

SET OF PROBLEMS OF METHODOLOGICAL CLASSIFICATION OF DESTRUCTIVE SECTS AS FORMS OF SOCIAL PATHOLOGY VERSUS CRIMINALISTICS SCIENCE COMPETENCES SCOPE

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Recenzavo Lietuvos teisės universiteto mokslo prorektorius profesorius dr. Vidmantas Egidijus Kurapka ir šio universiteto Teisės fakulteto Kriminalistikos katedros vedėjas profesorius dr. Hendryk Malevski

A set of problems connected with the activity of so-called destructive sects in the last ten-year period arises still more serious social interest, awaking social emotions as well as engaging to a theoretical reflection of researchers in the area of almost all democratic states. A phenomenon of this occurrence evokes numerous polemics both popular and strictly scientific and makes these phenomena of the interdisciplinary and international character. That is why one can risk a statement we have to deal with an especial phenomenon – with a new form of social pathology, inasmuch phenomenal insomuch not examined, unusually difficult for scientific verification and throughout that cognitively fascinating at the same time. Undertaking a general methodological reflection over a phenomenon of sects there is no way maybe immediately to make relation of it exclusively to the set of conditions on a given research area, e.g. the Polish state. Such a reflection in principle presents essential sociological and criminological data referring to quantitative examinations of this phenomenon, which reduce its gist to the quest of amount of registered and unregistered new religious movements, structure and form of their activity, income sources, conflicts with law of their members, etc. In my opinion, reducing human behavioural forms, based on complicated constructions and interpersonal relations to the sphere of a quantitative verification, does not render a true and thus worthy of belief picture of this phenomenon. It is also worth of asking a question: what factors are able to render veracity of this phenomenon? Using what instruments are they to be examined as well to what scientific discipline to attach them? Delivering an answer to the asked above questions will be a foundation of a reflection, which is being carried out by me, and an attempt of finding the answer will point out individual stages of the author's reasoning.

Undoubtedly, the set of problems of destructive sects implicates straight incredible amount of new research problems, which has not been touched until now by the sphere of the so-called social pathology. One of the first research problems, which appears at the very beginning of consideration is a problem of this phenomenon's attachment to definite social behaviours and thereby of its attachment do a definite scientific discipline aiming to examine it. On account of specific problem's character, which is lying in its structural complicity, multi-case and multi-aspect character likewise huge developmental dynamics the undertaking of a methodological reflection means an unusually crucial, but equally complicated, epistemological postulate.

The mentioned phenomenon of sects implicates methodological problems both *sensu largo* and *sensu stricto*.

The set of problems of sects evokes many questions by constructing thereby research problems. For instance, with no doubt the phenomenon of destructive sects you should include to the area of the so-called social sciences, although at such a classification of this phenomenon a serious problem of indicating a particular scientific discipline, which has proper, corresponding research instrument for its reliable identification, is being born. For that reason that one hand getting classified this phenomenon *ex definitione* to the phenomena in the scope of social pathology allows to use penal sciences' methodological instruments, i.e. criminology or criminalistics but in connection with the above comes out a question whether a "penal attachment" of this phenomenon without a previous identification is methodologically correct. For that reason, if a destructive sects phenomenon were attached to the social sphere of pathology it would be asked a question about premises of such an attachment. If then an attachment were made to social phenomena it should be asked a question: what way, by using what methodological apparatus one may carry out its recognition? Contacts among the sects' worshippers are based on very strong interpersonal relations, which are bound by a very strong spiritual link and secret of the religion worshipped by them. Their activities are in principle camouflaged from the external world throughout the members' isolation of this type groups. So, coming into a direct or mediate contact with them at usage of traditional methods and research techniques, which are applied in social sciences (e. g. sociology) do not give expected results. Thereby, indispensable (in my conviction) gets undertaking cognitive and warning activities of a criminalistics' character to serve in breaking barriers produced in this type groups but having no repressive character from definition. In my belief the research in the area of exactly this domain may have formed a substantial contribution into development of epistemological processes of hermetic social habitats having pathological inclinations or leading to pathology. An analysis of destructive sects' activities in the field of criminalistics seems indispensable at undertaking a reflection as it refers to a question about necessity of undertaking clear-cut activities of penal character (in substantive criminal or adjective law). I am convinced that undertaking of reflection on the normative field ought to be based on penal science research results in this range (criminology, criminalistics, or forensic psychology). Proceeding of problem recognition in the field of these disciplines may then constitute an unusually precious information source on forms and methods of functioning of not only destructive sects but also new religious movements *sensu largo*. At using methodics of criminalistics (methods and means on disposal of this science) that gets possible recognizing new social phenomena, of hermetic character, inaccessible for various forms of social control but admitted for dangerous and unwished phenomena by the public opinion. So comprehended role of criminalistics as science, "which appears would-be before coming into being of a criminal act", not limiting its range only to tactical guidelines and technical means of detection of performed crimes, seems to show its cognitive usefulness.

In my conviction nothing but science of criminology dispose contemporarily a universal methodological apparatus (diversity of methods and research techniques is connected with the scope of concrete research within performed) does not limit its scope exclusively to detective and evidence actions but serves to identify phenomena from the sphere of social pathology or leading to pathology.

Next to one of the most outstanding Polish criminalistics' scientists Prof. T. Hanausek; "criminalistics is a science about methods and means of combating and preventing criminality. In the contemporary, modern formulation criminalistics deals also with general outline's elaboration of combating phenomena from the sphere of social life's pathology considering considerable criminogenous range of many phenomena like that and also considering numerous analogies between mechanisms of these phenomena and of many crimes. Considering but possibly the most fully all aspects of the concept of criminalistics one may define it as a science about tactical principles and ways as well as technical methods and means of identifying and detecting legally defined, negative social phenomena and

especially crimes and their perpetrators as well as proving the existence or lack of connection among people and events likewise preventing crimes and other disadvantageous, though legally relevant phenomena. This science deals also with a strategy of forecasting and future examination as well as combating these phenomena, especially throughout preventing its origin and development” [1, p. 23–24].

To sum up, one may risk a statement that the answer to questions that had been asked at the beginning of considerations depends then on undertaking suitable steps aiming to examination of the destructive sects’ phenomenon throughout a choice of a corresponding scientific discipline and within it universal research methods and techniques, which usage the cognisance of this phenomenon will be possible. A choice of a scientific discipline having at disposal a suitable concept apparatus and at the same time a suitable methodological apparatus, which application will enable the recognition of new social phenomena with pathological inclinations constitutes a true problem for contemporary epistemological research. Essential problems result first of all from a specific character of such phenomena what implicates difficulties in finding universal research methods. In this connection a choice of criminalistics as a science that is assumed of an interdisciplinary character allows to undertake a methodological and epistemological reflection as it refers to a research problem of destructive sects’ phenomenon. This science has then at its disposal, in my conviction, suitable methods and means, which enable to undertake a reflection at the epistemological level. This reflection was since based on empirically confirmed facts through mediation of research techniques, which have been worked out by this discipline, which as it refers to social phenomena research are operational and identification activities both in simple and complicated form. Results of these activities should be treated as a veracious source of information, which form an essential for a further reflection at a theoretical (scientific) level. Although a problem, which appears after performing operational and identification activities (gathering information) is a quest, in which scope the results of these activities may have got popular if only main activities have been made as secret. As prosecution agencies have it the matter is in maintenance and prophylaxis of social order. That is why this quest, in my conviction, belongs to competences of these agencies. In a great measure just the agencies, which carry out examination of new social phenomena with pathological inclinations by the mediation of concrete activities of empirical character should possess influence onto forming of public opinion about social dangers connected with activity of e.g. destructive sects on the base of self-performed operational and identification activities. This way comprehended role of the prosecution agencies makes a proposal of methodological ordering of this phenomenon on the level of social pathology. The role of the criminalistics’ science, from assumption lying in recognizing phenomena from the scope of social pathology in relation to destructive sects’ activities constitutes a crucial factor of classification of this phenomenon. You should treat criminalistics as an epistemological alternative. The results of research in criminalistics allow for classification of the destructive sects’ phenomenon as a standard or social pathology what seems to have invaluable meaning in epistemological processes at a level of empirical activities as well as theoretical considerations (scientific ones) as well as has an invaluable prophylaxis value towards potential dangers, which are within the activity of this type social behaviour.

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Destruktywiyų sektų, kaip ypatingų visuomenės patologijos formų, metodologinės klasifikacijos problematika bei kriminalistikos mokslo kompetencijos ribos

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SANTRAUKA

Pastaruju dešimtmečiu didelio visuomenės dėmesio sulaukė įvairių destruktyviųjų sektų veikla. Šis reiškinys yra ne tik tarpdisciplininio, bei ir tarptautinio pobūdžio. Tai naujos formos visuomeninė, dar neištirta patologija, sunkiai prieinama mokslinei verifikacijai.

Destruktyviųjų sektų problematika suponuoja daugelį naujų tyrimo problemų, su kuriomis ši visuomeninės patologijos sfera iki šiol nėra susidūrusi. Vienas iš tokių probleminių klausimų yra priskirti šį reiškinį tam tikriems visuomeniniams elgesio būdams. Tai reiškia ir priskyrimą tam tikrai mokslinei disciplinai, kurios instrumentarius leistų šį reiškinį visapusiškai ištirti.

Viena vertus, minėto reiškinio priskyrimas visuomeninių patologijų sferai leistų jį tiriant naudoti baudžiamųjų mokslų t. y. kriminologijos ir kriminalistikos, metodologinį instrumentarijų. Tačiau, kita vertus, atsiranda klausimas, ar metodologiškai teisinga būtų priskirti šį reiškinį baudžiamųjų mokslų sričiai jo neištyrus.

Taikant tradicinius tyrimo metodus ir technikas, naudojamus visuomenės moksluose (pvz., sociologijoje), tiriant destruktyviasias sekas nepasiekama apčiuopiamų rezultatų. Destruktyviųjų sektų veiklos problemų analizė gali būti atliekama naudojant kriminalistikos mokslo instrumentarijų.

