

Motives for selected crimes against life and health

Motywy wybranych przestępstw przeciwko życiu i zdrowiu¹

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Abstract: Criminal behavior undermines both social and individual security. Exploring the motivational process in criminal acts focuses on searching for the sources of these acts and determining the factors that sustain criminal activity. Crime is not a homogeneous phenomenon, which makes the motives for crime diverse and complex. Criminological theories explore the causal factors of crime such as biological (including genetic), sociological (social), and psychological. A criminal act can be caused by an unformed drive, frustration, and be learned, including through following others. In the process of determining the motives for criminal behavior, it is not enough to point to direct motives because motivation should be approached as a process, which indicates the possibility of the development of motives over a certain time, and even many years. Thus, it is necessary to take into account socialization, personality traits (the level of aggressiveness, directiveness, and dominance), psychological needs (especially those unmet), and values, which, in a sense of responsibility, often can be considered anti-values. The major crimes against health and life are homicide, fights, and battery. In addition to ordinary murder, the Polish Penal Code lists aggravated murder (e.g., with extraordinary cruelty or as a result of motives deserving special condemnation) and privileged murder (committed under the influence of strong agitation justified by the circumstances), which can also be referred to as murder of passion. Fights and battery can be committed with or without the use of a dangerous object. A review of the literature indicates the following motives for homicide: robbery (economic), sexual, emotional, delusional, revenge, threat, insult, sense of harm, and jealousy. Perpetrators of fights and battery may be characterized by component factors of antisocial personality disorder as specified by DSM-5, such as non-compliance with legal and social norms, impulsivity, irritability, aggression, irresponsibility, and lack of guilt. In the case of crimes against life and health, it seems reasonable to identify several motives for the act. Motives are assessed primarily by a clinical interview. However, it should be taken into account that the perpetrators of these acts, for a variety of reasons, may obstruct justice. Keywords: motive, crime, murder, fight, battery

Abstrakt: Zachowania przestępcze burzą poczucie bezpieczeństwa społecznego, w tym również indywidualnego. Zglębianie procesu motywacyjnego w przypadku czynów przestępczych, to poszukiwanie źródel tych czynów oraz ustalanie czynników podtrzymujących aktywność przestępczą. Przestępczość, nie jest zjawiskiem jednorodnym, co sprawia, że motywy przestępstw są różne i złożone. Teorie kryminologiczne rzucają światło na czynniki sprawcze przestępczości, a są to czynniki o charakterze biologicznym (w tym genetycznym), socjologicznym (społecznym), psychologicznym. Czyn przestępczy może wypływać z nieukształtowanej sfery popędowej, być wynikiem frustracji, ale można się go również nauczyć, m. in. poprzez naśladowanie. W procesie ustalania motywów przestępstw, nie wystarczy wskazać na motywy bezpośrednie, dlatego że motywację należy ujmować procesualnie, co wskazuje na możliwość kształtowania się motywów w określonym odcinku czasowym, nawet długoletnim. Należy więc uwzględnić proces socjalizacji, cechy osobowości (w tym poziom agresywności, dyrektywności, dominacji), potrzeby psychiczne (zwłaszcza te niezaspokojone), wartości, które w poczuciu odpowiedzialności, w wielu przypadkach, można nazywać antywartościami. Podstawowymi przestępstwami przeciwko zdrowiu i życiu są zabójstwa oraz bójki i pobicia. Polski Kodeks karny, oprócz zabójstwa zwyklego wymienia też zabójstwo kwalifikowane (np. ze szczególnym okrucieństwem lub w wyniku motywacji zasługującej na szczególne potępienie) oraz zabójstwo uprzywilejowane (dokonane pod wpływem silnego wzburzenia usprawiedliwionego okolicznościami), które można też określać zabójstwem w afekcie o kierunku negatywnym. Bójki i pobicia dokonać można bez użycia lub z użyciem niebezpiecznego przedmiotu. Przegląd literatury wskazuje na następujące motywy zabójstw: rabunkowy (ekonomiczny), seksualny, emocjonalny, urojeniowy, zemsta, zagrożenie-obraza, poczucie krzywdy, zazdrość. Sprawcy bójek i pobić mogą charakteryzować się czynnikami składowymi antyspolecznego zaburzenia osobowości w ujęciu DSM-5, np. nieprzestrzeganiem norm prawno-społecznych, impulsywnością, drażliwością, agresją, nieodpowiedzialnością, brakiem poczucia winy. W przypadku przestępstw przeciwko życiu i zdrowiu, zasadne zdaje się być ustalenie kilku motywów czynu. Motywy określane są przede wszystkim w wywiadzie klinicznym. Należy jednak uwzględnić to, że sprawcy tych czynów, z różnych powodów mogą mataczyć. Słowa kluczowe: motyw, przestępstwo, zabójstwo, bójka, pobicie

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Introduction

A crime is an act that is legally prohibited, that is, defined in the criminal legislation of a country, resulting in criminal punishment. Criminal acts reduce social security, cause social and individual losses, and shatter interpersonal relations. Victims of criminal acts often struggle to cope with the trauma for many years (cf. Boińska, 2016).

Criminal behavior can be divided into ego-dystonic and ego-syntonic. Ego-dystonic criminal acts are different from the previous activity and occur in an unexpected situation, suddenly, with the previous functioning of the person not indicating that the person may commit a criminal act. Ego-syntonic criminal acts are committed in accordance with the previous life. In such cases, the acts are only the culmination of maladaptive social functioning and disregard for moral or social norms. Various divisions of crimes have been made, with one of the basic criminal categories being crimes against life and health.

Criminological psychology draws on theories of crime of a biological, sociological (social) nature, extending the broad psychological theory of crime with its research and investigations. The offender's psychological profile should indicate criminogenic factors, possibly including disturbed socialization, developed demoralization, and a disturbed personality. The basic question, however, is about the motives for crimes. For example, why does someone kill, why does someone get into fights, or why does someone commit a battery?

Crimes against life and health violate one of the most important values, which is human life. The development of biophilic tendencies in the perpetrators of these acts also means the formation of an attitude towards life (cf. Woźniak, 2021).

1. Motivational process in crime

H. Petri (1996, as cited in Ciccarelli, White, 2015, p. 344) indicated that motive initiates, directs, and sustains the action taken to satisfy physical or psychological needs. S. Ciccarelli and J. N. White (2015, p. 344) characterized motivation vividly by stressing

that "the term itself comes from the Latin movere, meaning «to move». Motivation «moves» people to action. When, for example, while watching TV on the couch, a person feels hungry, the physical need for food can compel them to get up, head to the kitchen, and poke around to find something to eat. If the hunger is strong enough, it can even push the person to cook. The physical need for hunger triggers (getting up), directs (going to the kitchen), and sustains the action (seeking or preparing a meal). Hunger, of course, is just one of many examples. Loneliness may prompt a person to call a friend or go to a place where he or she can meet other people. The desire for life achievements motivates many to study. Even leaving bed in the morning is motivated by the need to earn your living and get food by going to work".

In the case of crime, there can be a lot of vivid descriptions of motivation. For example, a thief in need of money initiates action by observing potential victims, then his action is directed by selecting a victim, e.g. a lone elderly woman with a bag into which she put her wallet, and, finally, this criminal's action is sustained by following the woman.

In his book entitled "Forensic Psychology. Basics, research, applications", J. Stanik (2013, p. 111) formulates questions related to the problems of motivation:

- What triggers the person to act, and why, out of the many possible ways to behave, do they choose one and not another? The question concerns the source(s), direction, and the way (including structure) the activity is performed;
- What makes the person continue the action they started despite the need for sometimes a considerable effort? This question concerns the mechanisms that sustain the activity (also described by the terms persistence, willpower, etc.);
- What causes a form of activity to be discontinued before the original result is achieved? This question focuses on the mechanisms that determine the abandonment of behavior; for example, discouragement, loss of interest, exhaustion, anxiety, etc.;

• What makes the person consider their behavior completed? The question concerns the mechanisms for recognizing and evaluating the outcomes of the activity (ibidem).

Such questions should be asked in the case of criminal acts of the given categories contained in the penal code in order to know the reasons for the acts, the factors sustaining the behavior aimed at committing the criminal act, and the factors conditioning such behavior, including factors of internal nature (e.g., personality factors).

The Polish Penal Code (2022) classifies criminal acts into given categories. It presents twenty-two categories in the special part, while others are contained in the military part. The fourth category is crimes against life and health. Other penal code categories of criminal acts can also be mentioned: against sexual freedom and morality, against family and guardianship, and against property.

Each of these 22 categories of criminal acts is characterized by its specifics, which at the same time means that the motivational process for the acts may vary, and the sources of the acts are characteristic of each category.

J. Stanik (2013, p. 111–127) presents the following approaches to explaining motivation: evolutionist, psychoanalytic, behavioral, cognitive, and those based on values and needs. These concepts point to various elements that motivate behavior, including drives, biological states of the body, behavioral reinforcements (expectation of reward), informational (cognitive) processes, axiological processes, and needs.

In many cases, motivation and its triggering cannot be understood if emotions are not taken into account. S. Ciccarelli and J. N. White (2015, p. 362) wrote: "How do people behave under the influence of emotions? The state of their feelings is reflected in their facial expressions, body language, and gestures. Frowning, smiles, and unhappy faces combine with hand gestures, body rotation, and words into a clear picture. People fight, run away, kiss, scream, and perform countless other actions growing directly out of the emotions they feel". Emotions can undoubtedly trigger a lot of positive social behavior, but they can also lead a person to commit criminal acts, including a crime against life and health; this crime should often be treated as aggression, which, after all, is directly linked to emotions.

Forensic psychology draws on other disciplines (subdisciplines), including psychiatry, law, criminology, personality psychology, and psychology of human development. J. K. Gierowski (2014, p. 30) argued that "one of the most important areas of application of psychology for the purposes of legal practice is the reconstruction and evaluation of the offender's mental processes underlying his or her criminal behavior. Knowledge, explanation, and understanding of human criminal behavior is a challenge for both lawyers and psychologists, as it is not only important for the resolution of a specific case, but can also be reflected in prophylactic, educational, or preventive measures. These questions are addressed primarily by motivational psychology, whose main task is to explore the causes of human behavior, including socially unacceptable behavior that violates the established ethical and legal order".

As a social phenomenon, crime is subject to description, has a given size or structure (types of crime), and dynamics in a given area, and can change, gain strength, or be temporarily reduced. The term "dark figure of crime" refers to unreported crime, that is, a crime that was not recorded by law enforcement authorities. With "the figure", the actual crime, that is, the total criminal acts committed in a given area, will always be unrecognized (Kuć, 2015, p. 45–48).

Identification of the motives leading to crimes is important, but at the same time, it should be noted that taking into account, among other things, the "dark figure" phenomenon, it is a laborious task. The perpetrators of crimes do not want to reveal the motives for their actions because they fear severe punishment but also because they lose their sense of security not only from others but also in their own eyes. It can also happen that victims of crime, too, do not want to reveal the perpetrators of the acts and possible motives for these acts for various reasons.

Although crime appears to be a homogeneous phenomenon, it is often a group of acts that have nothing in common. Motivation will also be different for different criminal acts. There is not a single causal mechanism for crime, as indicated by concepts that

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explain criminal behavior, namely criminological theories. Biological criminological concepts show genetic or disease factors. The sociological approach takes into account the social and cultural changes taking place in a given country or community, such as the impoverishment of society, and these changes can be combined with life situations of specific people, which is all the more likely to determine criminal behavior. Committing criminal acts can be facilitated by certain personality traits, such as aggressiveness or emotional coldness (Zbroszczyk, 2021, p. 168–171).

Criminological theories indirectly show the motivational undertow of criminal acts, although they are only a generalization, and in judicial practice, it is important to determine the possible motives of the perpetrator of a specific act that violates the applicable law. However, these theories can provide an important hint even for an experienced forensic or penitentiary psychologist.

In the case of the motivation of given behaviors, especially motivation of acts against the law, it would be better not to explore motivation in general, but the motivational process, which may occur at a certain time, take on specific determinants or specific impact, and undergo changes.

2. Selected crimes against life and health

The major crimes against health and life are homicide, fights, and battery. The present paper, in the next section, will attempt to determine the motives for homicide, and motives for fights and battery. The problem of motives for homicide is most often raised in the literature.

Three types of homicide are specified in the Polish *Criminal Code*: ordinary murder, aggravated murder, and privileged murder (Talaga, 2022, p. 190; cf. Penal Code, 2022, Art. 148). Ordinary murder is one that does not have the features of qualification of a criminal act or a privileged act. Aggravated murders include murder with particular cruelty, murder in connection with taking a hostage, murder in connection with robbery, murder as a result of motives deserving special condemnation, and murder using

explosives. The other features of aggravated murder are: killing more than one person with a single act; prior final conviction for murder; murder of a civil servant committed during or in connection with the performance of official duties related to the protection of human security or the protection of public safety or order. Murder of the aggravated type is understood to mean a special, "severe" murder, with a high intensity of pathological factors. Murder of the privileged type is murder under the influence of strong agitation justified by the circumstances.

The latter one, committed in a state of intense agitation, is also referred to as murder in the heat of passion (affect). In the Dictionary of Psychological Terms (Krzemionka, 2017, p. 10), affect is understood as "[...] a momentary, positive or negative reaction of the human body (vegetative, muscular, sensational), arising in response to a change in the environment or the subject itself. It is a barely perceptible liking or disliking, pleasure or displeasure, and an accompanying tendency «to» or «from» something: a picture, a word, an item in a store, or even one's own thought. A person can experience the affect toward a thing or a person they pay attention to, not necessarily the one that originally causes this state. Unlike mood, affect is understood as a short-lived emotional sensation, and the level of arousal accompanying it does not usually exceed the threshold of consciousness. The subject can become aware of the affective state through insight into their feelings and bodily state. However, the subject generally does not perceive a change in arousal state, although this change significantly affects the course of many cognitive processes". It is obvious that in the case of murder, affect is a reaction of the body with a negative direction.

In the case of fights and battery, the Polish *Criminal Code* enumerates two crimes. The first is fight and battery, and the second is the use of a firearm, knife, or other dangerous objects in a fight and battery (Talaga, 2022, p. 192–193; cf. Penal Code, 2022, Art. 158, 159). In the case of homicide, human life is the object of protection by the penal code, while in the case of fights and battery, the object of protection is not only human life but also human health (Talaga, 2022, p. 190, 192–193).

3. Controversies in establishing motives for crimes against life and health with the example of homicide and fight and battery

The literature primarily addresses the issues of motives for homicide, while the problems of motives for fight and battery is not likely to be addressed.

Z. Majchrzyk (2020, p. 295–296) points out that the subject of the research for an expert psychologist's opinion should be the personality of the offender (i.e., asociality), criminal behavior, rehabilitation prognosis, explanation of the motives for committing the crime, the offender's understanding of the act, and the degree of emotional arousal at the time of committing the act. Z Majchrzyk (2018, p. 116–117) also notes that an analysis of Shakespeare's plays, for example, can lead to a conclusion about the multiple motives for murder.

The above observations made by Z. Majchrzyk show, among other things, that the motives for homicides in particular, which are the most tragic and pathological acts a person can commit, should be examined comprehensively. One cannot limit oneself to establishing direct motives, such as, for example, a robbery or sexual motive but must take into account disorders in the socialization process, the perpetrator's life experiences, environmental influences, and personality traits. Many factors, accumulating over a long period of time, can initiate a motivational process leading to or condoning murder.

J.K. Gierowski (1989) included 105 homicide perpetrators in his research, including 16 women and 89 men. This research, conducted primarily with the use of clinical interviews, made it possible to identify six groups of homicide perpetrators by the leading motives for criminal acts. The leading motives in these groups were (1) economic motives (22 people), (2) sexual motives (16 people), (3) delusional motives, indicating disease processes (13 people), (4) revenge, which occurred most often with jealousy, erotic or emotional-affective motive (17 people), (5) sense of harm (13 people), and (6) sense of threat, fear, and jealousy (24 people).

A study by Z. Majchrzyk (2001), which covered 200 men (including 110 adults, 27 juveniles, and 63 adolescents), found the following predominant motives for homicide: robbery motive and emotional motive (juveniles and adolescents predominated for these two motives); revenge, sexual motive, and threat/ insult (adults predominated for these three motives).

In a documentary book entitled "Polish Murderesses", K. Bonda (2008) described 14 women convicted of murder based on structured interviews with them and an analysis of documents. The following motives for these acts were identified: revenge, robbery, sense of harm and resentment, jealousy, removal of a witness, and love (removal of an obstacle to happiness).

While conducting research on perpetrators of murder with particular cruelty, W. Woźniak (2015) used, among other things, ten written statements by penitentiary psychologists regarding the characteristic personality traits of perpetrators of such acts. Penitentiary psychologists identified the potential characteristics of these offenders: shifting responsibility for their acts to others; unmet needs for security, love, acceptance, and belonging; low ability to defer gratification; aggression and brutality; anger and explosiveness in frustrating situations; reduced level or lack of empathy; disturbed capacity for higher emotions, emotional coldness, egocentrism; superficiality of interpersonal relations; the dominance of defence mechanisms: rationalization, denial, projection; reduced ability to experience guilt; personality (dissocial, borderline, and narcissistic). It should be noted that these features can undoubtedly disrupt the motivational process.

The author of the present article, based on his own professional experience, gained through, among other things, numerous spontaneous conversations with perpetrators of crimes, noted that the dominant motives in the case of homicide remain the same. However, there is a problem with the identification of these motives. Available psychological tests allow a general diagnosis of personality, including mental needs or value system, but certainly not the motives for such drastic and specific acts as homicide or fights and battery. It is possible to determine the motives for homicide or fights and battery based on a clinical interview, but one should never accept information from perpetrators of battery, especially perpetrators of homicide, uncritically. An act such

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as homicide is socially stigmatizing in the highest possible way, and therefore perpetrators tend not to disclose the details of these acts, and there is a great deal of obstructing justice in these cases. Committing a murder, but also committing a battery, often consists of many factors of a social, psychological, and dysfunctional nature, and the emergence of these factors is usually extended over time, from disturbed socialization through to demoralization, etc. (therefore, it would be better to discuss not motivation or motives in general but the motivational process). It is possible to attribute a dominant motive to a given homicide, but it seems to be impossible to pinpoint the psychosocial background.

The motives for fights and battery seem to differ from those for homicide, although a fight or battery can lead not only to serious injury but also to the death of a person (cf. Penal Code, 2022, Art. 158). Determining the motives for fights or battery seems more difficult than determining the motives for homicide but it is possible to identify at least some general characteristics that may be the cause of these acts.

Based on the experience in working with prisoners, the author of the present paper believes that fights and battery are caused by the tendency to aggression and domination. These perpetrators may often be under the influence of alcohol or other substances, and get into a fight without thinking at the time how irreversible the consequences of a fight or battery may be. These perpetrators are often characterized by hooligan lifestyles, want to show their power, superiority, and impose their will on someone, and their aggression is often irrational.

The description of antisocial personality disorder in the DSM-5 (2017), seems to fit the profile of perpetrators of fights and battery and includes the following elements: failure to obey the rules of the applicable law and violate social norms; deception, involving repeated lying, pretending to be someone else, inducing others to perform various actions to obtain benefits or pleasure; impulsiveness; irritability, aggressive behavior leading to fights and assaults; reckless disregard for safety rules concerning oneself or others; irresponsibility; lack of resentfulness, manifested by indifference or rationalization when injured.

The motivational process leading primarily to homicide, but also to fights and battery, should be viewed from the standpoint of life experiences, illnesses, personality disorders, external and internal axiological conflicts, and unmet psychological needs (cf. Woźniak, 2020, p. 16–33; cf. Szymonik, 2022).

Conclusions

Determining motives for homicide and fights and battery is not easy. The perpetrators of these acts are unlikely to show the need for self-reflection. The paper discusses the controversy in determining the motives for these crimes. It reveals only selected crimes from the Polish penal code-based category of crimes against life and health. In the case of homicide, it should be stressed that despite various studies, including determining the motivation leading to these acts, taking someone's life will always remain incomprehensible.

Other crimes against life and health enumerated in the group of crimes defined by the Polish Penal Code are: murder of a newborn, euthanasia murder, persuasion and assisted suicide, abortion with the woman's consent, forced abortion, death of a woman as a consequence of abortion, manslaughter, grievous bodily harm, moderate and slight bodily harm, harm to the health of an unborn child, exposing a person to danger, exposing a person to contagion, and failure to render aid (Talaga, 2022, p. 190–193). Subsequent studies may attempt to determine the motives for other crimes against life and health, but this requires adequate knowledge and responsibility.

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