “think big”. It does not alert us. The most significant problem stressed in the movie is the absence of the state – there are no heroic policemen<sup>46</sup>, no trustworthy lawyers, none to go to, basically no sense of security, just fear. The world in the film seems to say: when you’re left alone with gangsters you either become one of them or fight them on your own, usually on their terms, with very little chance of success. There is no real positive side here, because even if you win, and that means literally eliminating your opponent, there’s no silver lining, there’s no self-defense strategy you could go to court with. Of course it is proper to show that there is no getting away with murder. But that is not the point here. The point is that you either kill or will be killed. That’s it. No legal help, except for possible presidential pardon, after serving substantial amount of due time. In the state of law that should not happen. The state should guarantee security for their citizens. This film shows that even if the state fails to protect, it will not take responsibility. You are not treated as a victim, but as an offender, you are put on trial, with all the consequences. I believe this film is a cry for help, a voice in discussion on the role of the state and the scope of legal measures in the state of law.

#### 4. *The Collector (Komornik)*, dir. F. Falk, 2005

Right from the beginning we see a rigid, uncompromising and crude bailiff – Lucjan Bohme<sup>47</sup>. He’s a workaholic trying to do everything by the book and in accordance with law. Or at least he claims so. He says he likes to have everything in order, and does not differentiate who he deals with, a debtor is a debtor, so proceedings must follow. Any person not following the rule of law is his foe. At least in his mind. For example, he goes into the only hospital in the area and vindicates lifesaving equipment although he does not have to, as he has access to hospital’s bank accounts. Many of his actions are just a show, appearances to boost his image and ego. His pride makes him blind to the dangers around him and he becomes a victim of a plot organized by his boss, a chief of the court of law and a prosecutor. After one of his debtors hangs himself Bohme goes through nervous breakdown, sees Holy Mary, and tries to make up for his ruthlessness. Then he is charged with taking a bribe. Will he succumb or will he fight?

The first half of the film is a social drama centered in the poor post-mining area of southern Poland, while the second half is more of a fable and a parable. On one hand it shows rural area plagued with debts and alcoholism, on the other the luxury of the lawyers. The extreme effectiveness of the main character is shown as repulsive. He follows the letter of law, but the spirit is obviously lacking. Then the spirituality part comes – the Holy Mary gives Bohme a warning. Although it’s hopeful to see his transition, yet I’m not sure if it had to be so obvious in pointing out that his actions were inhumane. It’s also a bit disappointing to think the change must be induced by such shocking circumstances.

The image of Polish justice system is deeply negative here. Legal community is tight, everyone knows everybody, so you need to be on good terms with majority, or marry into the family. The lawyers presented in the movie are crass, arrogant, overbearing, false, and pretentious. The only likeable one – Bohme’s assistant – quits. Not only Bohme, but all of them pretend to be righteous. Discrepancy between “the pose” and “actions” is stressed also by the final speech at the funeral. Seeing that it’s hard to believe in law and it’s almost impossible to trust it.

<sup>43</sup> See more: J.W. Wójcik, *Przeciwdziałanie przestępczości zorganizowanej. Zagadnienia prawne, kryminologiczne i kryminalistyczne*, Warszawa 2011, p. 122–126].

<sup>44</sup> *Ibidem*.

<sup>45</sup> J. Kuisz, *loc.cit.*

<sup>46</sup> *Ibidem*.

<sup>47</sup> Portrayed by Andrzej Chyra. There was Jakob Böhme, a German Christian theologian, that lived at the end of the 16<sup>th</sup> century, who had a number of mystical experiences, and whose writings concentrated on the nature of sin, evil and redemption. S.f. Jakub Böhme, *Dialogues on the Supersensual Life*, edited by Bernard Holland, London 1901.

The film is obviously biased. It does not show the other side of the story. It does not show the people who lost their money and want to reclaim it from the debtors. The mere fact that you do not have the money is exonerating. The film is not searching for the truth, it shows only part of it. It does not ask the question why or how people got into debts. According to the movie it's all right not to pay your dues. It does not show that bailiffs are not executors, but part of the justice system. They execute court orders. And represent the state. Their job is to restore justice. They do not "take" anything, they "give back" what lawfully belongs to the owners. The film does not show how the debt is created. That it makes it possible for banks to demand huge interests in case of payment delays. That it is easy to fall into the spiral of debts. But, nonetheless, there are millions of people who do not have debts because they were careful and diligent. What we see here is only the result of previous actions.

Due to divine interference the movie is a bit surreal and spiritual, yet painfully realistic on some levels. Despite partly fairytale-like story, the people and the place seem credible, so one may feel to see the world that exists. And I think it's not the world anyone would like to live in.

### 5. *Immensity of Justice (Bezmiar sprawiedliwości)*, dir. W. Saniewski, 2006

A young reporter is charged with murdering his eight months pregnant girlfriend. The plot of the film evolves showing three sides of the trial – from the defense's, the prosecution's and the judge's point of view. Mistakes made during the pre-trial proceedings such as omissions of noticing or gathering the evidence, unprofessional behavior, and losing the files and evidence, resulted in weak indictment and circumstantial trial. The man is charged with murder (under article 148 of the criminal code) and sentenced to 25 years of imprisonment. He walks after serving half of the time due to President's pardon.

In this movie we are presented with definitions of "culpability", "presumption of innocence", "evidence", "bias", and "justice" itself. Here we also can see how the judicial system can transform and use them depending on the view.

Appearances are important part of a legal system, the trial is a bit theatrical itself – "the court scene", certain clothes and symbols (judge's chain, toga), strict behavior

and vocabulary, create alternate world. For some lawyers an image is part of the job. What people see is always only a part of the truth. In everyday life it can create disappointment or interest of others, but in the court of law, it is a matter of life or death, or to be exact – a matter of freedom or imprisonment. What we see in the film is terrifying because of its probability. Lawyers are only humans and they can make mistakes. Some of them are proud and vain. And shallow. This film shows what happens when personal issues and keeping up appearances influence legal decisions. The fact of the judge resigning afterwards is only partly comforting. A viewer may ask himself how many do not resign despite similar cases?

This film was inspired by the events that took place in the early 1990's in Poland. One of the authors behind the idea of the movie, lawyer Andrzej Malicki, took part in the actual trial.

### 6. *The Savior's Square (Plac Zbawiciela)*, dir. K. Krauze, J. Kos-Krauze, 2006

In the film a young married couple with two small children lives at a man's mother tiny apartment in the capital. Five people, 3 rooms, and a dream of being on their own. They decide to buy a place from a real estate developer, and take a home loan for 20 years. The developer bankrupts. Bank releases the notary deeds, so they need more money to buy it out, or they lose everything. His mother takes out a mortgage to help them out. The situation gets more complex when a man cheats on his wife.

The movie concentrates of social problems, and interpersonal relations, but the issue here that complicates the whole thing is "a housing problem" in contemporary Poland. There are not enough affordable apartments for the citizens, and the situation is slowly changing. After 2003 there was a large increase in apartments build by developers. Polish housing market of the real estate development was, and unfortunately still is, quite unpredictable and risky for the buyers. Since the communism collapsed the "developer agreement" has evolved, but it often happens that it still contains provisions disadvantageous for the buyer as there are no strict regulations of it. Not to mention that it took the government ca. 20 years to at least partially protect the buyers with so called "Developer Act of 2012"<sup>48</sup>. Before 2012 major-

<sup>48</sup> Ustawa z dnia 16 września 2011 r. o ochronie praw nabywcy lokalu mieszkalnego lub domu jednorodzinnego, Dz.U. z 2011 r. nr 232, poz. 1377 ze zm.

ity of contracts between a developer and a prospect buyer were in form of contracts for the construction of housing and not in form of the contracts for completed apartments with regulated legal status. Under the contract the developer pledged to build housing and transfer ownership to the future owner, and the future owner to make timely payments for performed construction and assembly works. The buyers had to pay in advance, with cash or savings, majority took a house loan. The buyer took the full risk of the project. If the developer failed to build the house/apartment, i.e. went bankrupt or stole the money and ran away, the buyer was left with nothing. The buyer usually cannot sue for the transfer of the property, in most cases at the moment of the bankruptcy apartments don't exist, yet. There is also a difference whether the contract was in simple written form or in a form of a notary deed. The latter is stronger and the buyer rights are additionally protected by law. Suing the constructor for compensation was usually the only option, but there was very little chance of success of recovering the money. Under the "Developer Act of 2012" the buyers' guarantee of safety is an escrow account. Bank acts as an intermediary that collects and transmits capital deposited it in time specified in the contract, that enables the disbursement of funds, for example in the case of bankruptcy of the developer. There are 4 options, depending on the account (open or closed) and a guarantee (bank or insurance guarantee). In case of a bankruptcy the apartments are not a bankruptcy mass, as it used to be, but are transferred to the buyers. Those agreements still involve risk, but more limited. The biggest issue here, still, is discrepancy between theory and practice.

## 7. *The Lynch (Lincz)*, dir. K. Łukaszewicz, 2010

The Lynch is a story about a murder of an old man in a remote village committed by six farmers. The victim – Zaranek<sup>49</sup>, an ex-convict, terrorized the village causing the locals to protect themselves with unexpected and tragic finale. Three out of six sentenced are brothers Grad (Adam<sup>50</sup>, Dariusz<sup>51</sup>, Marcin<sup>52</sup>). Extensive part of the film are legal elements: detaining of the suspects, their interrogation, the trial, and imprisonment. The film is not

chronological; there are back flashes and flashes forward, as well as contemporary stories. And there is also gruesome reality contrasted with sunny summer<sup>53</sup>.

The film is loosely based on real events that took place in Włodowo in 2005. Three brothers were sentenced to 4 years of imprisonment for murder of a habitual offender who was enforcing money, threatening and beating villagers. In 2009 the President, Lech Kaczyński, pardoned them. The Lynch in Włodowo ("Lincz we Włodowie") had and still has extensive media coverage<sup>54</sup>. The Lynch in Włodowo was also portrayed in crime series: *Pitbull*<sup>55</sup> and *Crime Detectives (Kryminalni)*<sup>56</sup>.

In the beginning of the film we see two excerpts from the Polish criminal code explaining self-defence and accessory.

Self-defence under article 25 § 1 of the criminal code is repelling a direct, unlawful assault on any good protected by law. A person in such necessary defence does not commit a crime. One can use force to refute a force (*vim vi repellere licet*). But one must remember that the use of self-defence must be direct, neither before nor after an attack. In one of the scenes Adam Grad protects his family from Zaranek armed with a machete. He scares him of using large piece of wood. That would fall as self-defence. Afterwards four men search for the attacker, and beat him with shovels and sticks. Zaranek dies. That is not self-defence. That is an attack. Yes, brothers Grad were protecting themselves and their

<sup>53</sup> It's a movie of contrasts: local peaceful society and a villain, good policeman and bad supervisors, good advocate and bad prosecutor, beautiful weather and bloody murder. The film is also one-sided, everything here is either black or white, there's no middle ground, and it deals with people's emotions on a very basic level.

<sup>54</sup> E.g.: W. Świetlik, *Łaska za lincz, kary za rozbój*, 23.06.2009 "Polskatimes.pl", <http://www.polskatimes.pl/artykul/133052,laska-za-lincz-kary-za-rozboj,id,t.html> 20.03.2014; *Lincz*, 24.05.2011 TVN, <http://uwaga.tvn.pl/48372,news,1,lincz,reportaz.html> 20.03.2014; M. Rigamonti, *Jagoda Rybak, matka z Włodowa*, 13.06.2011 "Newsweek", <http://stylizacja.newsweek.pl/lincz-we-wlodowie-jagoda-rybak-o-linczu-we-wlodowie,78131,1,1.html> [20.03.2014]; U. Hollanek, *Krajobraz po linczu*, 19/2011 "Wprost", <http://www.wprost.pl/ar/243400/Krajobraz-po-linczu/?pg=1> 20.03.2014.

<sup>55</sup> In season 03, episode 02. The episode had the audience of 2 million people, *'Pitbull' bezsilny w starciu z konkurencją*, 2.04.2008, "Wirtualne Media", <http://www.wirtualnemedia.pl/artykul/pitbull-bezsilny-w-starciu-z-konkurencja>, 20.03.2014.

<sup>56</sup> In season 04, episode 10.

<sup>49</sup> Played by Wiesław Komasa.

<sup>50</sup> Played by Leszek Lichota.

<sup>51</sup> Played by Łukasz Simlat.

<sup>52</sup> Played by Maciej Mikołajczyk.

families, but it is not a self-defence in the legal meaning, therefore the quote at the beginning might be a bit misleading. But one also must admit that there is no legal definition for every situation that takes place in real life.

Under article 18 § 3 of the criminal code anyone acting against a particular legal duty of preventing the prohibited act, facilitates its commission by another person through his omission, shall be liable for aiding and abetting. Police's main aim is preventing crime, therefore any behavior facilitating another in committing an offence, including being idle, can be considered as accessory. In the film police officers do not react when villagers are attacked by a man with an axe, but they come aggressively at night, fully armed, just to arrest couple of farmers. It's an interesting contrast, showing people's fears and their attitude towards effectiveness of law enforcement.

One of the most crucial characters from the legal point of view here is the prosecutor<sup>57</sup>. The prosecutor's general idea is that it's not the person that matters, but law. He is concentrated on legality, and stresses that it does not matter whether the men killed a dangerous criminal, because in accordance with law he is, above all, just a murdered human being. The prosecutor doesn't even have a name in the film – he is just “the prosecutor”. Therefore, he seems to be the personification of all the negative aspects of the Polish prosecution. According to Piotr Bachmat's research<sup>58</sup> in ¾ of the cases of self-defence the prosecution charged the person protecting himself with a crime, in majority of the cases the charge was dismissed or changed by the court (in approx. 30% of the cases the prosecution's charge was dismissed, and in approx. 40% of the cases prosecution's charge was qualified as exceeding of the limits of self-defence). It's deeply concerning that erroneous qualification of the legal action is that high. Mistakes of the prosecution undermine the trust of the citizens for both justice system and the state, creating the sense of powerlessness, and fear of using legal protection against crime.

The prosecutor in the film demands respecting the law no matter what. The social sense of justice says that a state has the right to demand that if its institutions respect it, too. Police was idle, didn't protect the citizens.

The state didn't protect its citizens. The rule of law was broken. Should the citizens still abide law? Many of the viewers will not agree with the prosecutor, most will sympathize with the murderers, as in the case of *The Debt*. Nonetheless, very important issues of jurisprudence are mentioned by the prosecutor, tough indirectly: the difference between law in books and law in action, spirit of law vs. the letter of law, as well as a social sense of justice and functions of law. The prosecutor wants people to obey law just because it exists. This theory should be taken under consideration by every law student, at least as a working material, to decide what his/her attitude towards legal positivism is. It must also be noted that many scholars would argue that law is obeyed if people see it as just. Teodor Szymanowski in his book on penal justice policy<sup>59</sup> presents a research taken in 2011 among Polish people showing that 31% of people said that law must be obeyed at any time, while 61% voted that law should be obeyed only if it is just.

There are some legal inconsistencies and errors in the movie. For example, the death of Zaranek was not an effect of the self-defence, but of a murder, as there was no direct assault at the time. Besides, during his speech in court the prosecutor said acquitting the accused might cause other courts to refer to this case (as *casus*) in other murder trials. There are no precedents *de iure* in Poland, there is no *stare decisis*. There is judicial independence – the judge is bonded only by statutes. Although he is right saying that the court should not make decisions based on social need [for vengeance], press releases and political pressure, for the exact same reason. Renata Grad gave a false statement about his husband and father, trying to protect the first one, which was unnecessary as she could have refused testifying due to close relation and that is both marriage and blood relation (article 182 of the Code of Criminal Procedure).

There is also a defense lawyer in the movie – the advocate Łubieńska<sup>60</sup>. She is one of the most professional and positive lawyer figures in Polish cinema. She is determined, but not aggressive, non-emotional, yet sympathetic, classy, quiet and first of all – effective.

In this movie we see the state represented by idle police, strict prosecutor, violent correctional system, and prejudiced physician. There's also hope that there are more lawyers like the advocate.

<sup>57</sup> Played by Krzysztof Franiczek.

<sup>58</sup> P. Bachmat, *Instytucja obrony koniecznej w praktyce prokuratorskiej i sądowej*, Warszawa 2003, <http://www.iws.org.pl/pliki/files/badania/raporty/raporty03/P%20Bachmat%20Instytucja%20obrony%20koniecznej%202003.pdf> [20.08.2014].

<sup>59</sup> T. Szymanowski, *Przestępczość i polityka karna w Polsce: w świetle faktów, i opinii społeczeństwa w okresie transformacji*, Warszawa 2012, p. 198–202.

<sup>60</sup> Played by Tamara Arciuch.



## 8. *The Closed Circuit (Układ zamknięty)*, dir. R. Bugajski, 2013

A movie about integrity, or the lack of it, to be exact. It shows what happens when politics and law mix, and when people responsible for law and order commit crimes. It's inspired by multiple examples, not based on a certain history.

Public officials (a minister<sup>61</sup>, two prosecutors<sup>62</sup> and a head of the tax office<sup>63</sup>) plot to accuse young businessmen of committing a crime in order to take over their company. Two men<sup>64</sup> are charged with participation in an organized crime (art. 258 of the criminal code), money laundering<sup>65</sup>, acting to the detriment of the company (art. 585 the Code of Commercial Companies<sup>66</sup>) and appropriation (art. 294 of the criminal code) and arrested. The film concentrates on showing how the circuit resulting in the charges was created as well as fighting for freedom and truth. There is also a political case from the past that still influences contemporary choices of the main characters. Corruption, blackmail and particular interests are stressed to be features of the people in power. While their own vision of right and wrong seems to be distorted as we can see when the minister behind the plot says: "We have eliminated demoralized individuals from the society" or a tax officer: "Do you know any honest businessmen in this country? They either steal or cheat." The media are only the voice of the official propaganda (the TV is called "An Echo"), the reporter searching for the truth is fired. There are two scary things in this film: the fact that post-communist lawyer who used his political input to ruin his dean's career is still in power and the fact that a young lawyer raised in the free country is his peer when it comes to evil deeds. There is a curious scene at the end, a conversation between the businessmen and their Danish investor. When he offers them a job, he says "In Denmark people aren't punished for ideas and spirit" – the interesting thing is that the whole dialog is in English with Polish subtitles, but that is the only sentence without Polish translation.

There are some legal mistakes in the film. There is a legal way of obtaining ownership of a thing – to go on homestead (*zawłaszczenie*, *occupatio*), and there is also unlawful taking of a thing, theft – the appropriation (*przywłaszczenie*). In Polish those words sound similar and are often confused by non-lawyers, and that is also the case in the film. The prosecutor says the businessmen are charged under art. 294 of the criminal code, i.e. appropriation, but couple of time we can hear about "zawłaszczenie" instead of "przywłaszczenie". During the conversation between the prosecutor Kostrzewa and a sister of one of the businessmen he offers her getting rid of her stocks by donation. The prosecutor talks about donation as it is a unilateral declaration of intent, he even uses a term "waiver", while under Polish law donation is an agreement and requires consent of both sides. At the end of the film we see people taking the machines from the factory under "the collection order" which is impossible as a bailiff should act under "the enforcement order with a writ of execution appended". The collection order of the bailiff is basis of the court order, but cannot be the sole basis for execution. Even the court order itself is inefficient, must be with the writ of execution – then it's called the enforcement order. There is also a mix up of agencies. The businessman is saying that he cannot talk on phone because "CBA is using interception". Central Anti-Corruption Bureau (Centralne Biuro Antykorupcyjne, CBA) is "a special service, created to combat corruption in public and economic life, particularly in public and local government institutions as well as to fight against activities detrimental to the State's economic interest"<sup>67</sup> and was created in 2006 under the Act of 9 June 2006 on the Central Anti-Corruption Bureau<sup>68</sup>. The plot of the film takes place in 2003, so there was no such agency then, yet. The second thing – in the arrest scenes we can see police officers with "police" and "CBŚ" signs. Central Investigative Bureau (Centralne Biuro Śledcze Policji, CBŚ) is a unit of investigative police forces and was created in 2000. If CBA is surveilling, then why it is CBŚ that enters homes and arrests the businessmen, and not CBA? It is a bit inconsistent.

<sup>61</sup> Played by Krzysztof Gordon.

<sup>62</sup> Played by Janusz Gajos and Wojciech Żołądkowicz.

<sup>63</sup> Played by Kazimierz Kaczor.

<sup>64</sup> Played by Robert Olech i Przemysław Sadowski.

<sup>65</sup> Ustawa z dnia 16 listopada 2000 r. o przeciwdziałaniu praniu pieniędzy oraz finansowaniu terroryzmu, t.j. Dz. U. z 2014 r. poz. 455 ze zm.

<sup>66</sup> Ustawa z dnia 15 września 2000 r. Kodeks spółek handlowych, Dz.U. z 2000 r. Nr 94, poz. 1037 ze zm.

<sup>67</sup> CBA, <http://www.cba.gov.pl/en/about-the-cba/2,ABOUT-THE-CBA.html> 11.05.2015.

<sup>68</sup> Ustawa z dnia 9 czerwca 2006 r. o Centralnym Biurze Antykorupcyjnym, t.j. Dz.U. z 2014 r., poz. 1411 ze zm.

## 9. Real life and movies

Polish legislation is excessive (there are approximately 200 acts enacted per year), unstable, elaborate, and incoherent that leads to distortions in the application of law, increasing bureaucracy, and the lack of understanding law by the citizens<sup>69</sup>.

Surveys of the Public Opinion Research Center (Centrum Badania Opinii Społecznej, CBOS) of 2012<sup>70</sup> show that:

- a) in years 2008–2012:
  - 22% of the people had contact with the justice system,
  - the reason of the contact with the justice system was mostly financial (inheritance law, real property), family (divorce, alimony), or criminal (committing an offence),
  - 47% of the people were pleased with the contact with the court, and 48% were not satisfied,
  - the main reason of dissatisfaction were lengthy procedures (criminal cases) and unjust ruling (civil cases);
- b) general opinion of the justice system:
  - **61% of the people is of negative opinion of the justice system,**
  - 28% of the people is of positive opinion of the justice system,
  - 11% of the people has no opinion;
- c) **only 17% of people base their views on courts and judges on personal experience, while 60% of people – on media reports,** 16% – on the opinions of their friends, family and neighbors.

Very interesting thing of the survey was how views on courts and judges are created – apparently personal experience is less common reason than what people see or hear. Can media shape the view of Polish law? Obviously, yes. Complicated legal system combined with negative image of it in the media can result with people's declining participation in political life and negative opinion of the justice system. Can pop culture influence

law? Ask Krystian Bala<sup>71</sup>, Sławomir S. and Artur B.<sup>72</sup>, or brothers from Włodowo<sup>73</sup>. There might be a connection in real life between law and popular culture as lawyers sometimes collaborate in production of films or TV programs about law. People watching the show with lawyers might be inclined to believe the image is close to the truth. And it's not just the laymen that watch television or go to the movies, lawyers and law students are viewers, too. Legal dramas can shape the perception of law.

As M. Safjan says law is not executed in the social vacuum, there should be communication between lawyers and society<sup>74</sup>. It is the most effective way of promoting obeying law. Law is complicated, changeable, and ought to be explained to those who do not deal with it on daily basis. Lawyers should use modern tools of communication. Court rulings should be explained, argued with and criticized. Which does not mean undermining independence of the judiciary, it means social dialog. Respectful and justifiable. Nowadays that dialog is lumping, as people often do not understand law, its interpretation or execution. It leads to conflicts. Films presenting legal system in the negative view are a proof of that.

The image of law in pop culture may be important to law itself. Especially legal problems portrayed in movies may and should be of interest to lawyers. It influences social perception of law and shapes views of ethical standards of lawyers. It may also be a good starting point for future lawyers – if a movie makes them think and ask questions it already is of importance. The fact of a minuscule literature and the lack of a monograph in Polish on this subject emphasize the need of a research in this area. The world of pop culture has already noticed the connection between law, mass media and the social need of telling the story to the general audience. I hope more lawyers and scientists will see it, too.

<sup>69</sup> A. Garczewska, *Polish contemporary legal system in court shows and courtroom dramas* (in:) *Law and Administration in Post-Soviet Europe*, G. Górski, A. Garczewska, W. Sławiński, J. Górski-Szymczak (eds.), De Gruyter Open, Toruń 2014, p. 16–27; DOI: 10.2478/lape-2014-0002.

<sup>70</sup> CBOS, *O przestrzeganiu prawa i funkcjonowaniu wymiaru sprawiedliwości w Polsce*, BS/5/2013, Warszawa 2013, [http://cbos.pl/SPISKOM.POL/2013/K\\_005\\_13.PDF](http://cbos.pl/SPISKOM.POL/2013/K_005_13.PDF) 24.03.2014.

<sup>71</sup> Krystian Bala is a novelist charged with murder and sentenced to 25 years of imprisonment in a process based on circumstantial evidence in 2007. In his book *Amok* (2003) Bala described a murder quite similar to the one he was charged with (committed in 2000). Although the court did not consider the book as an evidence, it enabled prosecution's in-depth research. The case was extensively covered by Polish media and is considered to be filmed into a movie (T. Siegel, *Christoph Waltz to Star in 'True Crimes'*, 6/7/2013 The Hollywood Reporter, <http://www.hollywoodreporter.com/news/christoph-waltz-star-true-crimes-564201>, 11.04.2014).

<sup>72</sup> See remarks on *The Debt*.

<sup>73</sup> See remarks on *The Lynch*.

<sup>74</sup> M. Safjan, *Wyzwania dla państwa prawa*, Warszawa 2007, p. 86–88.

## Conclusions

Some films present justice system *per se* (*The Bailiff*, *Immensity of Justice*) others concentrate on social problems connected with legal issues – such as consequences of financial decisions in a system with unstable and complicated legislation (*Savior's Square*) or family matters (*Dad*, *Nothing*). There are movies that show victims becoming perpetrators because of the failure of the justice system (*Father's Law*, *The Debt*, *The Lynch*) or people to fall the victims due to political connections of the lawyers (*The Closed Circuit*).

On-screen portray of family often causes vivid reactions in Poland. Sometimes it's connected with media covers of controversial cases of crimes within families and sometimes it's about basic rights such as abortion or euthanasia. Father's rights in case of divorce or while establishing care over a child are one of most significant issues in Polish legal reality, and the fact that they are talked about and are widely known is also due to films such as *Dad*.

In *The Debt* and *The Lynch* the difference between a self-defense and a murder is barely visible. In both films the lack of police response despite notifications of a crime is basis for citizens to take justice into their own hands, and in both cases the victims turn into offenders. *The Debt* shows situation of the 1990's, a time of social, political and economic transformation. One may think that problems of that point of time had to do a lot with the fact of great turbulence the state and society had experienced. But when you see similar problem in *The Lynch*, a movie over a decade later, the viewer may start wondering whether anything has changed.

Legality, obedience to law, acting in accordance with all the rules, application of law no matter the consequences – are shown as disadvantages of Polish justice system. Those elements are qualities, not flaws, as they should guarantee of law being efficient and stable, unless they are all there is or are exercised out of proportions. In some movies it seems that respect of law is more important to justice system than actual people.

In the cinematic picture of Polish justice system legal reality is either biased or politically involved. Lawyers are rarely presented as average people, they usually seem to be distant, almost unreal. They are either formalists and strict professionals (the prosecutor in *The Lynch*, a bailiff in *The Collector*), or prejudiced and unreasonable (the judge in *Dad*). Occasionally they are presented as professionals taking interest in their clients (Michał's lawyer in *Dad*, defense lawyer in *The Lynch*).

Lawyers and cases presented in the film and not based on statistics, and it's hard to say whether they are statistically common. There's no research on that. We may guess basing on our own personal experiences or experiences of our friends and families. But that's not research, that is partial view, therefore inconclusive. But when we take under consideration a negative view of justice system among Poles (presented in CBOS surveys) it is easy to notice that the characters in the films are personification of those social images. One prosecutor can be amalgamate of all the bad prosecutors there are in Poland (e.g.: the prosecutor in *The Lynch*). I think that the image of law and lawyers is distorted to some extent to pinpoint the problem, so the viewers wouldn't ignore it. But, unfortunately, I do not believe it is far from the truth. Legal problems are real and the movies just stress it. Polish law is complicated, procedures are strict and lengthy, verdicts are hard to predict because of the multiplicity of interpretations, and lawyers' fees are high, so people do not seek legal advice from professionals unless they really have to. The fact that lawyers are presented the way they are, in my opinion, does influence social image of law and lawyers, and *vice versa*.

Many Polish movies show people as individuals abandoned by the state and justice system. Lack of the legal help, absence of the law enforcement, combined with a motivated criminal can turn an average citizen into a criminal himself. You get the attention of the state after you have taken justice into their own hands – you will get prosecuted and sentenced. If you are lucky a TV will get interested and air an interview or someone will write a book or make a movie about your story. It looks as if reporters and film directors became prosecutors and the defense in one. It seems that people do not trust lawyers, prosecution or courts, but they do trust journalists. It is disturbing. How desperate and isolated you must feel to trust someone whose job is to entertain rather than a person whose job is to protect you? Polish justice system in Polish movies is a sad and terrifying picture. The image of state of law in most Polish movies is quite grim. Taking under consideration my previous article, I would add that the image of Polish law and lawyers is positive on TV<sup>75</sup> and negative in the movies.

I think the films do not present exact image of law, but they do present a social image of law combined with contemporary legal problems. They are defined visions of what does not function properly within justice system and what people feel and think about Polish law.

<sup>75</sup> S.f. A. Garczewska, *loc.cit.*

## References

### LEGAL SOURCES

- Ustawa z dnia 25 lutego 1964 r. – Kodeks rodzinny i opiekuńczy, t.j. Dz. U. z 2012 r. Nr 0, poz. 788 ze zm. [The Act of 25 February 1964 – The Family and Guardianship Code, uniform text J.L of 2012, item 788 as amended].
- Ustawa z dnia 16 listopada 2000 r. o przeciwdziałaniu praniu pieniędzy oraz finansowaniu terroryzmu t.j. Dz. U. z 2014 r. poz. 455 ze zm [The Act of 16 November 2000 on prevention of money laundering practices and financing of terrorism, J.L of 2000, item 455 as amended].
- Ustawa z dnia 15 września 2000 r. Kodeks spółek handlowych, Dz.U. z 2000 r. Nr 94, poz. 1037 ze zm. [The Act of 15 September 2000 Code of Commercial Companies, J.L of 2000, No. 94, item 455 as amended].
- Ustawa z dnia 9 czerwca 2006 r. o Centralnym Biurze Antykorupcyjnym, t.j. Dz.U. z 2014 r., poz. 1411 ze zm. [The Act of 9 June 2006 on the Central Anti-Corruption Bureau – Journal of Laws of 2014, item 1411 as amended].
- Ustawa z dnia 16 września 2011 r. o ochronie praw nabywcy lokalu mieszkalnego lub domu jednorodzinnego, Dz.U. z 2011 r. Nr 232, poz. 1377 ze zm. [The Act on protecting the rights of purchasers of apartments and houses, No. 232, item 1377 as amended].

### LITERATURE

- Archewska M., *Społeczne role sędziów rodzinnych*, Warszawa 2009 [Social roles of family judges].
- Bachmat P., *Instytucja obrony koniecznej w praktyce prokuratorskiej i sądowej*, Warszawa 2003, <http://www.iws.org.pl/pliki/files/badania/raporty/raporty03/P%20Bachmat%20Instytucja%20obrony%20koniecznej%202003.pdf>, 20.08.2014 [The institution of self-defense in prosecutor's and judicial practice].
- Böhme J., *Dialogues on the Supersensual Life*, edited by Bernard Holland, London 1901.
- CBA, <http://www.cba.gov.pl/en/about-the-cba/2,ABOUT-THE-CBA.html>, 11.05.2015.
- CBOS, *O przestrzeganiu prawa i funkcjonowaniu wymiaru sprawiedliwości w Polsce*, BS/5/2013, Warszawa 2013, [http://cbos.pl/SPISKOM.POL/2013/K\\_005\\_13.PDF](http://cbos.pl/SPISKOM.POL/2013/K_005_13.PDF) 24.03.2014 [The compliance with law and administration of justice in Poland].
- Garczewska A., *Polish contemporary legal system in court shows and courtroom dramas*, (in:) *Law and Administration in Post-Soviet Europe*, G. Górski, A. Garczewska, W. Sławiński, J. Górską-Szymczak (eds.), De Gruyter Open, Toruń 2014, p. 16–27; DOI: 10.2478/lape-2014-0002.
- Gdzie ci mężczyźni, czyli Temida jest kobietą, "Rzeczpospolita", 28.09.2011 <http://prawo.rp.pl/artykul/723938.html>, 29.03.2014 [Where are men? Temida is a woman].
- GUS, *Małżeństwa zawarte i rozwiązane w latach 1970–2009*, [http://www.stat.gov.pl/cps/rde/xbr/gus/lu\\_struktura\\_ludnosci\\_04\\_tablica4.xls](http://www.stat.gov.pl/cps/rde/xbr/gus/lu_struktura_ludnosci_04_tablica4.xls), 10.04.2014 [Marriages concluded and dissolved in years 1970–2009].
- GUS, *Rocznik Demograficzny 2013* [Demographic yearbook of Poland 2013].
- GUS, *Rocznik Statystyczny Rzeczypospolitej Polskiej 2013* [Statistical yearbook of the Republic of Poland 2013].
- Hollanek U., *Krajobraz po linczu*, 19/2011 "Wprost", <http://www.wprost.pl/ar/243400/Krajobraz-po-linczu/?pg=1> 20.03.2014 [The aftermath].

- KRS: *sędziami są głównie kobiety*, 19.11.2012 "Lexis.pl", <http://lexis.lexisnexus.pl/aktualnosci/na-rynku-prawniczym/krs-sedziami-sa-glownie-kobiety-K1jqHn>, 29.03.2014 [KRS says that judges are mostly women].
- Krzyżanowska A., *Dla kogo fioletoowy żabot*, 22.05.2013 "Gazeta Prawna", [http://serwisy.gazetaprawna.pl/prawnik/artykuly/707048,dla\\_kogo\\_fioletowy\\_zabot.html](http://serwisy.gazetaprawna.pl/prawnik/artykuly/707048,dla_kogo_fioletowy_zabot.html), 29.03.2014 [Who will get court dress?].
- Lincz, 24.05.2011 TVN, <http://uwaga.tvn.pl/48372,news,1,lincz,reportaz.html>, 20.03.2014 [The Lynch].
- Parytet w orzecznictwie czyli niech nas sędzą oni, 10.04.2013 "Forsal", [http://forsal.pl/artykuly/696359,parytet\\_w\\_orzecznictwie\\_czyli\\_niech\\_sadza\\_nas\\_oni.html](http://forsal.pl/artykuly/696359,parytet_w_orzecznictwie_czyli_niech_sadza_nas_oni.html), 29.03.2014 [Work equality in judiciary].
- „Pitbull” bezsilny w starciu z konkurencją, 2.4.2008 "Wirtualne Media", <http://www.wirtualnemedi.pl/artykul/pitbull-bezsilny-w-starciu-z-konkurencja> 20.03.2014 [„Pitbull” loses to competition].
- Rigamonti M., *Jagoda Rybak, matka z Włodowa*, 13.06.2011 "Newsweek", <http://stylzycia.newsweek.pl/lincz-we-wlodowie-jagoda-rybak-o-linczu-we-wlodowie,78131,1,1.html> [Jagoda Rybak, the mother from Włodowo].
- Rogoziński P., *Instytucja ulaskawienia w prawie polskim*, Warszawa 2009 [Pardon in Polish Law].
- Safjan M., *Wyzwania dla państwa prawa*, Warszawa 2007 [Challenges for the rule of law].
- Siegel T., *Christoph Waltz to Star in 'True Crimes'*, 6/7/2013 The Hollywood Reporter, <http://www.hollywoodreporter.com/news/christoph-waltz-star-true-crimes-564201>, 11.04.2014.
- Statystyki Ministerstwa Sprawiedliwości, <http://isws.ms.gov.pl/pl/>, 29.03.2014 [Statistics of Ministry of Justice].
- Szymanowski T., *Przestępczość i polityka karna w Polsce: w świetle faktów i opinii społeczeństwa w okresie transformacji*, Warszawa 2012, [Crime and penal policy in Poland: in light of the facts, and views of the society in transition].
- Świetlik W., *Łaska za lincz, kary za rozboj*, 23.06.2009 "Polskatimes.pl", <http://www.polskatimes.pl/artykul/133052,laska-za-lincz-kary-za-rozboj,id,t.html>, 20.03.2014 [Pardon for lynch, penalties for depredation].
- Tumidalski W., *Sędzia statystyczny*, 10.10.2013 "Wokanda" <http://nawokandzie.ms.gov.pl/numer-18/wokanda-18/sedzia-statystyczny.html>, 29.03.2014 [Statistical judge].
- Winnicka E., *Sędziowie od życia*, 1.05.2009 "Polityka" <http://www.polityka.pl/tygodnikpolityka/kraj/289472,1,sedziowie-od-zycia.read>, 29.03.2014 [Life judges].
- Wójcik J.W., *Przeciwdziałanie przestępczości zorganizowanej. Zagadnienia prawne, kryminologiczne i kryminalistyczne*, Warszawa 2011 [Working against organized crime. Legal, criminologic and criminalistic issues].
- Wrześniewski P., *Film „Symetria” w aspekcie prawnym*, [http://pwrz.pl/varia/film\\_symetria/index.html](http://pwrz.pl/varia/film_symetria/index.html), 11.04.2014 [„Symmetry” in a legal aspect].
- Wydział Statystyki Ministerstwa Sprawiedliwości, *Przyznanie władzy rodzicielskiej po orzeczeniu rozwodu 2000–2011*, <http://bip.ms.gov.pl/pl/dzialalnosc/statystyki/statystyki-2012/download,1928,11.html>, 04.04.2013 [Statistics Office of the Ministry of Justice, Granting parental authority after divorce 2000–2011].

### FILMS

- Bez końca* [No End], dir. K. Kiesłowski, 1984.
- Bez znieczulenia* [Without Anesthesia], dir. A. Wajda, 1978.
- Bezmiar sprawiedliwości* [Immensity of Justice], dir. W. Saniewski, 2006.

- Chłopaki nie płaczą* [*Boys Don't Cry*], dir. O. Lubaszenko, 1999.
- Czas surferów* [*Surfers' Time*], dir. J. Gąsiorowski, 2005.
- Tibi et Igni*, dir. M. Jemioł, T. Zasada, 2008.
- Dług* [*The Debt*], dir. K. Krauze, 1999.
- Dom zły* [*The Dark House*], dir. W. Smarzowski, 2009.
- Egzekucja* [*Execution*], dir. J. Krysiak, J. Morawski, 2000.
- Egzekutor* [*The Punisher*], dir. F. Zylber, 1999.
- Fuks* [*Fluke*], dir. M. Dutkiewicz, 1999.
- Fundacja* [*The Foundation*], dir. F. Bajon, 2006.
- Gniew* [*Anger*], dir. M. Ziębiński, 1997.
- Kierowca* [*Limousine*], dir. J. Dassier, 2008.
- Kiler* [*The Hitman*], dir. J. Machulski, 1997.
- Kiler-ów 2-óch* [*Two Kilers*], dir. J. Machulski, 1999.
- Komornik* [*The Collector*], dir. F. Falk, 2005.
- Krótki film o zabijaniu* [*A short film about killing*], dir. K. Kiesłowski, 1987.
- Kryminalni. Misja śląska* [*Crime Detectives – Silesia Mission*], dir. M. Pieprzycza, 2006.
- Lawstaurant*, dir. M. Haremski, 2005.
- Lincz* [*The Lynch*], dir. K. Łukaszewicz, 2010.
- Los numeros*, dir. R. Zatorski, 2011.
- Mistyfikacja* [*Hoax*], dir. J. Koprołowicz, 2010.
- Młode wilki* [*Young Guns*], dir. J. Żamojda, 1995.
- Młode wilki ½*, [*Young Guns ½*], dir. J. Żamojda, 1997.
- Nadzieja* [*Hope*], dir. S. Mucha, 2007.
- Nic* [*Nothing*], dir. D. Kędzierzawska, 1998.
- PitBull*, dir. P. Vega, 2005.
- Plac Zbawiciela* [*The Savior's Square*], dir. K. Krauze, J. Kos-Krauze, 2006.
- Pokłosie* [*Aftermath*], dir. W. Pasikowski, 2012.
- Polski cash* [*Polish cash*], dir. K. Heidelberg, 1993.
- Prawo ojca* [*Father's Law*], dir. M. Kondrat, 1999.
- Prowokator* [*The Provocateur*], dir. K. Lang, 1995.
- Psy* [*Pigs*], dir. W. Pasikowski, 1992.
- Psy II: Ostatnia krew* [*Pigs II: The Last blood*], dir. W. Pasikowski, 1994).
- Sezon na leszcza* [*Sucker Season*], dir. B. Linda, 2000.
- Sfora: Bez litości* [*Huntsmen: No Mercy*], dir. W. Wójcik, 2002.
- Siłaczka* [*Strongwoman*], dir. M. Zmarz-Koczanowicz, 2002.
- Strajk* [*Strajk – Die Heldin von Danzig*], dir. V. Schlöndorff, 2006.
- Świadek koronny* [*Crown witness*], dir. J. Sypniewski, J. Filipiak, M. Gazda, 2007.
- Symetria* [*Symmetry*], dir. K. Niewolski, 2003.
- Sztos* [*Polish Roulette*], dir. O. Lubaszenko, 1997.
- Sztos II* [*Polish Roulette II*], dir. O. Lubaszenko, 2011.
- Tam i z powrotem* [*There and back*], dir. W. Wójcik, 2001.
- Tato* [*Dad*], dir. M. Ślesicki, 1995.
- To ja, złodziej* [*It's me, the thief*], dir. J. Bromski, 2000.
- Trick*, dir. J. Hryniak, 2010.
- Trzy dni bez wyroku* [*Three days without conviction*], dir. W. Wójcik, 1991.
- Tydzień z życia mężczyzny* [*One Week From Man's Life*], dir. J. Stuhr, 1999.
- U Pana Boga w ogródku* [*God's Little Garden*], dir. J. Bromski, 2007.
- Układ zamknięty* [*The Closed Circuit*], dir. R. Bugajski, 2013.
- Uwikłanie* [*Entanglement*], dir. J. Bromski, 2011.
- Vinci*, dir. J. Machulski, 2004.
- Weekend*, dir. C. Pazura, 2010.
- Zabić księdza* [*To Kill a Priest*], dir. A. Holland, 1988.
- Zmowa* [*Collusion*], dir. J. Petelski, 1988.