

Legal aspects of psychological manipulation in new religious movement

Abstract

The diploma thesis deals with the issue of psychological manipulation in the environment of new religious movements, possibilities and limits of its legal grasp in the Czech legal system. The thesis is divided into sociological-religious, psychological and legal part. The work includes the definition of new religious movements, their history, typology and analysis of psychological mechanisms leading to manipulation and dependence of members on the group.

The third part, which builds on the previous two parts, examines the legal aspects of psychological manipulation in new religious movements from the perspective of different branches of law, especially criminal law. The thesis concludes with a comparison with the current wording of the diametrically opposed French legislation.

Specific legal institutes are used to show how the legislator tries to respond to the phenomenon of so-called "destructive cults". The thesis presents the threefold regime of the existence of new religious movements in the Czech environment and the shortcomings of this model. In the last part of the chapter devoted to the analysis of the current state of the Czech legal system, the overlap of the issue of psychological manipulation in new religious movements with fundamental human rights and freedoms, especially the freedom of thought, conscience and religion, is demonstrated. The comparison with the relatively repressive French legislation serves, among other things, to assess the *de lege ferenda* possibilities of the Czech legislation.

The aim of the thesis is to analyse why the legal sanction of psychological manipulation is difficult and risky, not to propose and advocate its criminalisation. The thesis further defines the autonomy of will and freedom of thought in the context of new religious movements and analyses their anchoring in the Czech legal system. Comparative tools and case studies were used for the analysis, and the case law of the Constitutional Court and, marginally, the European Court of Human Rights was also reflected.

Keywords: new religious movement, psychological manipulation, free will