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THE SPECIFICS OF THE INVESTIGATION OF MANIFESTATIONS OF POLITICAL EXTREMISM FROM THE PERSPECTIVE OF EXPERT WITNESS

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ABSTRACT

The paper deals with the specifics of the investigation of manifestations of political extremism. Political extremism and particularly right-wing political extremism is a present phenomenon, which is from the perspective of Criminology research so specific, that it requires a specific approach in its assessment, especially from a position of legal experts. Therefore it is advisable to choose a suitable specific methodology of scientific research on this phenomenon and the need for the court to provide findings that are relevant in the decision in a particular case. In conclusion, the author is then proposing general principles and approaches to solve this current phenomenon of our time.

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INTRODUCTION

Extremism is a highly frequent concept in contemporary society. People generally refer to it „abnormal“, „foul“ and „dangerous“ activities, which they say can never be tolerated, especially when associated with their ideological opponents. Given the tolerance limit is a purely subjective term, there are different views on the contradictions extremism. Most are rated as very attractive, dangerous and repulsive acts. Few people however, take into account the conditions in which these and other negative phenomena are based. Extremism is directly dependent on the arrangement and condition of the society in which it manifests. When confronted with such company at a stage in which considerable growing internal contradictions,

the overwhelming majority of the extreme activities of the immediate reactions to them.

According to some authors, extremism is a product – a phenomenon of a democratic society. Democracy generally is lacking effective defense mechanisms to defend anything that harms it. If such mechanisms ceased to be democratic, regime would become a dictatorship. Therefore, any democracy, any democratic society is faced with extremism. Throughout the world, our country included, there are many different extremist groups or movements (the extremist movement). It is often very difficult to determine who is extremist and who is not, because the boundaries between normality and extremism are very broad and vaguely worded¹.

¹ J. Chmelík, *Symbolika extremistických hnutí*, Armex a Trivis, Praha 2000, s. 4.

Thus the formation of multi-disciplinary phenomenon of contemporary society, which political extremism is certainly, to be addressed from a broader interdisciplinary perspective. Namely from the standpoint of philosophy, psychology, sociology, education, politics and finally law. For the purpose of trial, respectively the need for an expert opinion of the court expert is therefore the most appropriate to use the appropriate specific form of scientific research. This specific method suitable for collecting and processing information appears to be a method of historical discourse and method of analysis², which can be used for client needs assessment as a method to use basic, and to determine the danger to society and for a sample of experts to answer questions.

I. THE POSSIBILITY OF INVESTIGATING CRIMINALISTIC EXTREMISM IN THE LIGHT OF THE EXPERTS

The selected historical method, respectively historical approach, is useful primarily in assessing the text and collecting any images of matter and also for analysis and synthesis of the empirical material, i.e. all documents outlined by the research experts are outlined in its complex. The historical method can be used directly and indirectly. Direct method is basically only a simple reproduction of sources, but does not allow itself further in-depth analysis leading to the evaluation of complex social relationships. In contrast, the indirect method allows more deductive extrapolation and determination of causal analogy of certain historical information for the evaluation of concrete reality. Using indirect historical method, however, carries the risk of partial distortion of historical reality³. To minimize this risk it is also appropriate to evaluate a sample, respectively. The ap-

proach more of materia sub-methods, respectively their mutual combinations.

As another indirect method the diachronic and synchronic methods by Hroch⁴ could be used. These methods determine the position of a subsidiary under an imaginary timeline from the older to the younger and the synchronous method is also capable of addition and creation a certain stage of history, in which they are confronted by historical events and recognize their similarities and differences. This support method seems more appropriate, particularly because of the relatively long period of development of manifestations of political extremism (not only) in the Czech Republic in connection with the fascist, neo-fascist, Nazi and neo-Nazi subculture.

Method of discourse analysis⁵ is based on the known archaeological knowledge, formulated by M. Foucault's research as a method of intellectual history, history of ideas, knowledge and history of philosophy, sociology and even when political science. Its' main aim was to follow the historical development of different intellectual and ideological concepts and their transformations in human history. The central category of this scheme became the discourse⁶. Discourse (Foucault used the term „discursive formation“) can be defined as a structure that influences the ways of speaking, writing and thinking. „Discourse“ in social sciences in a general sense used to describe language as an element of social life which is dialectically linked to other elements of social life and attitudes in society in general to the specific phenomena. But even if an analysis of discourse, according to Foucault, has to do with the examination of language (in specif-

2 This method was first used Foucault in his „History of Madness“, it later developed in the work „Archaeology of Knowledge“.

3 M. Hroch a kol., *Úvod do studia dějepisu*, SPN, Praha 1985, s. 204–207.

4 Ibidem.

5 See below. I. Nosál, *Diskursivní re-konstrukce dětství: mezi nostalgií a nejistotou. Analýza čtyř textů*, [in:] *Obrazy dětství v dnešní české společnosti. Studie ze sociologie dětství*, Brno 2004, p. 173 a násl.

6 This method was first used by Foucault in his „History of Madness“, it later developed in the work „Archaeology of Knowledge“.

ic cases, and other forms of social communication – eg. with a tattoo on the body, signs and symbols on clothing, apparel components themselves, flags and other food-led unified ideological discourse, lyrics etc.), is simply identical with the simple analysis of the language or common semantics. While a simple analysis of language or semantics raises the question of what rules is the statement made about the reality (in specific cases, and other forms of social communication – eg. with a tattoo on the body, signs and symbols on clothing, apparel components themselves, flags and other accessories carried unified ideological discourse, lyrics etc.) and therefore according to which rules can be developed further similar statements revealing a concrete reality, a description of discursive events raises an entirely different question, namely: „how it happened that at this point came the following, and not any other testimony?”⁷

The various discourses then act as a dominant subjects and research methods, typical of the historical epoch. They perform a certain regularity between the types of statements, concepts, symbols, or elections. The regularity of the process can be methodologically sound method of collecting and processing data gathered or dominant subject to examination. The existence of these dominant subjects or research methods in Foucault affects the direction of further scientific investigation, in our case, the direction by examining the whole of matter as a whole as a subject expert examination and the work itself, thus the expert's opinion, is from this perspective can be understood as a statement in which to reflect the significant discourse. Discourses determine what statements are possible, perhaps why these allegations and why they are neglected or dismissal and other reasons. Authors ver-

bal statements (in particular cases, and other forms of social communication – i.e. with a tattoo on the body, signs and symbols on clothing, apparel components themselves, flags and other food-led unified ideological discourse, lyrics etc.) are no longer viewed merely as its creators, or bearers, but as users, distributors and promoters of a discourse⁸.

Discourse can therefore be defined in makrohistorickém foucaultovském sense as a structure that regulates the specific ways of speaking, writing and thinking, which produces both thinking and specific practices. For this conception of discourse makrohistorického Foucaultův can use the term „discursive formation”⁹. Propagator of this discourse is itself the bearer of a particular discourse and socially troublesome, as the authors themselves. If we therefore identify the dominant discourse and social discourse of the concept of defectiveness or even a sample of the hazard, respectively the whole projection of matter and its relationship to diskursům contemporary philosophy, psychology, political science, sociology, social pedagogy, sociology and law, we must first gather enough testimony that the examinee sample, respectively the approach applies image. Foucault recommends the following steps:

First, you must indicate the emergence of the so-called primary surfaces. It is therefore to show where these statements may occur, that could then be identified and analyzed. In the emerging fields of surfaces leads to the initial differentiation, are limiting the expulsion, it is defined, what is discussed and described the phenomenon acquires the status of an object from the activities directly or indirectly aimed at suppressing human rights and freedoms, or professing hatred or hatred

7 I. Nosál, *Diskursivní re-konstrukce dětství: mezi nostalgii a nejistotou. Analýza čtyř textů*, [in:] *Obrazy dětství v dnešní české společnosti. Studie ze sociologie dětství*, Brno 2004, p. 173.

8 cf. M. Foucault, *Archeologie věděni*, Praha 2002, p. 45–46.

9 C. Szaló, *Sociologie formování sociálních identit*, [in:] C. Szaló, I. Nosál, *Mozaika v re-konstrukci. Formování sociálních identit v současné střední Evropě*, MU Brno, Mezinárodní politologický ústav, Brno 2003, p. 23.

another exclusive group of persons, or aid or promotion of movements aimed at suppressing the democratic rights of man, which can affect how social norms (a phenomenon generally non-conformist, tortious, socially awkward and dangerous), and possibly generally applicable law on criminal law. With the emergence of specific reports this phenomenon is then made and named describable and thus becoming a „real“¹⁰.

The second step is the description of discourse analysis called an instance definition. Defining instances of the contemporary institution or organization (as defined in such a place, time, ways of expression and other relevant circumstances), which are a key contributor to defining social nonconformity, the illicit status, inadequacy and danger of the examined object and any other criminal liability that grasp certain phenomena, creating one of the subjects of interest, provide for a consensus, minutiae, and differentiation as natural, and creates a unifying statement that a particular model or group of models that have become commonly used¹¹. The focus of the expert examination and questions in such instances can be considered as defining particular state's law (customary at first, later written legislative instruments) and general cultural, philosophical, political science, sociology, political science, social and socio-educational position in society their entirety. For a closer view of perception, we can define the instances specified in the context of referring to the comparator material contained fascist, neo-fascist, Nazi and neo-Nazi manifestations in the broadest sense.

The third step is to determine the discourse analysis of the so-called grid specifications. This term refers to Foucault's system, under which each grade, separate, bring together, regroup, and classify each individual derives

a significant statement about the phenomenon. By identifying these specifications is the use of grids comparative method¹². They are compared with each collected testimony on the subject of examination as the primary object of comparison, the basic consensus description of the problem and possibilities of their differentiation¹³. Comparison of testimony on the subject of scrutiny in the award of expert opinion (the approach adopted in all materials) should be focused on the following categories:

- General perception of the body as tattoos, symbols and inscriptions on clothing, as well as parts of clothing and clothing accessories (including nature), rituals, fetishes, verbal, musical, or written speeches, which were suggested by the experts surveyed as materia.
- Ways of looking to the fascist, neo-fascist, Nazi, neo-Nazi and racist subculture as a movement, which clearly seeks to suppress the democratic rights of the individual or reports of national, racial, religious, class or other hatred or hatred against another group of persons, or inciting acts of anti-Semitism, xenophobia, racism etc.
- The attitude of the activities that correspond to the support and promotion of movements aimed at suppressing human rights, democracy (in various manifestations of matter investigated as presented, from the symbolic, through pictures, to any written or musical).
- Be currently and historically well-educated citizens to understand forms of antisocial and criminal behavior that is the nature of promoting Nazism and neo-Nazism.
- Estimated by means of punishment for the offense and the nature of the promotion of neo-Nazism, or similarly oriented organizations and movements.

10 cf. M. FOUCAULT, *Archeologie věděni*, Praha 2002, p. 66–67.

11 Ibidem.

12 Ibidem, p. 68.

13 „Comparative Method“, [in:] *Velký sociologický slovník*, I. sv. Karolinum, Praha 1996, p. 619.

II. SPECIFIC CONCLUSIONS OF CRIMINALISTIC EXTREMISTIC INVESTIGATION FROM THE PERSPECTIVE OF THE EXPERTS

Identification of similarities and regularities, as well as identifying potential difference becomes the basis for further processing of the methodological approach adopted to study materia into certain types of expulsion, the types of contemporary and local perception of the approach adopted revealing images of reality (in specific cases, other forms Social communication – i.e. with a tattoo on the body, signs and symbols on clothing, apparel components themselves, flags and other food-led unified ideological discourse, lyrics etc.). Given the nature of the award of expert opinion can not be the final result of the conclusions of an expert only possible formulation of general laws of the extremist neo-Nazi or not specifically designed to combat the promotion of rights and freedoms of citizens, or support and promotion of movements aimed at suppressing human rights and freedoms within the meaning of the Criminal Code. Throught this typology will be in the expert assessment carried out individually conclusions of philosophy, political science, sociology and social-pedagogical discourse in society, which are formulated in terms of types, i.e. within the meaning of certain constructs of thought and social attitudes. These types are therefore only relative and are not a force to the most accurate description of the phenomenon and its evaluation, but rather with the intention of understanding them¹⁴. The final product of the expert examination of the characteristics of the position and perception of social nonconformity, the illicit status, inadequacy and danger of actual facts (in specific cases, and other forms of social communication – i.e. with a tattoo on the body, signs and symbols on clothing, apparel components

themselves, and flags other food-led unified ideological discourse, lyrics etc.) that are subject to expert examination especially in philosophy, political science, psychology, sociology and social – pedagogical discourse.

CONCLUSION

Manifestations of political extremism in the society are the current phenomenon of contemporary global world. This phenomenon in its assessment in the form of an assessment of specific symptoms should be given proper care, professional and scientific approach, which was not only adequate social reality, but was also a scientific review and yet reasonably accessible to the everyday practices of law enforcement, particularly the courts.

Extremism (including right-wing political extremism) to be viewed in light of the already experienced and respected judiciary definition of extremism is the „clear-cut ideological stance, which is accompanied by elements of intolerance and aggression, which deviates from the constitutional or statutory standards, and that attacks against the basic democratic constitutional principles, as defined in the Czech constitutional order“. And the attacks against those principles, which are generally listed in the Declaration of Rights and Freedoms, which are common to countries that share the same values of human rights.

If someone refers to deny encourage denial or otherwise, to attack these values, it is appropriate to state power to intervene and defend the democratic values. This can then serve as a court expert opinion that the court needs to identify symptoms that are democratic foreign company, or threaten democratic society.

¹⁴ M. Weber, *K metodológii sociálnych vied*, Nakladateľstvo Pravda, Bratislava 1983, p. 95, 96.

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