

# THE DESTRUCTION OF HISTORICAL MONUMENTS IN POLAND

Legal, criminological and criminalistic aspects.

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PhD thesis – summary

The political transformation, which started in Poland in the last decade of the 20<sup>th</sup> century, has led hundreds of objects, which by legal definition are considered to be historical monuments, to the dramatic condition. These objects are of different forms and historical periods. This category consists of, not only most commonly quoted, castles, palaces, manors but also ordinary town houses, industrial buildings with their infrastructure, farm dwellings, together with areas like forests, parks, gardens, cemeteries.

Unfortunately, the protection of historical monuments in Poland is generally poor and insufficient. The causes are of various nature: institutional, material, organisational but also mental. Despite the fact that the current legislation concerning monuments was repeatedly analysed, formal monument protection obligation was introduced for the public administration institutions (modelled on other European countries) together with the obligation to protect the monuments by their owners, the destruction of historical monuments in Poland has been going on systematically and continually.

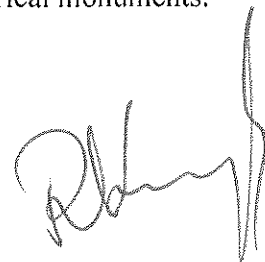
It has been stressed in the thesis that the means of devastating this part of cultural heritage is unprecedented in the scale and form and different from other cases in Europe. From the criminological point of view it has the features of a pathological phenomenon.

It has been showed that the state has not been able to work out and implement an efficient system of historical monument protection for the last 25 years. It applies both to conservation offices but also prosecutor's offices and administration of justice which seem not to notice that this category of monuments, regardless of type and form, requires a very specific attitude and treatment. The principle included in Article 5 of Polish Constitution which says that the protection of the national heritage is the fundamental duty of the state is not efficiently fulfilled. The institutions responsible for the protection of monuments have the appropriate regulations which, however, are not used to their full potential. It is represented

by a minimum number of cases concerning the destruction of historical monuments conducted by prosecutor's offices and negligible number of cases in courts, which excludes conducting measurable statistic analysis.

Having considered the above, the issue of the destruction of historical monuments in Poland written in this PhD thesis was presented by the author-criminalist in a different way. Mainly, on the basis of existing statistic data, their analysis and personal studies of specific cases. In author's experience, the protection of historical monuments comes down to the activities of administrative nature which not necessarily bring positive results. Author has not seen in the existing literature and practice of the monument protection bodies a comprehensive analysis of offenders' actions or an attempt to identify the most dangerous risk groups.

In the dissertation the legal status was analysed, field research of specific cases of devastating monuments was conducted. Facts, circumstances of the monument destruction and what happened afterwards were determined. The survey on the Poles attitude to historical monuments was carried out, with questions about conditions of the protection of monuments, the awareness of connected dangers. The analysis of legal and actual results of spontaneous actions 'save historical monuments' was also performed. An attempt to define actions of the Polish destroyer was made, the model of modus operandi was created and particular risk groups were named. The system of the protection of historical monuments against destruction and damage in Germany, the Czech Republic, Slovakia and Great Britain was presented. The catalogue of available methods and means of criminalistics was portrayed, emphasizing the effectiveness of prevention actions, especially in protecting historical monuments.

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