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Lucyna Kostuch

Instytut Historii Uniwersytetu Jana
Kochanowskiego w Kielcach
E-mail: l.kostuch@wp.pl

Ancient philosophy of lovesickness Plutarch, Cleopatra and Eros

Abstract

Over the centuries, Cleopatra VII, the famous queen of the Nile, has uttered thousands of amorous sentences in countless dramas, poems, novels, librettos and films. Historians, writers and artists of all periods, selecting the Egyptian monarch as the “hero” of their works, referred, and still continue to do so, primarily to the *Life of Antony* by a great Greek philosopher and moralist - Plutarch of Chaeronea. It might seem that it was Plutarch who presented Cleopatra a woman overcome with genuine passionate love. But does the queen in the Plutarch’s work really, even for a moment, experience the true agony of love? The problem with this is that if we reject the Shakespearean prism through which we used to view Cleopatra created by Plutarch and we analyse the *Life of Antony* exclusively in the context of other works of the moralist from Chaeronea, we will not perceive an Egyptian Dido cursing her lover and dying of love. It is a delusion that in the final parts of the *Life of Antony*, the monarch’s previously feigned or perhaps concealed love for the Roman commander is manifested as true – as is stated by many researchers identifying in Plutarch’s work the specific elements of romance in which the lovers’ feelings are reciprocated.

Key words: Plutarch; Philosophy; Eros; Lovesickness; Cleopatra

Over the centuries, Cleopatra VII, the famous queen of the Nile, has uttered thousands of amorous sentences in countless dramas, poems, novels and librettos. She was portrayed as indulging in all kinds of “Aphrodite’s activities” (*ta aphrodisia*). It would be difficult to find a biography of Cleopatra in which the author did not discuss the issue of the queen’s love life. Historians, writers and artists of all periods, selecting the Egyptian monarch as the “hero” of their works, referred, and still continue to do so, primarily to the *Life of Antony* by Plutarch of Chaeronea. The main character in the biography is of course Mark Antony, but only up to the moment when Cleopatra appears on stage. In the final part of the work, Plutarch abandoned the triumvir to focus exclusively on the queen of Egypt. As a result, the greatest Greek moralist and the most famous ancient female ruler created a peculiar duo in history, each making the other immortal for posterity.

It may seem that the only ancient source providing a relatively cohesive story of Cleopatra has already been ultimately interpreted in critical editions, commentar-

ies [Scuderi 1984; Brenk 1992a: 4347-4469; Pelling 1988] and biographies of the ruler [E.g. Roller 2010; Miles 2011]. However, rarely does it happen that Plutarch's Cleopatra is analysed as a separate entity [Brenk 1992b], a fact recently mentioned by Robert A. Gurval [2011:70]. Fragments of the *Life of Antony* describing the queen are nearly always accompanied by testimonies of other authors, producing an image of Cleopatra that is a compilation based on various sources. However in classical literature, Plutarch's work has been exploited through the centuries to the point where it has ceased to be his own. Publications in the form of literary works from various periods, with the Shakespearean *Antony and Cleopatra* at the forefront, have distorted the meaning of the ancient moralist which has been handed down. Consequently, it might seem that it was Plutarch who presented Cleopatra a woman overcome with genuine passionate love. But does the queen in the Plutarch's work really, even for a moment, experience the true agony of love? Is it not a fact that Eros, and no one else, in the *Life of Antony* directed – from beginning to end – the actions of the Roman commander, and only in subsequent periods were authentic feelings attributed to Cleopatra to fill an annoying gap?

This article attempts to define the relationship between Plutarch's Cleopatra and the divine power of love which the Greeks referred to as *eros*. It is an important issue, as nowadays, it is the queen, not Antony, who attracts most attention in the context of love [Beneker 2012:155]. As Michel Chauveau [2002:2] aptly remarked, historically, Cleopatra is an empty figure, as she does not exist independently of Julius Caesar, Mark Antony and Octavian (Augustus). Plutarch wrote that the queen had seduced these men or had tried to do so. Therefore, it is obvious that Cleopatra and Eros were inseparable. What needs to be established is their mutual relationship, determining whether Cleopatra used her knowledge about Eros, or whether she herself was his victim.

Researchers often express the view that the Egyptian monarch owes all of her posthumous fame to Octavian, who decided to make her an official, though, merely apparent enemy in his conflict with Mark Antony. However, we might ask if Plutarch was Cleopatra's true Pygmalion? It is sufficient to imagine a scenario where the *Life of Antony*, written over a century after the queen's death, had never been created or had not been preserved. Would shreds of extremely negative information about Cleopatra, spread across various sources, be enough to create the love-legend of the Egyptian regent? Definitely not, as authors in ancient times regarded Cleopatra as a beautiful but greedy prostitute who remained in power only because she shamelessly beguiled the Roman commanders with her womanly charms [E.g.: Joseph. *AJ* 15. 89-98; Joseph. *Ap.* 2.58; Dio Cass. 51.15.4; Prop. 3.11; Aur. Vict. *De vir. ill.* 86]. There is absolutely nothing worthy of immortalisation in this. Horace's drunk "sinister monster" (*fatale monstrum*) is not material suitable for drama or romance [Hor. *Carm.* 1.37]. Even if we assume that Vergil made Cleopatra the heroine of the romance by disguising her as Dido [Gurval 2011:70], all that was written about the ancient Egyptian queen is just an addition to the Cleopatra created by Plutarch after all. In a subsequent period, a naked ruler of Egypt leapt into a hole full of serpents to end her life in the name of love for Antony [Geoffrey Chaucer, *The Legend of Good Women*, 669-702, ed. Cowen and Kane 1995]. In

Shakespeare's work, in the very first act of the play, she utters the words: "If it be love indeed, tell me how much (...)" [William Shakespeare, *Antony and Cleopatra*, 1.1.14, ed. Bevington 2005]. This image of the queen could not have emerged on the basis of short accounts of her atrocities and personality traits comparing her to a satyr, such as obscenity, greed and violence which manifested themselves in bloody acts.

However, the problem with this is that if we reject the Shakespearean prism through which we used to view Cleopatra created by Plutarch¹ and we analyse the *Life of Antony* exclusively in the context of other works of the moralist from Chaeronea, we will not perceive an Egyptian Dido cursing her lover and dying of love. The publisher of Shakespeare's works, David Bevington [2005:6], in his preface to an edition of *Antony and Cleopatra*, correctly remarked that Plutarch's work lacks a noble vision of love. One might go even further and say that Cleopatra did not love the Roman, even for a single moment. Divine powers weaving across the pages of the ancient work and entangling gods and people in love and desire (*eros*, *philia*, *himeros* etc.) left the queen untouched. It is a delusion that in the final parts of the *Life of Antony*, the monarch's previously feigned or perhaps concealed love for the Roman commander is manifested as true – as is stated by many researchers [E.g.: Brenk 1992b:171; Pelling 2001:299-300; Pelling 1988:16-17; Stadter 1999:181; Schuller 2006:157,164; Gurval 2011:70-71]² identifying in Plutarch's work the specific elements of ancient romance (lovesickness, separation, reunion, travel, oriental landscape) in which the lovers' feelings are reciprocated³. For example, C. B. R. Pelling [1988:16] wrote: "(...) But by the end of the *Life* her love is manifestly real (...)". P. A. Stadter [1999:181] similarly stated: "Plutarch might have left Cleopatra as a purely negative paradigm. Instead, after their defeat at Actium, he shows Antony and Cleopatra in a new relationship, in which Cleopatra show herself not as manipulator, but as an affectionate lover. In some sense, Cleopatra grieving at the tomb of Antony has become a true Isis, grieving for her lost Osiris, and her love gives a nobility to her suicide". Whilst it is true that Cleopatra takes refuge in the powers of Aphrodite and Eros, by using them, it is unlikely that Plutarch believed her to have been a victim of these perfidious gods. Everything points to the fact that in the best "all-time romance", we see in the Plutarch's work something which he actually did not write. When we reach out for the *Life of Antony*, what materializes is the figure of Cleopatra created by Shakespeare and his epigones.

First of all, it should be noted that Plutarch never explicitly stated that Cleopatra had been possessed by an amorous power. Nowhere in the *Life of Antony* is there a statement suggesting that the overpowering *eros* governed her actions, unless we assume the expression: "Dear (*philos*) Antony", used by the queen addressing the triumvir's remains, as such [Plut. *Ant.* 84.2].

1 Shakespeare's main source for Antony and Cleopatra was Plutarch's *Life of Antony*, which was translated by Thomas North in 1579, see: Muir 1961:201.

2 Some scholars assume that Plutarch changed his attitude to Cleopatra (down to chapter 77 he is definitely hostile to the queen) and used different source: Kromayer 1899:4-6; Tarn 1931:196; Pelling 1988:16.

3 Elements of romance in the *Life of Antony*. Brenk 1992a:4419; Swain 1992:76; ancient romance e.g.: Winkler 1994; Archibald 2004; especially about reciprocity: Konstan 1993.

Of course, we all know that the queen appeared in Tarsus dressed up (*kosmeo*: adorn, equip, dress) as Aphrodite, in the company of boys resembling cupids (*Erotes*) [Plut. *Ant.* 26.2]. There was nothing extraordinary in the fact that Cleopatra identified herself with the goddess, as Ptolemaic queens had done so for a long time for political reasons. Aphrodite, associated with Isis, was the guardian of the sea, including the marine empire of the Ptolemaic dynasty. Plutarch, however, clearly states that Cleopatra intended to display her own charming values, or to be precise – magical powers and allure. So even if we assume that the queen transformed herself into Isis travelling on the sacred barge [Goudchaux 2001:137], the erotic aspect cannot be ruled out anyway. However, a fact that seems to go unnoticed is that Plutarch's Cleopatra does not display any desire for an amorous encounter. For a long time, she did not respond to the letters from Antony and his friends. Moreover, the greatest seductress in history had to be instructed on the art of seduction. When Antony's messenger persuaded the queen to meet with the triumvir, he suggested that she win his favour by using the same trick as the goddess Hera from the *Iliad*. The fragment in question is obviously the one where Hera borrows a magical strap from Aphrodite arousing amorous desire (*kestos himas*) in order to beguile Zeus. In this, love (*philotes*) and desire (*himeros*) used to deceive the senses, were invoked [Hom. *Il.* 14.188-221]. Plutarch's allusion accentuates the external and mechanical nature of what the queen is deploying. As the powers of love, with Eros at the forefront, in a conceptual sense, remained independent of Aphrodite [Sissa and Detienne 2000:37-38], the goddess herself could have been their victim also. In the famed *Homeric Hymn to Aphrodite*, it was Zeus who instilled the craving for amorous caresses with Anchises in the goddess [Hom. *Hymn* 5.45-53]. This, however, was not analogously attributed by Plutarch to Cleopatra. On the contrary, he accused her of the intent to despise and ridicule Antony (*kataphroneo*: "despise", *katagelao*: "deride", "ridicule"), overuse of flattery (*kolakeia*: "flattery", "fawning"), and finally of pretending (*prospoieo*: "pretend") deadly-serious attachment because of Eros [Plut. *Ant.* 26.1; 29.1; 53.3; 73.3]. Cleopatra in Tarsus is not Aphrodite in love with Anchises, but a destructive goddess who is known from the Euripidean *Hippolytus* [Plut. *Ant.* 26.1; 29.1; 53.3; 73.3].

It might seem that passionate love is aroused in the queen at the moment when the bleeding Antony who has been pierced by a sword, literally dies in her arms. As Plutarch reports, Cleopatra tore her robe and beat her chest until she wounded herself. This is an obvious reference to Isis despairing over Osiris at his death. Does the scene, however, despite a grotesque distortion of the myth [Brenk 1992b:171; Brenk 1992a:4399], reveal true pathos and the queen's reciprocated feeling? We should bear in mind that Plutarch considered the demonstration of violent emotion in grief as totally inappropriate behaviour, an opinion which he manifested in other works, including, above all, in his letter of consolation to his own wife following the loss of their daughter. Never ending complaints, leading to wailing and brow-beating were, according to him, not proof of any deep emotion, but rather a manifestation of shameless debauchery [Plut. *Cons. ad uxor.* 4; *Cons. ad Apoll.*; Håland 2011:1-48]. It would be true to say that by demonstrating her grief, the queen merely paid tribute to the ancient Greek tradition, already scorned by

Solon, a fact also mentioned by Plutarch in the biography of the Athenian reformer [Plut. *Sol.* 21]. We should bear in mind that the Greek moralist believed Cleopatra to have been the direct cause of Antony's death. The queen drove her lover to suicide by sending him a false message announcing her own death, when in fact she had locked herself in the tomb with treasures. It was the treasures which were most important to her. When the truth was revealed, she pulled the wounded lover into the building through a window, where, after speaking to her, he died. Moreover, the words Cleopatra uttered over her dying lover sound extremely formal and emphasise legal rather than emotional ties. The queen called Antony a master (*despotes*), husband and ruler (*autokrator*) [Plut. *Ant.* 77.3]. The first term refers to the master-slave relationship, while *autokrator* is the Greek equivalent of "imperator" – the official title of Roman commanders. Of course, we may assume that the Plutarch employed a popular metaphor of love understood as a state of servile subjection. However, the terms used by Cleopatra tie up with her later words, when she justifies her behaviour in front of Octavian by claiming that it was all caused by compulsion and fear of Antony [Plut. *Ant.* 83.2]. The state of servile love evidently referred to the triumvir, and to emphasise this fact, Plutarch repeatedly presented him as attired in slave's clothing. The Greek moralist also clearly emphasized that it was Antony, not Cleopatra, who had initiated the night escapades in Alexandria dressed in a slave's garments [Plut. *Ant.* 5.4; 10.4; 14.1; 29.1].

For the second time, the queen mourns at the triumvir's grave or urn, just before killing herself [Plut. *Ant.* 84.2-3]. The idea of the mourning was surely to put Octavian off his guard, rather than to express the agony of love. It does not seem that, having been brought to Antony's grave, she was genuinely upset that she would be laid to rest far from him, in Italy. The cobra she had ordered was already on the way. Besides, in Plutarch's work Cleopatra's statement takes an unusual form. The queen does not praise the deceased, as traditionally expected, but rather feels sorry for herself [Pelling 1988:316-317].

The absence of genuine interest in Antony, and Cleopatra's strange passiveness was also manifested by Plutarch by clearly limiting her "magical" powers to a specific area. In this way, he portrayed her as a character similar to Circe, Calypso or the Sirens. "One thinks of certain mythical characters that take advantage of their voice to detain mortal heroes far from their human routes, such as Calypso, or to destroy them, such as Circe or the Sirens" – as rightly stated G. Pucci, but without commentary [Pucci 2011:198]. Indeed, as we all know, they only had one grim goal in their lives – to lure a hero with amorous gestures and to keep him by their side, preventing him from achieving fame. What is important, however, is that they did not hunt their victims once they had managed to reach the open sea. Sirens were even rumoured to have been stripped of their feathers by Muses, to prevent them from flying. Similarly, Plutarch never mentioned that the queen had deluged Antony with letters during his stay in Rome. He did not even mention her reaction to the triumvir's marriage with Octavia. Cleopatra tried to keep her victim with her, but when he managed to get away, she lost interest in him. It was Antony who, approaching Syria after a few years of separation, could not resist the temptation to see Cleopatra and, instead of filling his ears with wax, asked to meet her.

Thus Cleopatra is just an owner of another “cemetery island” like Aeaea or Ogygia, a place “without fame” (*akleios*). It is a paradox, in view of the fact that her name has the connotation of “fame” (*kleos*). Plutarch wrote that Cleopatra, feigning possession by *eros*, drew Antony away from the Parthian campaign. Earlier, the commander had chaotically directed military action in Asia because of his obsessive thoughts of returning to Egypt. Besides, the queen sent love messages on tablets to him when he was considering state affairs [Plut. *Ant.* 53; 37; 58.6]. In the *Comparison of Demetrius and Antony*, Plutarch expressly wrote that Cleopatra disarmed the triumvir by persuading him to abandon all projects and campaigns. Instead, she offered him amusement and recreation on the coast. The famous line from the *Life of Antony* where the queen suggests to the Roman commander that he stop fishing and take to “fishing” for cities, kingdoms and lands, is found in the paragraph that starts with the remark that Cleopatra was able to display her flattery in many forms [Plut. *Comp. Dem. Ant.* 3; *Ant.* 29].

Is the Egyptian queen, surrounded by reptiles, gold, silver, emeralds, pearls, ebony and cinnamon, any different from Circe – who owned a luxurious palace and a pack of wolves and lions? One bred poisonous snakes, the other pigs. The former equipped her lover with ships, the latter indicated the route on the seas. As Plutarch noted in *Advice to Bride and Groom*, Circe derived no profit from the men turned into asses and pigs, as she had no use for them [Plut. *Con. Praec.* 5]. Likewise, the Egyptian queen had no interest whatsoever in the defeated, dazed triumvir wandering around in the desert or sitting on a dam. Circe held the hero captive but expected nothing of him. Known from other sources as an expansive person, demanding new lands, Plutarch’s Cleopatra asks for nothing. She is not a Roman Fury whose role – in contrast to sorceresses tied to particular locations – was to physically persecute her victims. A Fury was a name used for Cleopatra by the Roman poet Lucan [Luc. *Phars.* 10.59]. He must have transformed the image of the queen dressed in the black robe of Isis into a black Fury with serpent-like coils on her head. In Plutarch’s work, Antony gave Cleopatra land for her pleasure, on his own initiative. Circe is thus a mirror image of Cleopatra, but Antony is not a reasonable Odysseus. Circe was capable of love, but she did not love her own victims, and Antony proved to be a pig.

Further proof that Plutarch consciously avoided linking *eros* directly to Cleopatra, is the precise description of how this force affected Antony. The Greek moralist appears to be an expert on amorous folly. Naturally, Plutarch was not interested in love as such, but in the fall of a great politician who succumbed to desire [Beneker 2012:155]. His Antony, in contrast to Cleopatra, was “captured” by Eros. This devastating power aroused his slumbering passions which stripped him of his dignity in the end. Plutarch repeatedly and explicitly stated that his feelings for Cleopatra (*eros*) consumed him completely. He even suggested that Antony’s soul was alive in the queen’s body [Plut. *Ant.* 28.1; 31.2; 36.1; 60.1; 66.4].

The image of Eros had already been created in ancient times, long before Plutarch, along with the list of all effects of his actions. Therefore, when Cleopatra feigned fatal infatuation in Antony, she was using the knowledge of the symptoms of love

described earlier by Sappho and many poets following her. The symptoms were: an impression that death was imminent, anxiety, obsessive thoughts, hazy gaze, a listless look, loss of beauty, paleness, weakness and tearfulness [Sapph. fragm. 31; Theoc. *Id.* 2; Apoll. Rhod. 3. 287, 446-457, 761-765, 1016, 1152; Giangrande 1990: 121-123; Zanker 1979:52-75]. In the parallel *Life of Demetrius*, a physician was summoned to examine Antiochus who was hopelessly in love with Stratonice, who in making his diagnosis referred to the characteristics of infatuation. The patient spoke in a faltering voice, was consumed by a fever, had problems with eyesight, he was losing colour, had an irregular heartbeat, was sweating and eventually fell into a stupor [Plut. *Dem.* 38.4].

Love of Cleopatra caused numerous very similar symptoms in Antony: disorientation, madness, a troubled mind, childishness, and finally, loss of soul (*psyche*). In the end, passion induced him to ask a slave, Eros, to pierce him with a sword. Though it was a popular name among Roman slaves [Joshel 2010:95], in this context it certainly is of significance.

Plutarch described in detail the process by which *eros* came to possess Antony. He must have known that paradoxically, the deity of love that destroys man so much, is not itself ill-looking. Plato's Diotima called Eros the son of Wealth and Poverty [Pl. *Symp.* 203b-c]. No wonder thus that Plutarch depicted Cleopatra's riches in so much detail. To be precise, he only described her riches, even making a ship part of her "dress". Of the queen herself, he said she had a voice like a multi-stringed instrument, which is a reference to the Sirens [Pucci 2011:198]. It is hard to believe that Plutarch did not know what the Egyptian woman looked like. Therefore, we might assume that Cleopatra was made exclusively of jewels, just like Hesiod's Pandora [Loroux 1993:81].

The description of the ship on which Cleopatra came to Tarsus, and the list of Alexandrian wealth are reminiscent of the palace of Eros known from the later *Metamorphoses* by Apuleius. The *Life of Antony* mentions a gold-plated stern, purple sails, silver oars, glittering lamp lights, golden tableware and roast boars. In Apuleius' work, Psyche, visiting the palace of Eros, admired golden columns, stone floors inlaid with jewels, golden walls with pictures of animals, a brilliantly glowing bedroom, and chambers filled with treasures [Apul. *Met.* 5.1-2]. An identical depiction of riches of Cleopatra's palace was provided by Lucan, adding that they fuelled the love of Caesar [Luc. *Phars.* 10.109-171].

For this reason, the currently popular question of whether Antony desired Cleopatra or her riches, makes no sense at all. Neither Plutarch, nor any other writer in ancient times would have even thought of it. The notion of *eros* as a common noun referred to the desire to possess connected with *habrosyne*, or luxury. The god of love was depicted as a vivacious, beautiful and winged entity. In ancient times people did not only associate Eros with love or sexuality. He merely signified the desire to possess, desire as such, any growth and expansion. His manifestations were easily noticeable in the material world. There was no concept of love existing in itself. For Homer, *eros* meant appetite for food, dance and battle. In Hesiod's

work, it even denotes desire in cosmic terms. Such idea of love prompted the plundering of foreign cities and at the same time, aroused a longing for the homeland [E.g. Hom. *Il.* 1.469; Hes. *Th.* 120-122; Ludwig 2002; Ludwig 2009; Yatromanolakis 2005]. In *Parallel Lives*, Plutarch used the notion of *eros* on countless occasions to express a desire for life, power, knowledge, glory and distinction [E.g. Plut. *Caes.* 58.2; 60.1; *Arat.* 30.1; *Sol.* 2-3; *Ant.* 6.3]. Plutarch surely knew what Plato was aware of, namely that the same *eros* awakens the desire of body and wealth, and sexual appetite is only a part of appetite in general [Pl. *Leg.* 831 c; 870 a; cf. Xen. *Symp.* 2.12.6]. As the poet Antipater of Thessalonica phrased it - the god of love mellows from gold [*Anth. Pal.* 9.420].

Plutarch also did not perceive any contradiction between Antony's military defeat and his love-driven blindness. Greek poets claimed that the same Eros brings a man dying in war and a man in love to his knees [Vernant 1991:100-101; Vermeule 1979]. This is because the arrows of the deity of love were dipped in blood [Meleager from Gadara: *Anth. Pal.* 5.180]. Plutarch's Cleopatra - this was not the case with Antony - dies in her own world, among her own jewels, poisoned by a local reptile, perhaps from her own breeding farm, which bit her modestly in her arm, without any erotic connotations. The commentary on the fact said that she was the descendant of many (presumed Egyptian) kings. In her last moments before her death, she did not call Antony, but spoke to herself about the cobra.

As already mentioned, over the centuries, the Egyptian queen has uttered thousands of words of love in hundreds of works of various genres. However, none of them are from ancient times. Plutarch and other ancient authors had Cleopatra speak various sentences, but none of them is suitable for a collection of amorous maxims. The most famous words reportedly spoken by the queen concerned not love, but the triumph in which she did not want to take part in at any cost [Liv., fr. 54].

Even though the Greeks believed the *eros* of women and men to be the same power, and even thought that women constantly experience desire, in the *Life of Antony*, it is ascribed exclusively to the triumvir. Amusingly enough, even material evidence found by archaeologists seems to confirm this fact. An inscription discovered in Alexandria describes Antony as unrivalled in matters of love (*aphrodisiois*) [Fraser 1957:71-73; Walker and Higgs 2001:232, no. 213], while all that is left of Cleopatra is a signature on a document confirming an act of bribery [van Minnen 2000:29-34].

To sum up, one might refer to a well-known saying that each historical and literary era has the Cleopatra it deserves. In contemporary literature, the Egyptian monarch treats love seriously and writers often stress her lack of beauty from the very first words of their works. They all declare that they have studied Plutarch in depth. Therefore, we may conclude that each period has its own *Life of Antony*, and Plutarch's Cleopatra still remains the most fascinating and unrivalled portrait of the queen.

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Ramiro Délio Borges de Meneses

Faculdade de Teologia
Centro Regional do Porto, Portugal
E-mail: ramiro.meneses@ipsn.cespu.pt

A Matemática como linguagem analítica em R. Carnap

Abstract

Logical empirism, which the metaphysical and seeks to discover the truth about the world exclusively through the natural sciences, owes its name two of its basic tenets, namely: the view that the solution of a philosophical problem requires a logical analysis of the languages in which the problem is stated, and that therefore logic plays a central role in philosophy, and the empiricist principle that any significant theory which is not of a purely logical or mathematical character must be testable by reference to empirical evidence. Carnap's work provides, among other thing, a precise elaboration of, and a broad theoretical basis for these tenets and it develops the technical tools for the pursuit of philosophy as logical analysis. R. Carnap shall see that he furnished instruments for deduction, that is, for the transformation of formulations of factual and contingent knowledge. However, logic and mathematics not only supply rules for transformation of factual sentences but they themselves contain sentences of a different non-factual kind. On this article I explain the linguistic sense to Mathematics, and the philosophical foundations. However the logic language plays a very important role to the logical foundations of mathematics and Mathematics is to analytic language according to R. Carnap.

Key words: Carnap, analytic language, logic language

INTRODUÇÃO

R. Carnap, filósofo e lógico alemão, nascido na Alemanha (1891) e falecido na Califórnia, em 1970, estudou Matemática, Filosofia e Física em Jena e Friburgo. Foi influenciado, no seu pensamento, por Frege e Russell, e, também, por Wittgenstein e foi um dos mentores do Circulo de Viena, tendo adoptado a tese logística, segundo a qual o conhecimento, na matemática, é analítico, no sentido de que tem essencialmente a mesma natureza que o conhecimento lógico.

Ainda em Viena, defendera que uma proposição não analítica só tem sentido se verificável, sendo o seu sentido o processo de verificação. Uns anos mais tarde suavizou a exigência, substituindo a “verificabilidade” pela “conformabilidade”. De Frege, R. Carnap aprendeu que todos os conceitos matemáticos podem definir-se, baseando-os nos conceitos lógicos, e que os teoremas podem deduzir-se dos princípios lógicos. Assim, as verdades matemáticas são analíticas no sentido geral da verdade ser baseada exclusivamente na lógica.

O matemático H. Halm, um dos membros do Circulo de Viena, aceitou a mesma concepção sob a influência dos *Principia Mathematica* de Whitehead e Russell. M. Schlick, na obra *Allgemeine Erkenntnislehre* (1918), clarificou a opinião de que a dedução lógica não pode conduzir a qualquer conhecimento, somente a uma explicação ou conhecimento contido nas premissas.¹

R. Carnap salienta a construção da Matemática sobre as bases da Lógica. Não encontramos qualquer dificuldade relativamente às definições dos conceitos matemáticos sob a base dos conceitos lógicos, parecendo problemático o carácter puramente lógico de alguns dos axiomas usados nos – *Principia Mathematica* –, isto é, o axioma da redutibilidade, o da infinitude e o da eleição. R. Carnap inclinava-se para as interpretações analíticas. Mesmo quando esteve em Viena, logrou meditar sobre estas questões com clareza. Chegou à convicção de que o axioma da eleição é analítico, se aceitarmos o conceito de classe, utilizado na Matemática clássica, em contraposição ao conceito construtivista, que era mais restrito.

No século XX, desenvolveram-se três orientações fundamentais no domínio dos fundamentos das matemáticas: a doutrina do logicismo (Frege e Russell), o formalismo (Hilbert e Ackermann) e o intuicionismo (Brouwer e Weyl).

No Circulo de Viena, a maioria dos pensadores aceitava a concepção logicista, no sentido de determinar a validade e a amplitude das orientações formais. Por parte de R. Carnap, havia uma simpatia, pelo método formalista de Hilbert, porque coincidia com o ênfase no método hipotético-dedutivo e muito se aprendeu acerca da constituição e análise dos sistemas formais.

Já Frege tinha ressaltado que os problemas dos fundamentos da Matemática só podem resolver-se se nos detemos, não só na Matemática pura, como também no uso dos conceitos em enunciados fácticos. O mesmo Frege tinha chegado a uma explicação sobre números cardinais, perguntando-se: que significa cinco em contextos como: tenho cinco dedos na minha mão direita?

Schlick e Carnap chegaram à filosofia, a partir da Física, admirando os matemáticos a partir do ponto de vista da sua aplicação na ciência empírica. Ocorre a ideia de que, a partir desta aplicação, pareceria haver uma possibilidade de reconciliar o conflito entre logicismo e formalismo. Suponhamos que as matemáticas foram construídas, num primeiro momento, como sistema puramente formal, à maneira de Hilbert e que, na continuação, se acrescentam regras para a aplicação de símbolos e enunciados matemáticos em Física, assim como para utilizar teoremas para deduções na linguagem da Física. Estas regras devem dar implicitamente uma interpretação das matemáticas.

Por volta de 1930, Carnap fez algumas observações sobre a maneira de chegar a um acordo entre logicismo e formalismo.

R. Carnap sentia forte inclinação pela concepção “construtivista”, na qual se indica uma linguagem, denunciada “linguagem I”, que cumpria os requisitos essenciais

¹ Cf. R. CARNAP – Autobiografia intelectual, tradução do inglês, Barcelona, Ediciones Paidós, 1992, 90-91.

do konstruktivismo e que tem algumas vantagens em comparação com a linguagem de Brouwer.²

Segundo o princípio da tolerância lógica de R. Carnap, será importante distinguir entre definições e provas construtivas e não-construtivas, parecendo recomendável não vetar determinadas formas de proceder e de investigar formas de utilidade prática. Certo é que determinados procedimentos, como aqueles que são admitidos pelo construtivismo e pelo intuicionismo, são mais seguros que outros e será recomendável aplicá-los na medida do possível. A aceitação do termo – matemáticas – compreende a teoria dos números de diferentes tipos e suas funções, tal como a “álgebra abstracta”, a teoria dos grupos e anéis, etc.

Relativamente à Geometria, o Circulo de Viena estabeleceu a distinção entre Geometria matemática e Geometria física. A primeira deve considerar-se como parte das matemáticas ou da lógica das relações, a segunda será parte da Física.

Se se trata de uma estrutura euclidiana e de diversas estruturas não-euclidianas, então será a do espaço da natureza, tal como o descreve a Física, que se converteu num problema empírico, uma vez fixadas as necessárias definições ou regras para a determinação da congruência.³

Desenvolvendo a ideia de uma sintaxe lógica da linguagem, como uma teoria puramente analítica da estrutura de suas expressões, surgirá a Matemática como forma linguística, em R. Carnap, tal como desenvolveremos e criticaremos ao longo deste estudo de filosofia da matemática.

UMA FORMA ANALÍTICA DE LINGUAGEM

É oportuno facilitar a compreensão e a verificação, formando a exposição de um sistema de constituição, paralelamente em muitos modos de expressão ou linguagens. Segundo R. Carnap, usamos quatro linguagens na exposição do projecto do nosso sistema de constituição, as quais se diferenciam entre as suas partes formalmente.

Com esta diversidade de sentido, entende-se a diversidade de representações que podem ser unidas às fórmulas de constituição de um objecto, que é formada e, relativamente ao sentido, neutral. Trata-se, pois, de uma diversidade de sentidos com o mesmo valor lógico. A linguagem fundamental do sistema de constituição é a linguagem simbólica. Esta apresenta-se como a autêntica e exacta expressão da constituição do mundo. As outras linguagens servem como linguagens auxiliares.

Segundo o projecto de R. Carnap, apresentaremos, nesta linguagem, a constituição dos graus inferiores. Será o motivo porque não está nos “factos”, que os objectos de espécies superiores apresentam dificuldades para a sua expressibilidade nesta linguagem. Mas o problema da constituição dos objectos superiores não foi ainda resolvido de forma rigorosa.

² Cf. *Ibidem*, 94.

³ Cf. M. SCHLICK – *Space and Time in Contemporary Physics*, Oxford, At the University Press, 1920, 16-34.

As outras três linguagens revelam-se como traduções da linguagem logística (lógica simbólica). Depois de uma definição constitucional, fornece-se uma tradução simples da palavra. Segue-se a tradução na linguagem realística, a qual se usa comumente na ciência da realidade. Isto serve, sobremaneira, para mais fácil reconhecimento da correcção do conteúdo, mediante a definição constitucional, aparecendo efectivamente o objecto conhecido. Finalmente surge a linguagem de uma constituição fictícia, que concebe a constituição como modelo para uma operação constitutiva. Isto serve para intuitivo reconhecimento da correcção formal da constituição ao determinar se qualquer definição constitucional é construtiva.

A autêntica linguagem do sistema de constituição será a linguagem simbólica da logística ou lógica formal moderna (lógica matemática). Vem dada, sob “forma simbólica”, a constituição dos objectos singulares, em graus inferiores e algumas asserções (teoremas) como exemplos. Aqui temos dois motivos em favor desta linguagem simbólica.⁴

Uma formação constitutiva deve ser absolutamente diferenciada do correspondente objecto conhecido da vida quotidiana ou da ciência. O uso do simbolismo é ainda muito importante para satisfazer algumas exigências e deve-se demonstrar que todos os objectos são reduzíveis a alguns objectos fundamentais e as proposições em torno dos objectos são transformados em proposições que contenham contra-sinais dos objectos fundamentais e dos sinais lógicos. O valor da representação axiomática de uma teoria depende da pureza da derivação dos teoremas.

Como o uso da linguagem verbal provem de um simbolismo particular, esta pureza será garantida só se fosse, entretanto, um sistema de conceitos da lógica simbólica numa linguagem verbal, em particular dos conceitos da teoria da relação que, em relação ao sistema da constituição do mundo, é o ramo mais importante da lógica formal.

Assim estão as mesmas vantagens em Matemática pelo uso do simbolismo, relativamente a um procedimento, no qual todas as equações e operações seriam expressas em linguagem verbal.

O conhecimento da lógica simbólica não é condição pressuposta para a compreensão da teoria da constituição e não é significativa para a compreensão do projecto num sistema de constituição, dado que todas as fórmulas logísticas serão postas numa transcrição de palavras. Segundo R. Carnap, para quaisquer fórmulas simbólicas da constituição, apresentaremos uma transcrição na palavra. Esta transcrição não deve ver considerada como redacção rigorosa da constituição. Esta tem o fim de indicar o sentido da fórmula de modo mais compreensível. A transcrição da linguagem deverá, utilizando os precedentes modos de indicação, ser indicada pelos k-sinais. A linguagem realística corresponde às expressões indicadas mediante os p-sinais. Em qualquer constituição indicaremos, na linguagem realística, o estado do facto fundamental.⁵

4 Cf. A. G. MANNO – Filosofia della Matematica, Milano, Marzorati Editore, 1972, 166-167.

5 Cf. R. CARNAP – La costruzione logica del Mundo, tradução do alemão, Milano, Fratelli Fabbrì Editori, 1966, 228-229.

A introdução de novo sinal, mediante uma definição constitucional, não tem o valor económico consistente pelo facto que a formação constitutiva poderá ser indicada na outra constituição do mundo. A definição contem, entretanto, uma afirmação e a categoria de certo objecto conhecido pode ser derivado, segundo o conceito racional. Todavia, não é fácil reconhecer que uma formação não constituída corresponde efectivamente a certo objecto conhecido. O reconhecimento desta concordância está facilitado pela tradução da constituição de um objecto na linguagem realística.

As singulares constituições são traduzidas numa quarta linguagem, numa linguagem de características fictícias. A definição constitucional não vem concebida como denominação ou como caracterização de objectos conhecidos, mas como modelo de operação para um procedimento construtivo. Poderemos dizer que as constituições são, de certo modo, processos manipuláveis e a tradução destas responde, no melhor modo, aos requerimentos do expediente clarificador. Esta clarificação não só facilita a compreensão, como também tem “valor eurístico” no processo constitutivo.⁶

Tal como na ciência, a elaboração, a formação do objecto e o reconhecimento aparecem de modo intuitivo e não na forma de inferência lógica. A admissão de novas entidades pressupõe novas formas linguísticas. Daqui se inferem duas ordens de problemas:

- a questão da existência de entidades ditas com forma linguística relativa;
- as questões concernentes à existência da realidade do sistema das novas entidades como um todo a que chamamos “questões externas”.

As “questões internas” e a eventual resposta serão formuladas com ajuda de novas formas de expressão. A resposta deve ser dada, ora com base em métodos puramente lógicos, ora com base em métodos empíricos, no seguimento da natureza das entidades que se pesquisam, se se trata de formas lógicas ou de factuais.

A “questão externa” é de carácter problemático e requer exame aprofundado. Se alguém deseja falar na sua linguagem, acerca de um novo tipo de entidade, então deve introduzir um sistema de novas maneiras de falar. Denominamos procedimento de construção ao “sistema de referência linguístico”, para novas entidades em questão.

Agora, segundo R. Carnap, devemos distinguir dois tipos de questões de existência. Em primeiro lugar, as questões da existência de certas entidades, de novo tipo no interior do sistema representado pelo linguístico, serão as “questões internas”. Em segundo lugar, as questões concernentes à existência ou à realidade do sistema de entidades, como um todo, são designadas “questões externas”.⁷

Segundo R. Carnap, formulam-se as questões internas e suas possíveis respostas com a ajuda das novas formas de expressão.

⁶ Cf. *Ibidem*, 230.

⁷ Cf. *Ibidem*, 231.

Podem-se encontrar as respostas, ou através de métodos puramente lógicos ou através de métodos empíricos, dependendo do sistema de referência ser lógico ou factual. Na verdade, uma questão externa possui carácter problemático e tem necessidade de um exame mais íntimo.

A linguagem das coisas (*thing language*), falando genericamente, será aquela que guarda os objectos espaço-temporais, experimentados sensivelmente. Esta linguagem, ao prescindir dos problemas epistemológicos (psicológicos, gnoseológicos, etc.), tem os seus critérios para decidir se uma realidade existe ou não. Poderemos dizer, deixando sem prejuízo a questão teórica ou metafísica acerca da realidade do mundo externo, onde o facto se enquadra num sistema de outros factos reconhecidos e ocupa posição particular nas relações espaço-temporais de um campo que o circunscreve e, do ponto de vista empírico, é objectivo. São estas questões internas que guardam os factos empíricos.⁸

As questões internas, de ordem factual, necessitam ser distinguidas das questões externas. A linguagem das coisas, sustenta R. Carnap, não indica a fé na existência objectiva do mundo externo, mas somente a aceitação de algumas regras para a formulação das afirmações que a guardam ou a refutem.⁹

A aceitação de uma linguagem das coisas conduz, com base nas observações efectuadas, à aceitação, crença e asserção de certos enunciados.

Todavia, a tese da realidade do “mundo das coisas” não pode estar entre esses enunciados, porque não se pode formular na linguagem das coisas ou em qualquer linguagem teórica.¹⁰ A decisão de aceitar a linguagem das coisas, segundo R. Carnap, embora não seja *per se* uma decisão de natureza cognitiva, será, no entanto, comumente influenciada pelo conhecimento formal, assim como é qualquer outra decisão deliberada concernente à aceitação das regras linguísticas. Os propósitos, para os quais se pretende usar a linguagem, por exemplo, ao comunicar o conhecimento factual, determinarão quais são os factores relevantes para a decisão. A eficiência, a produtividade e a simplicidade, no uso da linguagem das coisas, podem encontrar-se entre os “factores decisivos”. As questões concernentes a essas qualidades são questões de natureza teórica. Com efeito, não se podem identificar estas questões com as do realismo.

Não se trata de questões simplistas, mas de questões de grau. A “linguagem das coisas” opera *de facto* com alto grau de eficiência para muitos fins na vida quotidiana. Esta é uma questão, de facto, baseada no conteúdo das nossas experiências.¹¹

Carnap não apresenta as razões desta “qualidade”. Estas não se encontram em regras fantásticas ou arbitrárias. A linguagem das coisas reenvia a realidade objectiva, existindo independentemente da sensação. Parece que Carnap revela um raciocínio ambíguo e apresenta uma posição pré-crítica e antirealista.

8 Cf. *Ibidem*, 233-234.

9 Cf. R. CARNAP – *Meaning and Necessity, a Study in Semantics and Modal Logic*, Chicago, The University Press, 1958, 205-207.

10 Cf. *Ibidem*, 229-231.

11 Cf. *Ibidem*, 217-218.

A SINTAXE LÓGICA DA LINGUAGEM

Na perspectiva de R. Carnap, por “sintaxe lógica” de uma linguagem definida deve entender-se a teoria formal dessa linguagem. Chama-se de “formal” às considerações ou asserções que implicam referência à expressão linguística sem qualquer referência ao sentido ou à significação que ela poderá possuir. Uma investigação formal de uma oração determinada não se refere ao seu sentido ou ao significado de cada palavra, mas antes ao género das palavras e à ordem mediante a qual se sucedem umas às outras.¹²

Para R. Carnap, pelo menos em relação à Matemática, já existe uma teoria formal da linguagem, conhecida através dos trabalhos de D. Hilbert (Circulo de Berlin). O *mathematicorum princeps* propõe uma teoria a que deu o nome de “meta-matemática” ou teoria da prova, ao aplicar o método formal e dedutivo.

Segundo a teoria de Hilbert, a Matemática é definida como sistema de símbolos determinados, aqueles mesmos que serão tratados de acordo com regras definidas, sem que se mencione o significado dos mesmos em qualquer lado.¹³

As matemáticas não correspondem senão a um sector específico dentro da totalidade da linguagem, que inclui muitos outros ramos. O mesmo método formal proposto por D. Hilbert ao sistema da Matemática, será aplicado por R. Carnap ao domínio da sintaxe lógica, bem como à totalidade da ciência e a qualquer outro sistema de linguagem. Aqui temos uma generalização a toda a linguagem quer factual, quer não-factual. A posição do Circulo de Viena (Carnap) apresenta-se mais extensiva do que a referida pelo Circulo de Berlin (Hilbert).

REGRAS DE FORMAÇÃO

Sempre que se diz que os objectos da sintaxe lógica são as linguagens, a palavra linguagem deverá entender-se como “sistemas de regras” do falar, diferentemente das suas acções. Um sistema de linguagem consiste em dois géneros de regras a que chamamos regras de formação e regras de transformação. As regras de formação de um sistema O de linguagem determinam como podem ser construídas as proposições do sistema O a partir de diferentes espécies de símbolos.¹⁴ Uma das regras de formação da língua portuguesa estabeleceu que uma série de quatro palavras (um artigo, um substantivo, um verbo na sua flexão, e um quarto elemento), formam uma “oração”. Esta regra de formação é similar às regras gramaticais, especialmente quanto às da sintaxe. As regras usadas pela sintaxe gramatical não são sempre *in stricto sensu*. Diferentemente da sintaxe gramatical, na sintaxe lógica todas as referências ao significado das palavras é excluído.

A totalidade das regras de formação de um sistema – O – de linguagem é equivalente à definição da expressão “oração de O”. Uma série de palavras constituem

12 Cf. R. CARNAP – Filosofia y Sintaxis Lógica, tradução do inglês, México, Centro de Estudios Filosóficos, 1963, 25.

13 Cf. D. HILBERT; P. BERNAYS - Die Grundlagen der Mathematik, Band I, Berlin, Springer-Verlag, 1934, 10-49.

14 Cf. L. A. CERQUEIRA; A. OLIVA – Introdução à Lógica, Rio de Janeiro, Zahar Editores, 1980, 25-26.

uma oração no sistema O se e só se têm esta ou aquela forma. Os lógicos fizeram sistemas de linguagens, que resultam como simples e, também, mais exactos do que as linguagens naturais. Em vez de palavras, usamos símbolos semelhantes aos dos matemáticos. Poderemos usar a “simbologia” de Hilbert e Ackermann, que se poderá resumir a duas regras fundamentais de formação dessa linguagem formal:

- Uma expressão consiste num predicado ($\neq F; F$), sendo uma ou mais variáveis individuais como proposição;
- Uma expressão, que consista em duas proposições e um sinal conectivo ($V; \rightarrow; \cdot; \leftrightarrow$) entre elas, também é uma proposição.

Daqui, pela dedução, poderão surgir proposições como:

$$p \vee \neg p; \quad (p \rightarrow q) \cdot (q \rightarrow r) \rightarrow (p \rightarrow r)^{15}$$

2.2 – REGRAS DE TRANSFORMAÇÃO

Mais importante do que as regras de formação são as regras de transformação. Elas determinam como, dadas as proposições, podem ser transformadas noutras ou, por outras palavras, de umas poderemos inferir outras.

Assim, poderemos enunciar numa forma silogística:

todos os a são b ;
 todos os b são c ;
 todos os a são c .

Na busca de elaborar proposições, poderemos substituir as letras a , b e c por três nomes. Assim, para ilustrar, teremos:

todas as **águias** são pássaros;
 todos os **pássaros** são **animais**;
 logo, todas as **águias** são **animais**.

Na linguagem simbólica, de Hilbert e Ackermann, teremos a regra seguinte: $p \rightarrow q$, onde o functor \rightarrow será o sinal da implicação.

A totalidade das regras de transformação de um sistema O de linguagem pode ser formulada como definição da expressão directa em O .

Será de notar que um axioma ou proposição primitiva de uma linguagem pode estabelecer-se também na forma de regra de inferência e na parte da definição de “consequência directa”. A diferença determina somente que, neste caso, a classe das premissas é uma classe nula. Em vez da regra $p \rightarrow p \vee q$, terá de ser uma proposição primitiva da linguagem O , daqui que $p \rightarrow p \vee q$, sendo consequência directa de premissas de classe nula. Se se liga uma classe P de premissas com determinada proposição C , mediante uma cadeia de proposições, de tal maneira que cada proposição da cadeia será consequência directa de algumas precedentes

¹⁵ Cf. L. HEGENBERG – Lógica Simbólica, tradução do inglês, S. Paulo, Herder, 1966, 10-46.

no encadeamento. Chamaremos à proposição C uma consequência da classe P de premissas. O termo “consequência” será um dos termos mais importantes da “sintaxe lógica”.

Para R. Carnap, um sistema de linguagem será um conjunto de regras de formação e de transformação. Logo, a sintaxe lógica de um sistema – O – de linguagem consta de duas partes: a investigação e a análise das regras de formação e das regras de transformação de O . A primeira parte é semelhante à gramática, enquanto que a segunda pertence à lógica, de modo especial à inferência.¹⁶

O desenvolvimento da lógica moderna mostrou, com grande clarividência, como as regras da inferência podem expressar-se de maneira formal, isto sem qualquer referência ao “significado”, ficando o símbolo enquanto tal. Igualmente, surge uma axiomatização da linguagem simbólica. Aqui temos um dos objectivos da Lógica Matemática, que trata de enunciados formais e dos métodos por meio dos quais se podem concluir enunciados a partir de outros enunciados.¹⁷ A nossa tarefa será obter a consequência deste desenvolvimento e determinar a totalidade do sistema da lógica de uma maneira formal.

Segundo R. Carnap, entre a lógica e a gramática, por outras palavras, entre as regras da transformação e as da formação não existe diferença fundamental. A transformação e a inferência dependem do carácter formal das proposições ou dependem da sua forma sintáctica. Esta é a razão pela qual aplicamos o nome de “sintaxe”, não como se usa na linguística.

TERMOS SINTÁCTICOS

Os termos de proposição e consequência directa são termos primitivos da “sintaxe lógica”. Cada um dos outros termos da sintaxe pode ser definido no fundamento destes dois termos. Um sistema de linguagem ou conjunto de regras de transformação terão, entre as proposições desta linguagem, sentenças verdadeiras e falsas. Parece-nos impossibilitado para definir, mediante a sintaxe, os termos verdadeiros e falsos, porque uma sentença será verdadeira ou falsa, dependendo geralmente não só da forma sintáctica, como também da experiência, como elemento extralinguístico. Uma sentença apresenta-se verdadeira ou falsa em razão das regras da linguagem, denominando-se, assim, de válidas ou contraválidas.

Chama-se “contraválida” a uma proposição A' , de determinado sistema de linguagem, se qualquer proposição do sistema é consequência de A . Qualquer proposição da linguagem dos *Principia Mathematica*, $(p \cdot \neg p)$, prova ser reprovada neste sistema e como contraválida.¹⁷ Pelo pensamento de R. Carnap, chamaremos “determinada” a uma sentença se esta é ora válida ora contraválida. Chamaremos a uma sentença indeterminada, se esta não é nem válida, nem contraválida. Assim, as sentenças determinadas são aquelas cujo valor de verdade está definido pelas regras da linguagem. No sistema lógico de Russell, podem-se construir sentenças indeterminadas mediante a introdução de constantes “não-lógicas”. Supomos, por

16 Cf. R. CARNAP – *Filosofia y Sintaxis Lógica*, 29.

17 Cf. *Idem* – *The Logical Syntax of Language*, London, Routledge and Kegan Paul Ltd., 1971, 19-45.

exemplo, que a e b sejam nomes de pessoas e H designa a relação filial. Então $a H b$ será uma proposição indeterminada, porque a sua verdade obviamente não pode ser determinada pelas regras do sistema de Russell.

Nas linguagens simbólicas da lógica moderna, às regras de transformação pertencem, também, as sentenças primitivas. Foram eleitas usualmente de tal maneira que parecem ser adequadas por razões lógicas. Seria igualmente possível estabelecer um sistema de linguagem no qual, além de tais regras lógicas, se determinam outras extralógicas. Na sua forma actual, contém somente proposições primitivas e regras de inferência que possuem carácter lógico. Chamar-se-ão regras L às regras de transformação com este carácter lógico ou matemático. As leis da física, com carácter de proposições primitivas, surgem, segundo R. Carnap, como regras de transformação (princípios da mecânica de Newton, equações electromagnéticas de Maxwell, os princípios da termodinâmica, etc.). Com efeito há um nome compreensível para estas regras extralógicas de transformação, as chamadas regras físicas ou “regras F ”. Desta forma, uma regra de transformação da linguagem é uma regra L ou regra F . A distinção entre estes dois géneros de regras é muito importante.¹⁸

Chama-se C uma consequência de classe P de sentenças – as premissas – e se existe uma cadeia de proposições construídas de acordo com regras de transformação, que ligue a classe P com a proposição C . Suponhamos agora que num determinado caso somente são aplicadas as regras L . Logo, denominaremos C consequência L de P . Se, por outra parte, C pode ser deduzida de P , então somente mediante a aplicação das regras P . Por outras palavras, se C é uma consequência, mas não uma consequência L de P , chamaremos a C consequência P de P . Para a dedução de C , necessitamos exclusivamente de regras L , isto é, de regras da lógica e da aritmética. Enquanto, para a dedução C_2 , necessitamos da regra F , sendo denominadas leis da mecânica. Assim, C_2 será uma consequência L , enquanto que C_2 será uma consequência F da classe P de premissas. Assim em correspondência ao “termo – consequência”, temos delimitado um termo L e um termo F e poderíamos delimitar também, de modo análogo, para os outros termos já previamente definidos (os termos L e os F).

Deste modo, uma oração é verdadeira exclusivamente por razões L e chamá-la-emos válida ou *analítica*. A definição exacta deste termo é perfeitamente “análoga” à definição de “válida de”. Denomina-se de “analítica” a uma proposição, se esta é consequência L de premissas da classe nula. Similarmente, chamamos de contra-válida L ou “contraditória” àquela oração que é falsa em razão das regras L .

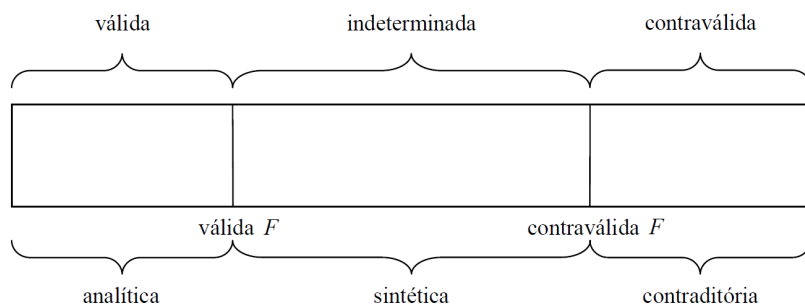
Em R. Carnap, chama-se contraditória de uma proposição a qualquer oração da linguagem se surge como consequência L da oração. Denomina-se – determinada – a uma oração, se esta é analítica ou contraditória. Se as regras L não são suficientes para a determinação da verdade ou de falsidade de uma dada oração, por outras palavras, se a proposição não é determinada, será indeterminada ou

18 Cf. R. CARNAP – Filosofia y Sintaxis Lógica, 32.

“sintética”. As orações sintéticas são aquelas que declaram uma situação factual.¹⁹

Os termos analíticos e sintéticos já foram usados na filosofia tradicional, particularmente no idealismo transcendental (Kant), como formas *a priori* da *Verstand* e expressões do valor cognoscitivo da Matemática (geometria) e da Física (mecânica de Newton). Mas, em R. Carnap, não tinham sido definidos com exactidão e careciam de fundamentação seja pela filosofia da linguagem, seja pela lógica simbólica.

Num sistema de linguagem que contenha, exclusivamente, regras *L*, por exemplo, nos sistemas dos – *Principia Mathematica* –, cada um dos termos definidos concorda perfeitamente com os termos correspondentes. Cada proposição válida ($p \vee \neg p$) será analítica, a qual na axiomática das proposições surge como teorema. Mas, cada proposição contraválida ($p \cdot \neg p$) é contraditória. Com efeito, as proposições indeterminadas, e somente estas, são “sintéticas”. Na verdade, se uma sentença é válida, mas não analítica, então chamam-se válidas em *F*. Se uma proposição é contraválida, então será não contraditória e denominada como contraválida. Os termos, que foram definidos, emprestam uma classificação das proposições que poderão ser representadas mediante o seguinte esquema:



Neste esquema compreendeu-se a totalidade das proposições da linguagem. De acordo com as regras de transformação, algumas das proposições são ora válidas, ora contraválidas. As restantes são indeterminadas. Entre as proposições válidas, algumas são analíticas, isto é, aquelas que são válidas exclusivamente com base nas regras *L*, sendo as outras válidas em *F*. Do mesmo modo, algumas das orações contraválidas são contraditórias, as demais são contraválidas em *F*. Toda aquela proposição que não é analítica, nem contraditória, será “sintética”. Os três termos, denominados analíticos, sintéticos e contraditórios, são usados na análise lógica de qualquer teoria científica.²⁰

O método, que estamos usando aqui e a que denominamos “sintaxe lógica”, caracteriza-se por se limitar a si mesmo, em termos definidos, de maneira estritamente formal. O conteúdo de uma proposição representa o seu sentido, no grau em que a palavra “sentido” será utilizada para designar algo com carácter puramente lógico. Em algumas ocasiões, por “sentido” significa-se o género de pensamentos e imagens que estão em conexão com a sentença dada. Neste caso, o problema

19 Cf. F. S. BARKER – Filosofia da Matemática, tradução do inglês, Rio de Janeiro, Zahar Editores, 1969, 46-100.

20 Cf. R. CARNAP – Filosofia y Sintaxis Lógica, 34-35.

seria psicológico e deveria ser examinado mediante métodos experimentais. Estes problemas não cabem dentro da “análise lógica”. Todo e qualquer problema de sentido, que tenha presente um carácter lógico, poderá ser tratado mediante o método formal da sintaxe.

De modo semelhante, duas expressões, que *per se* mesmas não são sentenças, mas que aparecem na proposição, podem ter o mesmo sentido e o mesmo significado apesar de ter uma diferente formulação verbal. Esta relação, que designamos mediante o termo “sinónimo”, pode ser definida de uma maneira formal. Assim, chamam-se mutuamente “sinónimas” às duas expressões, se o conteúdo de qualquer sentença, que inclua uma delas, não se modifica se substituirmos essa expressão por outra. As expressões aritméticas:

$$5 + 2 = 7 \text{ ou } 4 + 3 = 7$$

são “sinónimas”, porque o conteúdo de uma sentença não resulta mudado, se à dita proposição substituirmos: $5 + 2 = 7$ por $4 + 3 = 7$ ou *vice versa*.²¹

As anteriores proposições constituem exemplos, de termos baseados, na “consequência” (\rightarrow), que é o termo mais importante da “sintaxe”. A tarefa da sintaxe será estabelecer definições como as dos exemplos apresentados e analisar orações dadas, provas, teorias e elementos similares, mediante a ajuda dos termos sintácticos. Os resultados de tal análise encontram-se formulados como “sentenças sintácticas”. Se estabelecermos sentenças, de forma simples, que contenham termos sintácticos, bem definidos, é fácil constatar que são sentenças sintácticas. Mas, existem outras proposições que parecem ser de uma espécie completamente diferente e que são na realidade sintácticas. Este aspecto é fundamental, sobretudo, se estamos tratando de discursos filosóficas. Estas sentenças parecem referir-se não só à forma das experiências linguísticas como também, e principalmente, a outros objectos distintos como a estrutura do espaço e do tempo, a relação entre causa e efeito, a relação entre coisas e suas qualidades, etc. Para Carnap, em contraste com as proposições sintácticas, existem aquelas que não se referem a expressões linguísticas, mas antes a objectos extralinguísticos, que poderão denominar-se de “sentenças de objectos-autênticos”. Existe uma terceira classe de sentenças intermédias entre ambas. As proposições desta classe são anfíbias, atendendo à sua forma e são “orações de objecto”. Atendendo ao seu conteúdo, serão sintácticas e denominam-se sentenças pseudo-objectos.

Em filosofia, as orações de pseudo-objectos revelam o modo material de falar e poderá ser exemplificado pelas proposições atómicas ou moleculares. Todas as proposições da ciência empírica e todas as sentenças, que asseveram factos, seja gerais ou seja singulares, são proposições de objectos autênticos. Assim, todas as orações da “análise lógica” e da filosofia pertencem à segunda ou à terceira espécies. Pela maneira de falar, utilizada nas sentenças de pseudo-objectos, temos palavras que se referem a objectos ou ao tema, enquanto que as palavras usadas nas orações sintácticas obviamente referem-se à forma. Por esta razão, às proposi-

21 Cf. M. CROSS – Modelos Matemáticos em Linguística, Rio de Janeiro, Zahar Editores, 1976, 12-64; 65-69; 70-76.

ções de pseudo-objectos também se chamam orações no modo material de falar, enquanto que as orações sintáticas se consideram como modo formal de falar.²²

No pensamento de R. Carnap, encontramos novamente o carácter enganoso do modo material referido ao tema das suas sentenças. Muitas das proposições da filosofia enganam-nos desta maneira, porque a maior parte delas são formuladas pelo modo material de falar. Verificamos como podem ser traduzidas para o modo formal de falar, isto é, as proposições que manifestamente pertencem à sintaxe. Estas considerações consideram-se importantes para as ditas proposições, como resultado da Análise Lógica. O uso deste modo material conduz com frequência a confusões e a controvérsias filosóficas, que podem resolver-se mediante a mudança da tese para o modo formal.

O NÚMERO COMO LINGUAGEM FORMAL

O sistema de números naturais é colocado decididamente na ordem lógica, antes de ser na ordem factual. Constrói-se um sistema de referência, introduzindo-se na linguagem novas expressões com regras apropriadas: numerais tais como 5 e formas de sentenças como aquelas que existem; cinco livros sobre a mesa. O termo geral “número”, para as novas entidades e formas de sentenças, tais como “cinco”, refere-se aos números naturais e expressões para as propriedades dos números (impar, primo, etc.), para as relações formais ($a > b$; $b > c$, logo $a > c$) e para as funções ($y = f(x)$) e formas das sentenças, tais como: $2 + 3 = 5$; “variáveis numéricas” (m, n, x, y, z , etc.) e quantificadores ($\rightarrow, \forall, ;, \leftrightarrow$), para as sentenças universais ($\forall n$) e para as existências (\exists , etc.) pelas regras dedutivas.

Entretanto, não só se encontram as respostas através de observações empíricas, mas também na “análise lógica” regras fundamentadas para novas expressões. Portanto, as respostas são aqui analíticas, isto é, logicamente “verdadeiras”.²³ Qual é a natureza da questão filosófica concernente à existência ou realidade dos números?

Existe a questão interna que, juntamente com a resposta afirmativa, pode ser formulada em novos termos, digamos porque “existem números” ou mais explicitamente “existe um n tal que n é número. Este enunciado decorre do elemento analítico: cinco é um número e é, portanto, *per se* um enunciado analítico. Ele é muito “trivial”, porque nada diz além de afirmar que o novo sistema não é vazio, mas infere-se imediatamente a partir da regra que enuncia que palavras tais como “cinco” são substituíveis por outras “variáveis” (p, q, r, s , etc.). Isto torna plausível que aqueles filósofos que tratam da existência dos números como um problema filosófico, oferecem amplos argumentos, para qualquer um dos lados, e não têm em mente a questão interna.

E, de facto, se lhes perguntássemos, “vocês acham que a questão em relação ao sistema de referência dos números, se a aceitássemos, seria vazia ou não? Provavelmente responderiam: de algum modo referimo-nos a uma questão anterior à aceitação do novo sistema.”²⁴ Eles poderiam tentar explicar a que se referem, di-

22 Cf. R. CARNAP – The Logical Syntax of Language, 19-36.

23 Cf. Idem – Meaning and Necessity, a Study in Semantics and Modal Logic, 210.

24 Cf. Idem – The Logical Syntax of Language, 16-49; 50-68; 71-86.

zendo que se trata de uma questão de *status* ontológico dos números. A questão está em saber se os números possuem ou não uma característica metafísica, uma espécie de realidade ideal, diferente da realidade material do mundo das coisas, como subsistência ou *status* de entidades independentes.

Muitos filósofos não apresentaram uma formulação da questão em termos da linguagem científica. A crítica de R. Carnap deve ser de que não tiveram sucesso em atribuir à questão externa e às respostas possíveis algum conteúdo cognitivo. A menos que superem uma interpretação cognitiva, estamos justificados na nossa suspeita de que a questão é uma pseudo-questão, isto é, uma questão disfarçada sob uma forma não-teórica. No presente caso é um problema prático saber se incorporamos ou não, na linguagem, as novas formas linguísticas que constituem o sistema de referência dos números.²⁴ Considerando as “questões externas”, na procura da natureza das proposições matemáticas, surge o poder de reduzir o problema da Matemática a uma questão interna da linguagem.

Atendendo a estes pressupostos, R. Carnap analisa o carácter das várias ordens de entidades matemáticas:

- Distingue o sistema dos números internos e racionais, o sistema dos números reais e as coordenadas espacio-temporais em Física.
- O sistema dos números inteiros abraça os inteiros positivos e os negativos como relação entre números naturais. Os números racionais estabelecem a relação entre os inteiros.

Isto determina a introdução de novas variáveis na sintaxe com expressões substitutivas da mesma e na introdução dos termos “inteiro” e “número racional”. Com base nos números racionais, pode-se introduzir os números reais como classes de um tipo especial de números (segundo Frege). Surgem como novo tipo de variáveis e de expressões que as substituem e pelo termo geral de “número real”. A escolha de algumas características, embora não seja em si mesma “teórica”, é sugerida pelo conhecimento teórico, seja lógico seja factual.²⁵

A escolha dos números reais, ao contrário dos números racionais ou inteiros, como coordenadas, não é tão influenciada pela experiência, mas é devida a considerações de simplicidade matemática. A restrição nas coordenadas racionais, não entraria em conflito com nenhum conhecimento experimental que temos porque o resultado de toda a medição é um número racional. Contudo, evitaria o uso da Geometria comum (diagonal de um quadrado de lado igual a 1 tem um valor irracional igual a $\sqrt{2}$) e isto leva a grandes complicações. Segundo R. Carnap, a decisão de usar três ao invés de duas ou quatro coordenadas espaciais é sugerida, mas ainda assim não nos é imposta pelos resultados das observações comuns.

As questões internas são, em geral, empíricas e devem ser respondidas através de investigações empíricas. Com efeito, as questões externas da realidade do espaço e do tempo são pseudo-problemas. Poderá fazer-se referência a elas como questão interna.

²⁵ Cf. Idem – Foundations of Logic and Mathematics, in: International Encyclopedia of Unified Science, Volume I, Number 3, Chicago, University of Chicago Press, 1950, 3-5.

Logo, a resposta afirmativa será analítica ou trivial. Mas, poderemos introduzir estas ou aquelas formas na nossa linguagem. Neste caso não se trata de uma questão teórica, mas de ordem prática. Em matemática isto sucede, porque vai da pura à aplicada, como se poderá ver exemplificativamente:

$$ax^2+bx+c=0$$

A equação do 2º grau origina, pelo método da inferência, uma fórmula resolvente:

$$x = \frac{-b \pm \sqrt{b^2 - 4a}}{2a}$$

Assim, as equações algébricas tornam-se aplicáveis, desde a física até à química, como “linguagens externas”.²⁶ Uma questão de decisão ao invés seria uma questão de afirmação. Logo, a formulação proposta seria um mal-entendido.

Finalmente poderá fazer-se referência a ela no seguinte sentido: as nossas experiências são tais que o uso das fórmulas linguísticas em questão serão expedientes. Esta é, naturalmente, uma questão teórica de natureza empírica ou factual. Todavia, ela diz respeito a uma questão de grau. Portanto, tem uma formulação na expressão “real ou não”? A entidade matemática, refere R. Carnap, possui valor linguístico. A aceitação de novo tipo de entidades é representada na linguagem pela introdução de um sistema de referência a ser usado segundo um novo conjunto de regras. Poderão existir novos nomes para as entidades particulares do tipo em questão.

Mas, alguns desses nomes poderão ocorrer na linguagem, antes da introdução de novo sistema de referência. Este último facto mostra que a ocorrência de constantes não é sinal certo da aceitação do novo tipo de entidades. A introdução de um termo geral, de um predicado de nível superior, para o novo tipo de entidades, permite-nos dizer que qualquer entidade particular, pertence a este grau (cinco é um número). As novas entidades são valores dessas variáveis. As constantes são substituíveis por variáveis. Com o auxílio das variáveis, formulamos sentenças gerais concernentes a novas entidades.²⁷

Poderemos falar da aceitação de novas entidades, uma vez que esta forma de discurso é costumeira, mas deve-se ter em mente que esta expressão não significa para nós nada mais do que a aceitação de novo sistema de referência, isto é, das novas formas linguísticas. O carácter não-cognoscitivo das questões, que chamamos “questões externas”, já foi reconhecido e determinado pelo Círculo de Viena.

A “entidade matemática”, salienta R. Carnap, tem um “valor linguístico” ao referir uma existência autónoma. Será necessário reconhecer, todavia, a existência das fórmulas matemáticas na “linguagem das coisas”, numa expressão como esta: eu tenho dez dedos. Mas, a aceitação deste tipo de linguagem não significa a aceitação de novas entidades realísticas devido à abstracção:

$$(a+b)^2=a^2+2ab+b^2$$

26 Cf. Idem – *Meaning and Necessity, a Study in Semantics and Modal Logic*, 211-213.

27 Cf. Idem – *Ibidem*, 219-220.

R. Carnap, referindo-se às posições de fundo, reclama as teses do empirismo lógico do Círculo de Viena. Influenciado pelas ideias de L. Wittgenstein, o Círculo de Viena rejeitou duas teses, quer a da realidade do mundo externo, quer a da sua irrealidade. Por sua iniciativa, R. Carnap rejeitou a acusação de platonismo e de nominalismo e afirma que a solução do problema consiste no valor linguístico das formas matemáticas.²⁸ Enquanto é pacífico, que as proposições factuais têm “valor semântico”, encontram-se em discussão os valores semânticos das entidades abstractas. Os termos são designados pela “entidade abstracta”, como por exemplo cinco designa um número:

$$5 \rightarrow \text{"número"}$$

$$2 + 3 = 5; 4 + 1 = 5.$$

Esta proposição, afirma R. Carnap, é de “natureza lógica” e pertence à “linguagem lógica”, da qual fazem parte as fórmulas matemáticas, e, em particular, as variáveis numéricas bem como os graus de “número”. Se a linguagem lógica é constitutiva, então qualquer que seja o número real a , existe um número natural n , tal que $n > a$, isto é:

$$(\forall a \in \mathfrak{R})(\exists n \in \mathfrak{N}): n > a.$$

A proposição anterior é um número puramente “analítico” e poderá traduzir-se pelo seu correspondente, que é um princípio da Análise Matemática. Se se aceitarmos, na linguagem formal, as entidades matemáticas, então aceitar-se-ão, de preferência, as proposições que as designam. As “entidades abstractas” são entes lógicos. A questão da admissibilidade das entidades abstractas, como as designadas, reduzem-se às questões da aceitabilidade das estruturas linguísticas desta “entidade”.²⁹ A crítica nominalística refuta as características dos nomes para expressões como o teorema de Bolzano-Cauchy: se a função f é contínua sobre o segmento $|a, b|$ e $f(a) = A$ e $f(b) = B$, então, para qualquer C , incluindo em A e B , existe um ponto $\xi \in |a, b|$, tal que $f(\xi) = C$. O teorema dos valores intermédios das “funções contínuas” tem a sua existência formal: dada numa função contínua sobre um segmento, tomando dois valores quaisquer,³⁰ levando-nos a concluir, com R. Carnap, pelo tratamento da existência formal como “questão teórica”. Evidentemente, considera R. Carnap, a validade das fórmulas linguísticas pelas entidades concretas não têm presente a distinção entre “questões internas e externas”. R. Carnap insiste na distinção entre entidades lógicas e entidades físicas, apresentando diversos tipos de demonstração para as duas ordens. A questão está em que a Matemática não se faz só com a ordem lógica, mas também com a real. R. Carnap refere que a justificação teórica, no caso de asserções internas, é erroneamente aplicada à aceitação de um sistema de entidades, sendo própria da dupla natureza da Matemática. Entretanto, R. Carnap exclui seja o nominalismo matemático seja o realismo, sustentando a natureza “lógica” do número. Assim tenta superar o empirismo que, afirmado por Berkeley e Hume, nega o valor dos conceitos e dos princípios gerais e refere-se à entidade concreta, à volta da qual somente a forma linguística terá significado. Alguns seguidores do pensamento de

28 Cf. Idem – Autobiografia intelectual, 90-91.

29 Cf. Ibidem, 105.

30 Cf. L. D. KUDRIAVTSEV – Curso de Análisis Matemático, 1, Moscú, Editorial Mir, 1983, 141.

Russell, distinguindo entre dados imediatos da consciência (*sense data*) e a construção baseada nesta, conferem valor somente aos dados.

R. Carnap não deixa de criticar a posição geral do empirismo, rejeitando a tese de que todas as entidades abstractas se reduzem aos dados imediatos da consciência ou aos dados imediatos do conhecimento.³¹ Os pontos espaço-temporais, o campo electromagnético segundo Maxwell, os electrões em física, os números reais e complexos em Matemática, as componentes psicológicas inconscientes e outras entidades analógicas não são dados imediatos. O mesmo deverá ser dito relativamente às “entidades abstractas”, como se designam pela Semântica. O problema das entidades abstractas não se coloca em termos de existência, mas de utilidade e de oportunidade. O uso das formas linguísticas abstractas é prático e útil para fins onde a análise semântica é directa, através da interpretação, da clarificação e da construção de uma linguagem comunicativa, tal como é apresentada pela ciência.³² Entre os filósofos, que conduziram as análises semânticas, relativamente aos instrumentos adequados pela comunicação científica, iniciada por Aristóteles, na semântica da *Analítica Prior* e, com uma base mais científica, pela lógica simbólica, estão Peirce e Frege que aceitaram as “entidades abstractas”. Todavia, esta, como reconhece R. Carnap, não é uma prova da sua verdade.

A Semântica, em sentido técnico, é referida na fase inicial do seu desenvolvimento e devemos estar preparados para mudanças nos seus métodos. Mesmo que a crítica nominalística possa ser exacta, deve apresentar melhores argumentos do que os até agora salientados. A crítica deve demonstrar que é possível construir um “método semântico” que evite algumas referências às “entidades abstractas” e elabore métodos, mais simples, essencialmente com os mesmos resultados do que os outros apresentam. A aceitação e a refutação das formas “linguísticas abstractas”, em qualquer ramo da ciência, deverão ser decisivas na sua eficiência, como instrumento dos resultados apresentados.

O INTERPRETACIONISMO LÓGICO

Sejamos cautos ao fazer afirmações e críticos, mas tolerantes no uso de formas linguísticas, assim conclui R. Carnap, num interessante estudo, sobre as “entidades abstractas”. Entre as quais se colocam as fórmulas matemáticas, como, por exemplo, o que se passa com o teorema de Newton-Leibniz:

$$\int_a^b f(x) \cdot dx = \phi(b) - \phi(a),$$

que constitui expressão fundamental do Cálculo Integral.

Sem dúvida, a sentença carnapiana traduz a expressão de uma reflexão aberta, além de metodológica, com respeito às posições antigas do rígido neopositivismo, documentado especialmente pela *Der Logische Aufbau der Welt* (1928) e pela *Logische Syntax der Sprache* (1932), que coloca como condição, do valor semântico das proposições, o princípio da verificabilidade.

31 Cf. R. CARNAP – Logical Foundations of Probability, Chicago, At the University Press, 1950, 1-12.

32 Cf. R. CARNAP – Meaning and Necessity, 220-221.

Na *sintaxe* lógica da linguagem, surgem esporádicas referências à Matemática, estando esta disciplina *in stricto sensu* ligada ao operar, como um “fazer formal”, que é a constituição das “sintaxes da ciência”, traduzível em termos formais e analíticos. A análise sintáctica de um dado sistema é, na realidade, uma realização puramente matemática. R. Carnap move-se em posições antitéticas. Por um lado, a Matemática está ligada à Lógica, que se apresenta não só numa “estrutura analítica”, como também “convencional” e, por outro, como instrumento insubstituível das ciências experimentais e, obviamente, condicionada à objectividade e à natureza sintética.

A construção lógica do mundo, que transmite o sistema de constituição dos conceitos, ter-lhe-á permitido a dedução e a redução dos factos espirituais e dos psíquicos à ordem física, procurando ser uma interpretação lógica. Na *sintaxe* lógica, dá-se um passo à frente, ao transmitir a redução da lógica modal às relações sintácticas, indo da intencionalidade à extensionalidade dos predicados, o que levou R. Carnap à consideração lógico-matemática do real. Aqui surge a procura especulativa para constituir uma “*sintaxe* geral” que servirá de base à especial.

A redução da intencionalidade à extensionalidade, enquanto amadurece o processo dedutivo ou argumentativo, identifica o método formal *a priori* com o *a posteriori* ou o analítico com o sintético.³³ Esta concepção coloca as premissas para uma *mathesis universalis*, caindo no erro do matematicismo ou do logicismo, tal como iniciara Leibniz, no século XVII, em Hanover. A cognoscibilidade do mundo *a priori*, com a conseqüente negação da natureza sintética, hipotética e estatística da ciência, determina a resolução das formas do conhecimento na ordem lógico-matemático.³⁴ R. Carnap tenta conciliar o logicismo com o formalismo, tendo criticado o intuicionismo de Brouwer, muito embora se encaminhe para os fundamentos lógicos da Matemática.

Assim, a fundamentação lógica da Matemática tem por objectivo, além de elaborar um cálculo formal, dar razão ao significado dos símbolos e das proposições analíticas. O logicismo de Frege, aperfeiçoado por Russell e Whitehead, reduzindo os símbolos fundamentais da Matemática aos símbolos da Lógica, prova as proposições primitivas e transmite as proposições da Lógica e das regras da inferência lógica. A fundamentação lógica da Matemática e a significação lógico-conceptual dos símbolos matemáticos são os caracteres elementares do logicismo.³⁵

O formalismo, sustentado pelos opositores de Frege, e aperfeiçoado por Hilbert e Ackermann, refere que a fundamentação lógica da matemática será efectuada mediante a construção de um sistema formal, de um cálculo e de um sistema de axiomas, pelos quais será possível provar as fórmulas da Matemática clássica., abstraindo do significado dos símbolos, definidos de forma implícita, mediante proposições primitivas do cálculo. As características do logicismo poderão reduzir-se aos seguintes elementos: a Lógica e a Matemática participam de um cálculo comum. O critério

33 Cf. Idem – *Der Logische Aufbau der Welt*, Hamburg, Felix Meiner-Verlag, 1961, 7-12.

34 Cf. Idem – *Introduction to Semantics*, Chicago, At the University Press, 1950, 10-19; 21-28; 40-56.

35 Cf. G. FREGE – *Lógica e Filosofia da Linguagem*, tradução do alemão, S. Paulo, EDUSP, 1978, 16-39; 40-65.

da construção matemática deve ser a liberdade da contradição; o método formal e a determinação matemática que será aplicada de forma rigorosa.³⁶

De acordo com os formalistas, ao separar-se a Matemática da Lógica, na formulação autónoma das regras da inferência e de transformação matemática, dá-se a formalização do cálculo e a exclusão dos problemas externos da matemática. R. Carnap observa que o objectivo pré-estabelecido não é absoluto, mediante a construção de um cálculo lógico-matemático, enquanto este não compreende todas as proposições que contenham símbolos matemáticos e são relevantes para a ciência, como as proposições conexas com a aplicação da Matemática.

O sistema deverá ser interpretado e deverá conter regras gerais de formação, relativamente ao uso de símbolos matemáticos, antes das proposições sintéticas descritivas, e regras de consequência, relativas a tais proposições. Este será o único modo, afirma Carnap, de tornar possível, a aplicabilidade da Matemática como resultado numérico de objectos empíricos e como cálculo de medida das grandezas. Uma estrutura do género satisfaz simultaneamente os requisitos, quer do formalismo, quer do logicismo. Por uma parte, o procedimento permanece puramente formal, por outra, o significado dos símbolos encontra-se estabilizado, de tal forma que torna possível a aplicação da Matemática à ciência real, enquanto o cálculo matemático fica incluído na linguagem total.³⁷

A contradição, entre as duas perspectivas de fundamentação lógica da Matemática, segundo o parecer de R. Carnap, é aparente. As duas posições são recíprocas e conduzem ao interpretacionismo lógico. O requisito central do logicismo resulta como complexo da fundamentação lógica da Matemática e não resulta somente de uma “metamatemática” (sintaxe da linguagem matemática). Mas antes de uma sintaxe da linguagem total, compreendem-se as proposições analíticas, mais do que as sintéticas.

Discurso análogo apresenta R. Carnap para a Geometria. Ele distingue a Geometria matemática da Geometria física. As proposições destas duas disciplinas, que, necessariamente, na linguagem ordinária aparecem formuladas nos mesmos termos verbais, possuem um carácter lógico diverso. A Geometria matemática faz parte da Matemática pura, quer aquela que vem constituída como sistema axiomático, quer aquela que é elaborada sob forma de Geometria analítica.

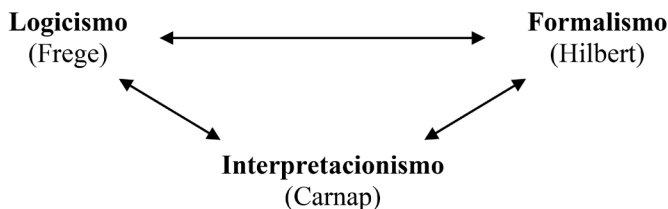
Os problemas da fundamentação da Geometria matemática reentram nas sintaxes dos sistemas axiomáticos. A Geometria física, naturalmente, faz parte da física e será construída sob a base de um sistema de Geometria clássica, mediante a definição de correspondência.

Com efeito, a dificuldade está em criar *a priori* este sistema de correspondência, que não vai para além das reflexões genéricas. R. Carnap reconhece que os teoremas da Geometria matemática são analíticos, enquanto que os teoremas da Geo-

36 Cf. W. V. QUINE – *Mathematical Logic*, Cambridge, At University Press, 1974, 19-48.

37 Cf. R. CARNAP – “Meaning and Synonymy in Natural Languages”, in: *Philosophical Studies*, (New York, 1955) 33-46.

metria física são sintéticos.³⁸ R. Carnap conseguiu realizar uma original leitura dos fundamentos da Matemática, que estão entre o logicismo e o formalismo, a que se poderá chamar de interpretacionismo. Dialecticamente poderemos dizer:



CONCLUSÃO

A Matemática, segundo R. Carnap, revela-se como linguagem analítica, tendo por base uma sintaxe lógica. A tentativa de R. Carnap, ao elaborar uma “sintaxe geral da linguagem”, na base das sintaxes das ciências singulares, tal como aconteceu da Geometria física à Geometria matemática, termina no ponto de saturação das diversas naturezas dos dois tipos de sintaxe: uma analítica e outra sintética. Se R. Carnap, que tem como fundamento do seu pensamento o “fiscalismo” e segundo tal perspectiva define a “unidade da ciência”, então os pressupostos lógico-ontológicos pode aproximar-se do sintético ao analítico. É aquilo que o formalismo quer evitar, considerando a Matemática independente dos problemas da ordem metafísica e também da física, considerando-a como um “jogo linguístico”. A conciliação é aparente, na medida em que a ciência experimental pode determinar uma síntese *a parte ante*.

Todavia, nesta tentativa, como no desenho gerado pelas duas teorias, a aproximação entre o *a priori* e o *a posteriori* exprime a ideia de unidade do real, que naturalmente nos reenvia a um princípio de ordem metafísica, em prejuízo do neopositivismo lógico.³⁹ Os empiristas, escreve R. Carnap, são suspeitos sobre qualquer grau de “entidades abstractas”, como: propriedades, classes, relações, números e proposições. Estes preferem uma linguagem nominalística, que guardam o singular, o indivíduo, a entidade concreta, etc. Todavia, em certos contextos, é necessário fazer recurso às “entidades abstractas”. Surgem não só no caso da Matemática, mas também na Física e perante as outras “ciências”. Alguns empiristas obstinam-se a negar a legitimidade do recurso a “entidades abstractas” e acusam os seus defensores de platonismo e de recorrerem à Metafísica. R. Carnap percorreu um caminho linguístico-formal para provar que se pode ser empirista e aceitar a linguagem das “entidades abstractas”. A Matemática, pelo pensamento de R. Carnap, aparece como “jogo linguístico” e, com fundamento formal, como conjunto de enunciados analíticos.

R. Carnap propõe uma “solução linguística” para os fundamentos da Matemática, mas, por um lado, segue o logicismo, e, por outro, o pragmatismo. Muitas vezes repete que o problema da Matemática é uma questão de fórmula linguística, ou de questões internas, quando afirma que a linguagem matemática é “funcional”, servindo objectivos práticos. É evidente que a ciência adoptou a linguagem ma-

38 Cf. Idem – “Logizismus”, in: Erkenntnis, 2 (Berlin, 1931) 16-18.

39 Cf. Idem – “Testability and Meaning”, in: Philosophy of Science, 3 (London, 1936) 16-20.

temática na relação com a realidade efectiva, que vem a condicioná-la e a concretizá-la. Esta última perspectiva conduz-nos à solução empírica e nominalística, que nega as “entidades abstractas” ou se admite enquanto exacta correspondência conceptual. Mas, R. Carnap não quer aceitar uma fundamentação empírica da Matemática.⁴⁰ Ele fala muito frequentemente da “natureza lógica” da Matemática, sujeitando-se esta às leis da inferência lógica e inscreve as proposições no conhecimento analítico. Assim, atribui um carácter ideal ou formal à Matemática. Por estas razões, é inscrito entre os logicistas sem o ser formalmente.

A contrariedade das suas posições será velada pela cortina das “formas linguísticas”, que deverá circunscrever-se ao problema interno da linguagem matemática. Quando se passa do problema sintáctico a um problema semântico, determinamos que a linguagem é sempre de um conteúdo físico ou ideal. R. Carnap avançou com a apresentação do valor e crítica das “entidades abstractas”, independentemente dos problemas externos, ou seja, dos problemas do seu modo de ser e procura enfrentá-los falando dos pseudo-problemas.⁴¹

Mas dizer “pseudo-problemas”, como modo de ser das fórmulas matemáticas, significa cair no nominalismo e no “pragmatismo”, *in stricto sensu*, renunciando às estruturas lógicas e condicionando a construção matemática. A sua posição complica-se se se relaciona com o pensamento exposto em – *Der logische Aufbau der Welt* –, onde se debate com a logicização de três ordens de entes (espirituais, psíquicos e físicos) e o “psicologismo”, segundo o qual a realidade física se reduz às percepções intersubjectivas, abstendo-se quer de afirmar a existência autónoma do mundo, quer de a negar quer ainda retendo esta como um “pseudo-problema”.

O problema da Matemática, em R. Carnap, reflecte esta posição acerca do mundo físico *per se* e reflecte o seu positivismo com a exclusão de qualquer realidade de ordem extrassensível. Impossibilitado de conferir um valor ideal ou racional às matemáticas, e decidido a não reduzir a Matemática a uma ciência empírica, fica-se no terreno das “fórmulas linguísticas”.⁴²

Finalmente, dizer que a Matemática, como “forma linguística”, implica, na sua construção formal, um “jogo de linguagem analítica”. Quanto à fundamentação lógica, R. Carnap parece cair no logicismo, mas termina pela introdução das “entidades abstractas”, num interpretacionismo linguístico, para fundamentar, lógica e gnoseologicamente, a Matemática. Esta disciplina é tão cara no pensamento de R. Carnap além de ser a formalização da quantidade abstracta, como linguística da quantidade abstracta, será uma nova leitura ou hermenêutica da quantidade abstracta. Finalmente, cabe dizer que a Matemática segundo R. Carnap, é um discurso analítico.

40 Cf. Idem – *Meaning and Necessity*, 248-250.

41 Cf. Idem – *Scheinprobleme in der Philosophie*, Hamburg, Felix Meiner-Verlag, 1961, 20-25.

42 Cf. A. G. MANNO – *Filosofia della Matematica*, 177.



Michaela Lapošová

Inštitút filozofie, FF PU v Prešove

Prejavy ideového pluralizmu a indoktrinácie vo filozofii Štefana Polakoviča a Maximiliána Chladného-Hanoša v rokoch 1939-1945 / Man- ifestations of ideological pluralism and indoctrination in phi- losophy of Štefan Polakovič and Maximilián Chladný-Hanoš between 1939-1945

Abstract

This article is an attempt to clarify the situation after the rise of Slovak State. Its politics, ideology and philosophy of nation. It is focused on philosophy of Š. Polakovič and M. Chladný-Hanoš from the perspective of dogmatism and pluralism in their thoughts. The paper analyse 'ideology of slovakian national socialism', which is faced with 'Christ's nationalism' and 'German national socialism'.

Key words: nation, state, christianity, ideology

V období predmníchovskej Československej republiky nastala z hľadiska možnej indoktrinácie filozofie špecifická situácia. Niektoré filozofické smery, resp. koncepcie boli pod vplyvom oficiálnej „čechoslovakistickej“ politiky (osobitne *masarykizmus*), niektoré (najmä *slovenský novotomizmus*) rozvíjali napr. svoju koncepciu *národa* v intenciách národno-empanciapačnej ideológie Hlinkovej slovenskej ľudovej strany. Poukazuje na to tiež J. Balážová, keď konštatuje, že v predmníchovskej ČSR „aj filozofické myslenie ako súčasť myšlienkového diania na Slovensku bolo výrazne ovplyvnené úsilím o emancipáciu slovenského národa a rozvíjalo sa ako súčasť národno-politických a národno-obrodeneckých programov“ (Balážová, 1998, s.146).

Netreba strácať zo zreteľa skutočnosť, že Slovensko sa – vďaka feudálnemu dedičstvu z čias Uhorska – ocitlo v spoločnom štáte s Českom, v zjavne nerovnoprávnom postavení. Paternalistický prístup vládnucej českej buržoázie – presadzujúcej politiku „čechoslovakizmu“ – sa čoskoro „podpísal“ pod otvorenie „slovenskej otázky“, ktorá napokon vyústila až do „česko-slovenského rozkolu“ (M. Hodža).

Súčasnne sa však žiada poznamenať, že „štátna ideológia I. ČR, založená na ideí čechoslovakizmu, našla svojich obhajcov a aktívnych propagátorov i medzi slovenskou inteligenciou (vrátane niektorých predstaviteľov dobovej slovenskej filozofie- pozn. autor), pričom slovenskí čechoslovakisti obraňovali svoj postoj Masarykovou ideou malého národa“ (Balážová, 1998, s.148).

V „zajatí“, či aspoň v „službách“ ideológie sa teda v predmníchovskej Československej republike neocitla len slovenská náboženská filozofia (a osobitne jej koncepcia *národa*), ale tiež filozofia zdôrazňujúca „čechoslovakizmus“ na českej i slovenskej strane. Iná situácia nastala po vzniku samostatného Slovenského štátu (14. 3. 1939), kedy sa nielen oficiálna politika a ideológia tohto štátu, ale tiež *filozofia národa* na Slovensku zásadne mení, a to najmä pod vplyvom spojenectva vojnového slovenského štátu s hitlerovským Nemeckom.

Ako v každej ideológii, tak aj v ideológii slovenského (vojnového) štátu, sa na rôznej úrovni (a rôznym spôsobom) prelínali idey filozofické, teologické, politické, sociologické, etické, atď. Niet pochybností o tom, že dominantné miesto v tejto ideológii patrilo (od jej vzniku až do konca) ideám kresťanského náboženstva a osobitne ideám obsiahnutým v teológii, vo filozofii a v sociálnej doktríne svetového katolicizmu.

Oficiálnou ideológiou vojnového slovenského štátu bola ideológia *slovenského národného socializmu* a jej najpodstatnejšou súčasťou bola koncepcia kresťanského, resp. „Kristovho nacionalizmu“. Napriek tomu, že viacerí bádatelia zdôrazňujú „priamu“ nadväznosť uvedenej ideológie na ideológiu *nemeckého národného socializmu* žiada sa poznamenať, že medzi týmito ideológiami neboli len zjavné analógie, ale tiež výrazné diskrepancie, odlišnosti a nezhody.

Slovenský národný socializmus sa hlásil ku kresťanstvu a dostával aj prívlastok „kresťanský“. Nemecký národný socializmus kresťanstvo nerešpektoval, ba dokonca bol pápežom Piom XI. označený za „novopohanstvo“. Rovnako možno diferencovať aj medzi slovenským „kresťanským nacionalizmom“ a nemeckým nacizmom. Hlavný predstaviteľ slovenského vojnového štátu – Jozef Tiso (1887-1947) spoluutváral koncepciu *kresťanského nacionalizmu* už počas predmníchovskej Československej republiky. Uvedená koncepcia nadväzovala na štúrovskú národno-emancipačnú iniciatívu.

Kresťanský nacionalizmus mal byť pôvodne *stmelujúcim* prvkom ideológie všetkých slovenských autonomistov. Kalkuloval jednak s ideou „Kristovej lásky“ k vlastnému národu a jednak so všeobecne postulovaným prikázanim: „Miluj svojho blížneho ako seba samého“. Zrejme aj z tohto dôvodu sa – pôvodne – v koncepcii kresťanského, či „Kristovho nacionalizmu“ nezdôrazňoval ani jeho konfesiónálny, teda katolícky rozmer. Koncepcia slovenského „kresťanského nacionalizmu“ vyplývala z Tisovho chápania *národa*, ako spoločenstva ľudí, ktorí sú: „jedného pôvodu, jedného telesného typu, jednej povahy, jednej minulosti, jednej reči, jedných obyčajov, jednej kultúry, rovnakých cieľov a tvoria na súvislom

území organický celok“ (Polakovič, 1941, s.45). Takto chápaný *národ* má – podľa *Tisovej náuky* – transcendentný pôvod. Je špecifickým produktom „Božej kreativity“ a v hierarchii hodnôt stojí nad človekom – jednotlivcom. Láska k vlastnému národu – v takto chápanom nacionalizme – nevyučovala úctu k iným národom, ale skôr naopak, rešpektovala právo všetkých národov na vlastnú (samostatnú) existenciu, atď.

Po vzniku samostatného Slovenského štátu (v r. 1939) sa však uvedené chápanie kresťanského nacionalizmu zjavne radikalizovalo. Poukazuje na to aj J. Balážová, keď v súvislosti s analýzou Tisovho chápania kresťanského nacionalizmu, napísala: „Myšlienka národnej jednoty, podrobenie sa jednotlivca záujmom celku s prihliadnutím na vodcovský princíp v takto organizovanom národnom celku, nevyhnutne viedla k totalitnému chápaniu národa“ (Balážová, 1998, s.151).

Napriek tomu, by sa však ani *totalitná verzia* Tisovho kresťanského nacionalizmu nemala (z čisto ideologického hľadiska) stotožňovať s víziou hitlerovského nemeckého nacizmu, a to hneď z niekoľkých dôvodov: nemecký nacizmus bol ako taký *antislovenský*, *antisemitský* a v konečnom dôsledku aj *antikresťanský*. Ako to zdôrazňuje aj T. Munz: „forsiroval nemeckú národnú cirkev, odtrhnúť od Ríma a kresťanstva vôbec, hovoril o národnom náboženstve...zavádzal nové sviatky, za právo pokladal len to, čo prospievalo nemeckému národu, zavrhol všeľudskú kresťanskú lásku a bol v každej súvislosti proti nadnárodnému univerzalizmu, na ktorom si katolicizmus tak zakladal“ (Munz, 1998, s.156)¹.

Slovenský kresťanský nacionalizmus – na rozdiel od nemeckého nacizmu – neabsolutizoval ani význam *národa* a *štátu* ako nejakých definitívnych, či *konečných útvarov*, lebo tak nad národom, ako aj nad štátom „tróni“ ich tvorca – Boh. V tomto kontexte treba vnímať aj skutočnosť, že „všetci autori obdobia Slovenského štátu, ktorí písali o nacionalizme...hlásali, že národovosť je v súčasnosti len prechodná hodnota smerujúca k ešte vyššej pozemskej hodnote, ktorou je humanita, a ktorá spojí všetkých ľudí na najvyššej úrovni. Tak si to napokon žiadal aj katolícky univerzalizmus“ (Munz, 1998, s.158).

Problematiku indoktrinácie filozofie na Slovensku počas vojnového Slovenského štátu komplikuje viacero skutočností. Samotná katolícka filozofia tu totiž mohla byť (a vo viacerých prípadoch aj bola) jednak pod vplyvom (a dokonca i v „službách“) *ideológie slovenského národného socializmu* a jednak sa „tlaku“ zo strany tejto ideológie bránila tým, že sa odvolávala na ideové východiská a hranice katolíckeho (teologicko-filozofického) *univerzalizmu*. Zatiaľ, čo prvá podoba indoktrinácie bola charakteristickou pre J. Tisu a čiastočne aj Š. Polakoviča, druhú orientáciu (v katolíckom tábore) reprezentoval najmä Maximilián Chladný-Hanoš.

Dokladá to aj známa diskusia o tzv. „nacionálnej otázke“, ktorá sa rozprúdila aj na stránkach *Filozofického zborníka* v roku 1943. Uvedenej diskusii predchádzalo vydanie troch prác o *kresťanskom nacionalizme*: 1. výberu z Tisových prác, ktorý vy-

¹ Z tohto hľadiska neprevkapatje, že pápež Pius XI. už v roku 1937, nemecký národný socializmus – v encyklike „Mit brennender Sorge“ (O postavení katolíckej cirkvi v Nemecku) – odsúdil ako „novopohanstvo“.

šiel pod názvom *Tisova náuka* (Bratislava 1941, ed. Š. Polakovič), 2. Polakovičovej práce *K základom Slovenského štátu* (Turčiansky sv. Martin 1939) a jeho následnej štúdie *Ideové piliere slovenského národného socializmu* In: Slovenské pohľady, roč.57, 1941, č.1, s. 30 - 43), 3. práce Maximiliána Chladného-Hanoša s názvom *Láska k národu* (Turčiansky sv. Martin 1941).

Konštatovali sme už, že podstatnou súčasťou ideológie vojnového Slovenského štátu bolo Tisovo chápanie kresťanského nacionalizmu zdôrazňujúce nielen existenciu samostatného Slovenského štátu, ale tiež jeho politický program (a vôbec systém) slovenského národného socializmu. Vojnový „slovenský štát sa podľa nemeckého vzoru stal diktatúrou s jednou ideológiou, jednou stranou a jedným vodcom“ (Munz, 1992, s.24).

Napriek tomu, že J. Tiso sa *programovo* hlásil k téze o tom, že medzi „nacionálne podloženým socializmom a kresťanstvom... nesmie byť rozkol“ (Tisova náuka, 1941, s.177), v konkrétnej politickej praxi uvedenú tézu – viackrát – doslova ignoroval. Stalo sa tak najmä vtedy, keď Hitlera verejne prezentoval ako „legendárneho bojovníka“, ktorí vraj spravodlivo mení pomery medzi národmi v „rozdelenej Európe“, keď neváhal ospravedlňovať jeho agresívnu expanziu na Východ i na Západ s údajným cieľom „spájať“ oddelené európske národy v zmysle tzv. „etnickej komasácie“, atď. (Tisova náuka, 1941, s.180-181). Uviedli sme už, že Tisove názory na problematiku *národného socializmu i kresťanského nacionalizmu* vybral a zostavil do podoby *Tisovej náuky* Štefan Polakovič. Napriek tomu, že sám na tieto názory nadväzoval, neznamená to, že sa so všetkými aj bezvýhradne identifikoval.

V zhode s Tisovými názormi bol Polakovič pri koncipovaní pôvodnej verzie kresťanského nacionalizmu, pri zdôrazňovaní samostatnosti slovenskej štátnosti ako aj formulovaní *ideových pilierov* slovenského národného socializmu. Súčasne však treba dodať, že sa nestotožňoval ani s Tisovým tolerovaním nemeckého agresívneho expanzionizmu, ani s jeho „oslavovaním“ Hitlera, ako „legendárneho bojovníka“... za prirodzenoprávnu... etnickú komasáciu európskych národov“, ktorá „spravodlivo mení národnostné pomery v novej Európe... Naopak... vydal brožúru *Warum eine freie Slowakei?*, v ktorej... odsudzuje teóriu o poslaní jedného národa vládnuť nad druhým z titulu jeho fyzickej prevahy, zamieňanie moci s právom a iné názory, ktoré zastával aj nemecký nacizmus“ (Munz, 1992, s.24).

Svoje názory na kresťanský nacionalizmus a slovenský národný socializmus – obsiahnuté v práci *K základom slovenského štátu* – Š. Polakovič označil, resp. charakterizoval ako „slovenskú štátnu filozofiu“ (Polakovič, 1939, s.8). Poplatnosť tejto „filozofie“ ideológii nemeckého a slovenského národného socializmu pritom vyjadril – azda najkoncentrovanejším spôsobom - v štúdií s názvom *Ideové piliere slovenského národného socializmu*.

Hneď v úvode tejto štúdie Š. Polakovič konštatuje: „Ak si všimneme dôkladne základné princípy nemeckého národného socializmu a porovnáme ich s kresťanským dedičstvom nášho ducha, skonštatujeme, že niektoré princípy národného socializmu sú veľmi zdravé a že sú to tie, ktoré podstatne charakterizujú národný socializmus a ktoré nepriať by bolo prejavom nepochopenia doby“ (Polakovič,

1941, s. 30). V záujme objektívnosti však treba dodať, že nešlo tu o mechanické, či výslovne epigónske preberanie princípov nemeckého národného socializmu. Samotný Polakovič, totiž, v zápätí poznamenáva, že niektoré – z týchto princípov – „nášmu duchu nezodpovedajú, lebo sú plodom čisto nemeckej duchovnosti a ako svojrázny nemecký prvok, vyrastený na nemeckej pôde, je neprenosný, a preto túto druhú časť ideovej náplne integrujeme z vlastného ideového fondu“ (Polakovič, 1941, s. 30).

Medzi princípy, ktoré sú spoločné slovenskému a nemeckému národnému socializmu Polakovič zaraďuje: *vodcovský princíp*, *princíp ľudovosti štátu*, *princíp skutkovosti*, *princíp obetavosti a všeobecného dobra*, *princíp celku* a ďalšie. Vodcovským princípom „reaguje národný socializmus“ – podľa Polakoviča – „proti parlamentárnemu zriadeniu štátu, ktorého nositeľom bol demokratický liberalizmus“... Podstatou vodcovského princípu je, že na čele štátu stojí vodca... v rukách vodcu je sústredená najvyššia, ničím neohraničená moc pre uskutočňovanie všeobecného dobra. V jednom národe môže byť len jedna vôľa a jeden prejav tejto vôle, vodca“ (Polakovič, 1941, s.30-31).

V súvislosti s *princípom ľudovosti štátu* Polakovič zdôrazňuje, že „národný socializmus vychádza v chápaní štátu z prirodzene daného spoločenstva, duchovnej a krvnej pospolitosti, ktorou je národ... teda... národ vzatý ako krvné a kultúrne osudové spoločenstvo“ (Polakovič, 1941, s.33). Charakterizujúci *princíp skutkovosti* Polakovič konštatuje, že „národný socializmus a fašizmus vychádzajú z poznania dynamičnosti bytia a života, a preto ich základnou smernicou sú skutky a zas skutky... je lepšie konať ako hovoriť“ (Polakovič, 1941, s.34).

Zaujímavým spôsobom vymedzuje *princíp obetavosti a všeobecného dobra*. V tejto súvislosti vyjadril aj svoj názor na citlivý problém *vojny*, pričom – okrem iného – napísal: „Niekdedy je vojna nevyhnutná, a to vtedy, keď treba zachraňovať hodnoty, ktoré sú väčšie než všetky hrôzy vojny a než život človeka... Chcieť teda za každú cenu pokoj, t. j. bezvojenný stav, i za cenu odňatia neodcudziteľných práv, je zločinom na prirodzenom zákone... pod pojem všeobecného národného dobra patrí často i pojem vojny... národný socializmus prenáša sa od dobra jednotlivcov k dobru národa ako celku a žiada od nich najvyššie obete v prospech tohto celku, ktorý tu bude žiť i vtedy, keď súčasnej generácie už nebude“ (Polakovič, 1941, s.34-35).

Na *princíp obetavosti a všeobecného dobra* nadväzuje *princíp celku*, ktorý je spoločný ako nemeckému tak i slovenskému národnému socializmu. Tento princíp sa – podľa Polakoviča – prejavoval už v Hlinkovej zásade: „Všetko pre národ, nič pre seba“. Polakovič však tejto zásade vytýka „subjektívne znenie“ (obsiahnuté vo formulácii „nič pre seba“) a navrhuje: „namiesto tohto subjektívneho znenia zaviesť objektívne znejúcu zásadu (ako znie i nemecká): *Dobro národa nadovšetko*“ (Polakovič, 1941, s.37).

2 Akoby na okraj k tomu Polakovič dodáva, že „parlamentarizmus pre svoje známe chyby (neúčelnosť, korupčnictvo, nedbanie na záujmy ľudu, nezodpovednosť, atď.) nielen sa prežil, ale stal sa nenávidenou štátnou formou. Slabosť vlád v rozličných štátoch... vynucovali si vládu silnej ruky, ktorá berie na seba zodpovednosť za vykonané alebo nevykonané činy“ (Polakovič, 1941, s.30).

V zápatí však Polakovič upozorňuje, že na ideológiu národného socializmu sa vzťahuje aj tzv. „národnosocialistický princíp svojráznosti“ v dôsledku čoho „v nemeckom národnom socializme sú niektoré svetonáhľadové vložky, ktoré robia národný socializmus v Nemecku *nemeckým*, čiže spôsobujú, že pre ich ideovú tvárnosť možno si ich predstaviť len na pôde Nemecka... Slovenský národný socializmus, dostáva svoju svetonáhľadovú tvárnosť z pokladov dedičných hodnôt slovenských, ktorých nositeľom je naša kultúrna tradícia a zmýšľanie nášho ľudu“ (Polakovič, 1941, s. 41).

V tejto súvislosti, národnosocialistickú svojráznosť slovenského národného socializmu, Polakovič exemplifikuje najmä na dvoch princípoch: 1. princíp tradície, 2. princíp hierarchie hodnôt. *Princíp tradície* zdôvodňuje – okrem iného – slovami: „ak tradícia je pevným cementom národa, jeho nehybným podstavcom, tak túto tradíciu treba i uskutočňovať, t.j. dať jej všetky možnosti uplatnenia a vplyvania na súčasný život... Slovenský národný socializmus musí sa stať oddaným služobníkom a uskutočňovateľom slovenskej tradície tak ideovej, ako aj faktovej. Zo stránky ideovej vernosť k tradícii kresťanskej jasne vyplýva z prejavov našich vedúcich. Táto vernosť ku kresťanskej tradícii... musí sa prejavovať vo faktoch... sú u nás inakšie pomery ako boli v Nemecku... Kým v Ríši a v Rakúsku robotnícka vrstva bola odcudzená nielen Cirkvi, ale i Bohu bývalými sociálnodemokratickými a komunistickými nadháňачmi, ktorí zas našli pôdu pripravenú protestantizmom, u nás robotnícke masy nemali sa kedy odcudziť Bohu a Cirkvi“ (Polakovič, 1941, s.37-38). Z uvedeného robí Polakovič záver, že práve zachovávanie kresťanského dedičstva (ako jadra národnej tradície Slovákov) je najvyšším „príkazom“ slovenského národného socializmu.

Neprekvapuje, že tento „príkaz“ našiel svoje dominantné miesto aj v *princípe hierarchie hodnôt*, kde sa Polakovič dokázal dištancovať aj od tak preferovanej (a postulovanej) „hodnoty“ nemeckého národného socializmu akou bola *rasa*. Dokladajú to aj tieto jeho slová: „V nemeckom národnom socializme spomínajú sa ako základné hodnoty tieto: rasa, pôda, práca, ríša, a česť. Tieto hodnoty i my uznávame za veľmi dôležité: i pre nás fyzicky zdravé pokolenie, láska k hrude slovenskej, starosť o prácu, oddanosť k štátu a národná česť majú svoju veľkú cenu. Tieto hodnoty však zaraďujeme medzi ostatné hodnoty na miesto, ktoré im prislúcha podľa prirodzených noriem, no za absolútne najvyššie ich nepokladáme. Najvyššou hodnotou pre nás je Ten, od ktorého pochádza všetko bytie a život a ku ktorému speje celé stvorenstvo. K tomuto absolútnemu bodu vesmíru je zameraný každý človek bez rozdielu ako k svojmu definitívnemu cieľu“ (Polakovič, 1941, s.41).

V analyzovanej štúdii Polakovič zjavne rešpektuje „svojráznosť slovenskej verzie národného socializmu, a to tak vo vzťahu k problematike dobového chápania *rasizmu*, ako aj uznávania hodnôt a práv iných národov. Svedčí jednak o tom skutočnosť, že samotný pojem *rasa*³ nahrádza slovným spojením *fyzická zdatnosť* a jednak jeho – vtedajšie presvedčenie. že: „slovenský národný socializmus rešpektuje

3 Na okraj sa žiada pripomenúť, že keď už aj použije pojem „rasa“, ako je tomu napr. v diele „K základom slovenského štátu“, tak na rozdiel od vtedy oficiálnej nemeckej koncepcie, neváha napísať, že „všetky rasy a všetky národy sú rovnocenné, a to na základe práva prirodzeného“ (Polakovič, 1941, s.61).

život a ostatné hodnoty iných národov, nemá dobyvačných úmyslov, lež všetku svoju energiu, ide venovať tvorbe hospodárskeho a sociálneho blahobytu“ (Polakovič, 1941, s. 43). Uviedli sme už, že diskusiu o „nacionálnej otázke“ (a tým aj podobách indoktrinácie počas vojnového Slovenského štátu) ovplyvnili tiež názory Maximiliána Chladného-Hanoša obsiahnuté v jeho práci *Láska k národu* (1941).

Nazdávame sa, že už na jeho prístupe k riešeniu tzv. „nacionálnej otázky“ a vôbec jeho chápaní kresťanského nacionalizmu, možno exemplifikovať zaujímavú skutočnosť, totiž to, že aj keď dvaja autori, t.j.: M. Chladný-Hanoš i Š. Polakovič, hovoria takmer „to isté“, pričom používajú aj takmer „tie isté“ pojmy, nie je to „to isté“. Príčin tejto skutočnosti je nepochybne viac. Dve sú však – podľa nášho názoru – dominantné. Prvou príčinou sú rozdielne filozofické východiská ich chápania *národa* (i riešenia „nacionálnej otázky“), druhou je rozdielna podoba indoktrinácie ich filozofickej koncepcie.

Obaja vyššie uvedení autori privítali vznik samostatného Slovenského štátu a obaja rešpektovali jeho kresťanské ideologické piliere, či základy. Symbolicky možno dokonca konštatovať, že obidvom „ležal“ osud slovenského národa (úprimne) na srdci. V konkrétnej snahe – spoločensky a politicky – ovplyvniť tento osud sa však zjavne odlišovali. A odlišovali sa už v základných ideových východiskách, ktoré sa postupne premietli aj do odlišných podôb indoktrinácie ich „nacionálnej“ koncepcie.

Zatiaľ, čo Š. Polakovič pristupoval aj k riešeniu „nacionálnej otázky“ z pozície blondelizmu (t.j. filozofickej koncepcie francúzskeho filozofa Maurice Blondela), M. Chladný-Hanoš uplatňoval takmer ortodoxné stanoviská novotomizmu. „Ak Polakovič doťahoval svoje myslenie až k slovenskému národnému socializmu a v jeho rámci až k nacionalistickej, politickej a ideovej diktatúre, Chladný-Hanoš zostával na pozíciách katolíckeho univerzalizmu, do ktorého včleňoval aj slovenský nacionalizmus. O národnom socializme nehovoril a zdá sa, že ho ani neprijímal“ (Munz, 1992, s.23).

Primárne pozadie názorov M. Chladného-Hanoša na problematiku *národa* tvorilo, resp. predstavovalo učenie katolíckej cirkvi, z ktorého – podľa neho – vyplýva, že ako človek, tak aj národ je produktom Božej kreativity, že ako človek, tak aj národ majú svoj „najpôvodnejší pôvod“ v Bohu a jestvujú predovšetkým z jeho vôle. Boh stvoril svet i človeka z „lásky“ a Boh prikázal aj človeku, aby miloval svojho blížneho ako seba samého. Láska človeka k iným ľuďom a teda aj k svojmu národu a iným národom „pramení“ už z Božieho plánu so svetom v dôsledku čoho je sui generis „posvätnou“ (porovnaj Chladný-Hanoš, 1941, s.32 a nasledujúce).

Od takto chápaného *národa* a takto chápanej lásky k *národu* odvodzuje aj svoje chápanie kresťanského nacionalizmu, ktoré odlišuje tak od „nemeckého nacizmu“ ako aj „sovietskeho komunizmu“. Opiera sa pritom o encykliky pápeža Pia XI. – „Divini Redemptoris“ (*O bezbožníckom komunizme*) a „Mit brennender Sorge“ (*O postavení katolíckej cirkvi v Nemecku*).

Z pozícií uvedených encyklik odmieta tak nekresťanský nemecký nacizmus, ako

aj ateistický komunizmus, resp. „slobodomurársky“ kozmopolitizmus a liberalizmus. Bližšie sa však politickým charakteristikám týchto „nekresťanských“ ideológií nevenuje. Bližšie sa nevenuje ani tzv. *etatizmu*, ktorý v duchu Hegelovej filozofie štátu a práva povyšuje štát nad jednotlivého človeka i nad národ. M. Chladný-Hanoš naopak zdôrazňuje, že národy plnia v dejinách významnejšie poslanie než štáty, zároveň sa však „dokazuje“, že aj nad najpočetnejšími národmi a najväčšími štátmi stojí univerzálne kresťanské náboženstvo a osobitne „všeobecný, resp. univerzálny katolicizmus.

Tým, že sa M. Chladný-Hanoš politickým dimenziám kresťanského nacionalizmu „vyhýba“, nadobúda aj indoktrinácia v prípade jeho koncepcie iný charakter než tomu bolo napríklad v koncepcii Š. Polakoviča. Zatiaľ, čo Š. Polakovič je – vo vyššie analyzovaných prácach – pod zjavným vplyvom politickej ideológie vojnového Slovenského štátu, M. Chladný-Hanoš sa pohybuje v hraniciach oficiálnej ideológie svetového (*všeobecného*) katolicizmu, ktorý rešpektuje národnú rôznorodosť, a teda odmieta tzv. „totalitný nacionalizmus“, v ktorom aj *láska k národu* stráca svoj kresťanský charakter a zmysel. Na ilustráciu pritom neváha uviesť aj „nekresťanskú“ *Lásku k národu*, ktorá sa prejavila v nemeckom nacizme (Chladný-Hanoš, 1941, s. 103).

M. Chladný-Hanoš nevyzdvihuje ani potrebu „násilnej“ jednoty obyvateľov vojnového Slovenského štátu. Naopak: „jeho stanovisku skôr zodpovedá národná pestrosť po každej stránke. Fašizmus a nacizmus si všíma len okrajovo a len ako súdobé nacionálne hnutia, o slovenskom národnom socializme vôbec nehovorí, nezdôrazňuje potrebu jednoty slovenského národa, jednej strany, jedného vodcu. Poslaním každého národa (a teda aj slovenského) je jednak prejavovať božiu múdrosť a bohatstvo, jednak pretvárať sa podľa ideálu dobra... národ nepotrebuje nevyhnutne aj štát, lebo jeho poslanie je kultúrne⁴ a nie politické“ (Munz, 1992, s. 28).

Z uvedeného vyplýva, že už v názoroch na koncepciu kresťanského nacionalizmu (a predovšetkým na politické dimenzie tejto koncepcie) vytvorili sa počas vojnového Slovenského štátu dve základné (ideové) línie: jednu možno odvodiť z *Tisovej náuky*, resp. z jej Polakovičovej prezentácie, druhú z práce M. Chladného-Hanoša s názvom *Láska k národu*. Spolu s T. Munzom si myslíme, že „len línia Chladného-Hanoša v slovenskom nacionalizme za Slovenského štátu sa uberala zlatou strednou cestou... Uznávala realitu slovenského národa, hlásila sa k nemu... no nevyzdvihovala jeho jednotu na úkor prirodzenej diferenciacie všetkých zložiek jeho života. Nepodľahla nacionalistickej ideológii HSES, ktorú táto strana prevzala z nacizmu a iba sa snažila prikryť ju plášťom kresťanstva, čím ho skompromitovala. Nepodľahla žiadnej politickej ideológii, a preto si zachovala charakter kresťanského nacionalizmu. Naproti tomu tiso-vsko-polakovičovská línia... uprednostňovala jednu stranu, obmedzovala slobody, okliešťovala prirodzenú životnú pestrosť, provokovala šovinizmus“ (Munz, 1992, s. 29).

Koncepcia kresťanského nacionalizmu v názoroch Š. Polakoviča a M. Chladného-Hanoša „vyvolala“ už v roku 1943 – na stránkach Filozofického zborníka – zaujímavú diskusiu na tému: *Nacionalizmus ako ideológia*.

⁴ Národ M. Chladný-Hanoš definuje ako „ľudské spoločenstvo, ktoré na základe kultúrnej jednotnosti prejaví vôľu, aby ho pokladali výslovne za osobitný národ“ (Chladný-Hanoš, 1941, s. 32).

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João Carlos Gomes Faria

E-mail: joaofaria.rad@gmail.com

Ramiro Délio Borges Meneses

E-mail: borges272@gmail.com

Dignidade na Velhice: da ética dos cuidados à ética da vulnerabilidade

Abstract

The oldness is a vulnerability, That becomes this, according to the responsibility. There is by the way a new foundqatynions to the dignity od oldness. The vulnerability is analyzed as responsibility, according to the interpretation of the Good Samaritan parabola. In this study, is presented a conceptual analysis of the vulnerability, under two aspects: the passive vulnerability and active vulnerability ,and the vulnerability as responsibility to the Other. This Other, wanting the solidarity of Another, who receives its vocation. The care is responsibility. The responsibility for the other is the locus in which is situated the non-place of subjectivity from Samaritan to the Helpness (Lc 10, 30).

Key words: Vulnerability, Good Samaritan, dignity, oldness, responsibility, care , and ethics. .

INTRODUÇÃO

Desde tempos imemoriais que o homem procura esclarecimento para tudo o que o rodeia, cada planta que brota, cada gota de chuva, cada raio de sol, tudo o que possa ser detetado pelos cinco sentidos humanos, tudo carece de explicação.

O inexplicável, o misterioso, causa inquietação na alma.

Alma... consegue-se explicar, melhor, definir, o que é?

Começaria por aí. Não havendo definição que satisfaça o que o todo da alma representa num ser, consegue-se apenas relatar o que está diante dos olhos, o óbvio: a alma é o que anima o ser. O que vai além daqui, é o tal mistério que inquieta a própria alma. Ou será apenas a mente que se inquieta? Não sabendo muito acerca do que aqui se fala, como de resto acontece com todos os assuntos que nos fazem pequenos diante deles, merece todo o respeito. Se, portanto, a alma merece respeito pelo que mostra ser e pelo que não se sabe dela e, se cada um tem uma alma que permanece desde o primeiro dia de vida até ao seu culminar, significa que cada

um de nós merece o respeito do próximo e, mais ainda, que cada um deve respeito à sua própria alma.

O respeito pela alma, pela vida, por nós, começa de fato, em nós. A alma é nossa e temos de a cuidar, não sabemos o que se passará amanhã, portanto teremos de a cuidar hoje, a cada dia. A lógica facilmente nos mostra que se este for o pensamento primordial de cada um – respeito pela própria alma – dificilmente alguém faltará ao respeito à alma do próximo. O respeito próprio passa por aí mesmo, por não se manchar com o mal. Desde tempos imemoriais que o homem procura esclarecimento para tudo o que o rodeia, não só para satisfazer a sua curiosidade mas, principalmente, para aprender a viver melhor... e um dia chegou a uma fórmula: amar o próximo como a si mesmo. Não há melhor forma de cada um respeitar a sua alma. Não há melhor forma de viver em sociedade. Viver em sociedade como bebé, como jovem, como adulto e como idoso, compreende diferentes necessidades individuais, requer diferentes responsabilidades sociais. Em cada fase, contudo, o objetivo é comum, o respeito pela alma, pela individualidade. Tantas são as perspetivas pelas quais podemos olhar o conceito dignidade, mas nada parece defini-lo tão bem como isto. Pela conjuntura social que acaba por se proporcionar, pela saúde que muitas vezes se compromete mais que outrora, a fase da vida em que a dignidade se encontra mais ameaçada é, sem dúvida, a velhice. Esta ameaça parte tanto da sociedade como do próprio indivíduo a si mesmo. Uma ameaça que, por poder ter, ou mesmo por efetivamente ter, tantos pontos de partida, se torna muito difícil combater. Quando as condições físicas do indivíduo não permitem a autodefesa, quando a sociedade em que está inserido não foi preparada, muitas vezes por falha do próprio até, para o saber respeitar nessas condições, a dignidade, o respeito pelo indivíduo, pela alma, correm perigo. A Vulnerabilidade, naturalmente, refere a grande instabilidade, em que se estrutura o existir, que se implica na essência dos nossos comportamentos, como responsabilidade por aquilo que não fui eu que fiz ou não me diz respeito. Assim, a vulnerabilidade é uma forma de passividade e de proximidade do sujeito, referindo-se, na parábola, como responsabilidade. Será esta que marca a vulnerabilidade. A vulnerabilidade é uma forma de responsabilidade do Desvalido no Caminho. Esta antecede frequentemente as nossas acções e pode anteceder aquela. A vulnerabilidade é do domínio do patético e o patético da vulnerabilidade é um esse pré-filosófico, donde tudo parte, tal significa que ele é o solo da desproporção da vivência pela polaridade finito e infinito. Esta polaridade tem uma expressão na dignidade da velhice, que se busca na solidariedade eleética. Como analisaremos, a parábola de Bom Samaritano é a narrativa da vulnerabilidade como responsabilidade de um Desvalido. Trata-se de uma metáfora vivente, que se centra no Desvalido no Caminho e que é o “rosto da vulnerabilidade”. O des-valere, ausência de valor, de dignidade, de ser e de fazer, tem a sua metáfora no “semi-morto” que ia de Jericó a Jerusalém, onde no Gólgota realizará a passividade da passividade. O “Desvalido no Caminho da parábola é além do Homo Viator, o homo pateticus, que carrega per se a vulnerabilidade pela cedência do ser Outro, como um compromisso soteriológico, que é a responsabilidade anárquica. Com efeito, a Dignidade na Velhice é uma ética da vulnerabilidade, porque é uma ética dos cuidados.

DIGNIDADE E FELICIDADE: PELO VALOR E SENTIDO

Segundo Diener, o bem-estar subjetivo é resultante do grau de satisfação com a vida em relação a diversificados domínios, especialmente os do trabalho e da família, e do balanço entre os afetos, positivos e negativos. Afetos são sentimentos de prazer ou desprazer que se constituem a partir dos humores (sentimento mais duradouro) e das emoções (sentimento mais breve e intenso). Veenhoven define felicidade como o grau em que um indivíduo avalia, de maneira favorável, a qualidade do conjunto dos aspetos e dimensões da sua vida. Os conceitos de felicidade e satisfação com a vida, embora muito interligados, diferem em aspetos relacionados com a cognição: a satisfação com a vida enfatiza o processo de avaliação, enquanto o sentimento de felicidade, mesmo com algum componente cognitivo, desenvolver-se-ia com maior peso a partir das emoções. Apesar das particularidades, existe uma forte inter-relação entre os conceitos de bem-estar subjetivo, felicidade e satisfação com a vida. Nota-se, porém, que não há um consenso para a utilização destes termos. O sentimento de felicidade tem, recentemente, recebido atenção no campo da investigação científica da saúde. Estudos longitudinais têm apontado a importância da felicidade e do otimismo no aumento da longevidade, na proteção a morbididades e incapacidades e na tendência à adoção de comportamentos saudáveis. Pesquisas evidenciam que o sentimento de felicidade está fortemente associado com a autoestima, com o conforto domiciliar, com o suporte e a participação social, sendo influenciado também pela situação conjugal. São poucos os estudos voltados para analisar a relação do sentimento de felicidade com as condições de saúde. A relação da felicidade com os comportamentos de saúde nos idosos também não é muito conhecida. Segundo alguns autores, os afetos positivos podem levar à maior adesão a comportamentos saudáveis, incluindo a prática de atividade física, os cuidados com a alimentação, a cessação do tabagismo e o controle do peso corporal. Deve-se ressaltar, contudo, que as evidências dessas associações ainda são escassas.

Um estudo publicado em 2012 por Margareth Lima, Marilisa Barros e Maria Alves - Sentimento de felicidade em idosos: uma abordagem epidemiológica - analisou pessoas com 60 ou mais anos de idade que responderam pessoalmente a uma entrevista, em que o objeto central de estudo foi a questão 09h do "The Medical Outcomes Study 36-Item Short-Form Health Survey (SF-36)" 23: "Por quanto tempo, durante as últimas quatro semanas, se tem sentido feliz?". Os resultados mostraram que os idosos que se sentem felizes por maior tempo são os casados, os que trabalham, são ativos ou insuficientemente ativos no lazer, ingerem bebidas alcoólicas ocasionalmente, consomem frutas, legumes e verduras todos os dias, não são obesos, apresentam um tempo de sono inferior a 10 horas e dormem bem. As maiores prevalências do maior tempo de felicidade estão nos idosos que não apresentam doenças, que avaliam melhor a própria saúde e apresentam menos incapacidades. Declaram ainda que elucidar as relações entre o sentimento de felicidade e as condições de saúde é uma tarefa que precisa ser empreendida, visto que o bem-estar de indivíduos e populações é a meta final almejada pelas políticas e ações de saúde. Portanto, o sentimento de felicidade é prevalente em indivíduos

com melhores condições físicas, sociais e emocionais, condições estas que propiciam a manutenção da sua dignidade. A relação entre dignidade e felicidade é efetiva, um indivíduo com a sua dignidade ameaçada tem a sua felicidade diminuída. A Declaração Universal dos Direitos do Homem (10 de Dezembro de 1948) refere: “Considerando que o reconhecimento da dignidade inerente a todos os membros da família humana e dos seus direitos iguais e inalienáveis constitui o fundamento da liberdade, da justiça e da paz no mundo; Considerando que o desconhecimento e o desprezo dos direitos do homem conduziram a atos de barbárie que revoltam a consciência da Humanidade e que o advento de um mundo em que os seres humanos sejam livres de falar e de crer, libertos do terror e da miséria, foi proclamado como a mais alta inspiração do homem; Considerando que é essencial a proteção dos direitos do homem através de um regime de direito, para que o homem não seja compelido, em supremo recurso, à revolta contra a tirania e a opressão; (...) Considerando que uma concepção comum destes direitos e liberdades é da mais alta importância para dar plena satisfação a tal compromisso: Proclama a presente Declaração Universal dos Direitos do Homem como ideal comum a atingir por todos os povos e todas as nações, a fim de que todos os indivíduos e todos os órgãos da sociedade, tendo-a constantemente no espírito, se esforcem, pelo ensino e pela educação, por desenvolver o respeito desses direitos e liberdades e por promover, por medidas progressivas de ordem nacional e internacional, o seu reconhecimento e a sua aplicação universais e efetivos tanto entre as populações dos próprios Estados membros como entre as dos territórios colocados sob a sua jurisdição.”

A importância que a dignidade tem na vida humana não poderia estar mais explícita que neste documento e na importância e no impacto que este teve em todo o mundo. É inequívoca a relação que aqui se expressa entre dignidade, liberdade, justiça e paz. Se este excerto do documento fosse apresentado com o título “Declaração Universal dos Direitos do Homem Velho”, encontrar-se-ia nele pertinência e razão em todas as considerações, já que facilmente se conseguiria reconhecer ameaça à dignidade e à liberdade pensando na vida do velhinho da porta ao lado e, até, na nossa própria velhice. Como referiu um dia Voltaire, “a perfeição da própria conduta consiste em manter cada um a sua dignidade sem prejudicar a liberdade alheia.” Tente-se, portanto, pela dignidade pessoal, fazer feliz quem nos rodeia, preservando a sua liberdade de decisão e pensamento, não conotando à partida como incapaz um indivíduo apenas pela sua adiantada idade. Cumpra-se a Declaração Universal dos Direitos do Homem, velho ou não. Que “todos os indivíduos e todos os órgãos da sociedade, tendo-a constantemente no espírito, se esforcem, pelo ensino e pela educação, por desenvolver o respeito desses direitos e liberdades. O envelhecimento pode ser entendido como a consequência da passagem do tempo ou como o processo cronológico pelo qual um indivíduo se torna mais velho. Esta tradicional definição tem sido desafiada pela sua simplicidade. Relaciona-se com a diminuição da reserva funcional, com a diminuição da resistência às agressões e com o aumento do risco de morte. Relativamente ao ser humano pode-se dizer que se caracteriza por um processo biopsicossocial de transformações, ocorridas ao longo da existência, suscitando diminuição progressiva de eficiência de funções orgânicas (biológica), criação de novo papel social

que poderá ser positivo ou negativo de acordo com os valores sociais e culturais do grupo ao qual o idoso pertence (sociocultural); e pelos aspetos psíquicos vistos tanto pela sociedade quanto pelo próprio idoso (psicológico). O envelhecimento é uma parte importante de todas as sociedades humanas, refletindo as mudanças biológicas, mas também as convenções sociais e culturais. Também na maioria das sociedades é comum a negação do processo de envelhecimento e dos eventos a ele associados. Muita energia, tempo e dinheiro são gastos unicamente para esconder os efeitos do envelhecimento. Tintas para o cabelo, maquiagens elaboradas ou mesmo cirurgia plástica por razões cosméticas são exemplos muito comuns. Contrastando com estes fenómenos, entre os mais jovens é muito comum procurar aparentar mais idade no intuito de receber o respeito associado às idades mais avançadas ou mesmo permissão para realizar atividades reservadas às pessoas mais velhas, como comprar bebidas alcoólicas ou conduzir veículos. Certas culturas encontram-se diante de uma situação ou entendimento menos problemático do que o acima descrito, pela própria forma como entendem o ser idoso: a idade avançada é vista como um estágio a ser atingido e o idoso, visto com respeito e status. Isto é particularmente mais comum nas culturas orientais. Os indivíduos não mantêm, ao longo da sua existência, padrões de comportamento inalterados e estáticos. Pelo contrário, vão mudando o seu comportamento para poderem fazer face às circunstâncias da vida, que vão sofrendo alterações ao longo da existência. A adaptação à velhice requer a capacidade para ser flexível, o que é em grande medida dificultado pelo facto de o indivíduo ter de lidar com mais do que um acontecimento em simultâneo, por exemplo, a reforma ou a morte do cônjuge são acompanhados por outros como a mudança de casa, ou a perda de contactos sociais, todos eles exigindo complexos esforços adaptativos. A velhice é, na maioria dos casos, um tempo de abdicção, de desistir de velhas amizades, de velhos papéis, de trabalho anterior que foi significativo e até de bens ou objetos que pertencem a um estágio de vida anterior e que são agora um impedimento à flexibilidade e à liberdade, que parecem ser requisitos à adaptação, aos desafios desconhecidos, que caracterizam o estágio final da vida. A definição de qualidade de vida varia de indivíduo para indivíduo, em função da percepção que este tem de si mesmo, bem como da sua condição de vida e da existência no meio em que está inserido. Ainda assim, esta qualidade de vida assenta em alguns pontos essenciais: é necessário um bom suporte social, contacto com a família e, se tiver alguma doença, que ela esteja sob controlo; é necessário ainda dispor de políticas públicas elaboradas pelo governo e pelas estruturas da sociedade civil, em benefício da pessoa idosa.

Envelhecer satisfatoriamente depende do delicado equilíbrio entre os limites impostos pelos anos vividos e as capacidades e potencialidades do indivíduo. É neste equilíbrio que o idoso – na sua arte de viver e dar mais anos à vida, dando vida aos anos – vai conquistando graus de sucesso, lidando com perdas, que podem redundar em ganhos de aceitação do seu envelhecimento inevitável, rumo à vida em plenitude. Na verdade, a dignidade na velhice deverá ser uma eudaimonologia, a qual se determina como expressão de uma ética de virtudes. A dignidade na velhice tanto significa uma expressão aretológica, quanto se determina como uma dimensão axiológica. Será, desta forma, uma *congregatio omnium bonorum ad*

finem (comunhão de todos os bens em ordem a um fim), segundo a reflexão de Boécio. Surge, assim, a dignidade na velhice como um princípio e uma fonte de velhos e novos valores.

O IDOSO NA SOCIEDADE: CARACTERÍSTICAS E FUNDAMENTOS

Os Países, as cidades, defrontam-se com a real “revolução demográfica” na sociedade, com as pessoas a conseguirem a cada dia esticar o seu ciclo vital e chegar à velhice. Enquanto isso, as infraestruturas ao dispor da população e a própria população, não estão preparadas para oferecerem as devidas e melhores condições para gerar melhor qualidade de vida a esse contingente de pessoas que estão a envelhecer. O impacto da revolução demográfica atinge diversas áreas do cotidiano de uma sociedade, sejam eles econômicos, psicológicos ou sociais.

Este cenário demográfico impõe novos desafios para a sociedade, sendo necessário pensar como lidar com essa revolução demográfica. Um dos principais desafios, neste sentido, tem sido a necessidade da criação de mecanismos que envolvam/garantam ao idoso seu lugar na sociedade e principalmente a sua cidadania. Essa população que hoje se faz presente em percentagem cada vez maior na sociedade compõe-se de pessoas que existem no tempo e no espaço, são possuidoras de sentimentos, pensamentos, percepções, necessidades, desejos, etc. e, apresentam-se como portadores de direitos e deveres, ou seja, são “cidadãos”. A literatura em Psicologia Social tem procurado explorar de que modo as representações associadas aos diferentes grupos etários têm efeitos no modo como interagimos com as pessoas de diferentes idades. Os estudos realizados são maioritariamente norte-americanos e mostram a prevalência de atitudes mais negativas, ou seja, de “idadismo” em relação sobretudo às pessoas idosas e às pessoas mais jovens na sociedade. O “idadismo” reflete portanto “as atitudes negativas em relação a uma pessoa baseadas, somente, na sua idade”. O estudo do “idadismo” na Europa é recente e Portugal insere-se no conjunto dos países europeus onde se desconhece a abrangência deste tipo de atitudes. O Instituto do Envelhecimento da Universidade de Lisboa elaborou um relatório com o objetivo de colmatar esta lacuna, apresentando os resultados de um inquérito representativo realizado a um conjunto de 28 países europeus, onde se inclui também Portugal. No que concerne à Europa, os dados relativos aos limites, categorização e identificação com a idade permitem saber que a juventude termina aos 40 e a terceira idade começa aos 62 anos. A meia-idade dura assim 22 anos. Devido a se registarem grandes diferenças na construção dos limites de idade em cada um dos 28 países, principalmente no que se refere ao fim da juventude, a duração da meia-idade varia muito entre os países do “European Social Survey. (ESS)”. Em Portugal, percebe-se o fim da juventude aos 30 anos e o início da terceira idade aos 66. Desta forma para os portugueses a meia-idade prolonga-se por 36 anos, levando a que dos 28 países do ESS seja aquele onde a meia-idade é mais longa. No que respeita à categorização e identificação com os grupos de idade, Portugal segue a tendência europeia: a maioria auto categoriza-se como pertencendo ao grupo da meia-idade sendo o sentimento de pertença mais forte face ao grupo dos jovens e mais fraco face ao grupo da meia-idade. Portugal

é um dos cinco países que mais considera o “idadismo” como um problema grave. No geral o relatório mostra uma Europa que é idadista principalmente em relação aos jovens. No panorama europeu Portugal não se apresenta como um país muito idadista, mas contrariando a tendência europeia, em Portugal o “idadismo” é mais frequente face aos idosos do que aos jovens. Para além disso, a análise dos indicadores permite caracterizar o “idadismo” face aos idosos em Portugal, mostrando que no nosso país a valência do estereótipo de idoso é positiva e que os portugueses se afirmam como não preconceituosos em relação à idade quando interrogados diretamente sobre esta questão. Mais ainda, têm uma visão inclusiva das pessoas dos diferentes grupos etários, já que consideram as pessoas jovens e idosas principalmente como dois grupos que fazem parte de uma mesma comunidade ou como indivíduos. No entanto, verifica-se também que os portugueses consideram muito importante não ser preconceituoso, nem ser visto pelos outros como preconceituosos contra pessoas de grupos etários diferentes dos seus. Neste sentido, é necessário interpretar com alguma precaução as medidas mais diretas de “idadismo”. O discurso relativo ao “idadismo” não é necessariamente sempre claro e sincero. Medidas mais diretas de “idadismo” (ex. quando se pergunta diretamente aos inquiridos em que grau avaliam as pessoas idosas como positivas) parecem ser sobretudo influenciadas pela perceção de ameaça percebida em relação a este grupo etário. Nas medidas mais indiretas constata-se que embora relatem emoções positivas face aos idosos o conteúdo do estereótipo revela que estes são vistos como simpáticos mas pouco competentes, indicado a existência de um preconceito benevolente e paternalista. Esta perceção surge associada ao estatuto social dos idosos. O estatuto dos idosos não é percebido nem como baixo nem como elevado, mas quanto mais baixa é a perceção do estatuto social, mais os idosos são vistos como menos competentes. Embora não sejam percebidos como uma ameaça à saúde e à cultura, são percebidos como uma ameaça à economia do país por contribuírem pouco economicamente. Este dado pode estar relacionado com o facto de os portugueses estarem dispostos a aceitar que, no trabalho, uma pessoa qualificada com 70 anos seja escolhida para ser chefe. Os dados mostram ainda que o contacto das pessoas de diferentes idades com pessoas idosas é baixo e que apesar de a experiência pessoal de discriminação devido à idade ser reduzida, aumenta de forma significativa com a idade. Para a compreensão do “idadismo”, a variável mais importante parece ser a religiosidade. O grau em que cada um é religioso afeta algumas variáveis do “idadismo”, assim como a maioria das variáveis contextuais. Embora os mais religiosos revelem um estereótipo mais positivo e menos preconceito direto, são também os que mais os percebem como mais simpáticos e menos competentes. Juntamente com a elevada motivação para o autocontrolo do preconceito direto, estes dados sugerem um elevado preconceito paternalista dos mais religiosos face aos idosos. De facto, embora percecionem o estatuto do idoso como mais elevado e relatem menor perceção de ameaça cultural, são também os que apresentam maior perceção de ameaça económica. De facto, a perceção de ameaça parece ser, no geral, o grande preditor dos níveis de “idadismo” em relação às pessoas idosas em Portugal, surgindo em todas as formas de medição do grau de “idadismo” utilizadas.

Como se teve ocasião de referir anteriormente, a percepção de estatuto social tem sido associada sobretudo a um tipo de “idadismo” mais subtil, relacionado com o conteúdo dos estereótipos de envelhecimento. Estudos realizados em vários países demonstram que a percepção de um estatuto social mais baixo das pessoas idosas se associa de forma significativa a uma percepção de menor competência dos membros deste grupo. Este é também o padrão que encontramos neste estudo, realizado numa amostra representativa portuguesa. De facto, a percepção de estatuto social surge como um dos principais preditores da valência e do conteúdo dos estereótipos face aos idosos e das emoções a eles associadas. Neste sentido, replica-se no domínio do preconceito em relação à idade o mesmo tipo de resultados que têm sido verificados em inquéritos europeus noutros domínios como, por exemplo, no caso do racismo. E, embora a ameaça cultural pareça ser aquela com maior influência nas várias medidas de “idadismo” adotadas, não deixa de ser notório o papel significativo atribuído também à percepção de ameaça económica e relativa aos gastos de saúde. Alguns autores têm apontado a percepção de ameaça face às pessoas idosas como uma das principais causas de “idadismo”. Este estudo mostra com base em evidências sólidas que esta parece ser, pelo menos no contexto português, a variável com maior valor preditivo. Este resultado é inovador e importante em termos da intervenção que poderemos ter neste domínio. A conjectura demográfica atual, com um rácio cada vez maior de pessoas idosas por pessoas jovens, poderá fomentar ainda mais esta percepção de ameaça em relação aos mais velhos. Não só o aumento, mas sobretudo o aumento brusco no número de pessoas mais envelhecidas, tem constituindo, ao longo da história, um fator importante de aumento da percepção da ameaça e do preconceito contra as pessoas idosas. Assume-se que esta mudança poderá trazer para além de pesados custos económicos e ao nível dos gastos na saúde, uma influência no padrão cultural dos países. O principal receio será o de perder alguns dos valores mais importantes para um país moderno e que estão muito associados a uma cultura da juventude: a inovação e a novidade. A perda destes valores é percebida como uma ameaça relevante porque estes estão muitas vezes associados à produtividade e ao sucesso no mundo do trabalho. Esta perspetiva das pessoas idosas como um fardo e como uma ameaça pode e deve ser combatida.

A União Europeia tem feito esforços relevantes no sentido de promover o envelhecimento ativo e a ideia das pessoas idosas não como uma ameaça mas como uma oportunidade (ver, por exemplo, o Relatório “From challenges to opportunities” de 2006). Assume-se que esta mudança é relevante e deve ser realizada não apenas naqueles que ainda não são idosos mas também naqueles que já o são. A representação das pessoas mais velhas como competentes, saudáveis, sociáveis, independentes e inovadoras deverá diminuir esta percepção de que elas comportam pesadíssimos custos para a economia e para a saúde. Por sua vez, poderá promover também uma maior adoção deste tipo de posturas por parte daqueles que envelhecem contribuindo, assim, para manter esta imagem mais positiva. É importante transmitir aos portugueses a mensagem de que a mudança cultural que necessariamente se avizinha não tem de ser necessariamente má. A diminuição desta ameaça percebida em relação às pessoas idosas deverá ajudar

a combater as crenças idadistas enraizadas.

O IDOSO E A FAMÍLIA: PELA SUA EVOLUÇÃO

A evolução das estruturas familiares é um dos fatores proeminentes de mudança nas sociedades contemporâneas, colocando novos desafios em termos de necessidades sociais e à organização das respostas públicas e privadas, com vista à promoção do bem-estar individual e coletivo no contexto do processo de envelhecimento. A família é um conjunto em interação, dos seus membros e com outras famílias; é um sistema com sinergias variáveis que responde às necessidades e funções básicas dos seus membros. A família é transmissora de conhecimentos e de valores, tendo, portanto, um papel socializador e educativo. A autoestima e a resistência à frustração partilhada pelos seus membros criam um sentido de pertença e de identificação da família (ou clã), promovendo, pois, um conjunto de pessoas unidas pelo sentimento de pertença de parentesco e unidas por laços de solidariedade, afeto e responsabilidade. Em geral, a família desempenha um papel importante na provisão dum vasto conjunto de serviços para fazer face às necessidades dos seus membros, acomodando os efeitos da incerteza em domínios importantes da vida, como são os casos do mercado de trabalho ou dos cuidados pessoais, entre outros. Por exemplo, estudos mostram que o suporte e o apoio familiar são um fator protetor do risco de mortalidade: para cada grupo etário, os homens solteiros e viúvos têm maior vulnerabilidade ao risco de morte relativamente aos casados e divorciados. Na sociedade pré-moderna, o sistema básico de “seguro social” implícito consiste nos filhos adultos cuidarem dos seus pais idosos constituindo-se, assim, um sistema de interajuda intergeracional. A transição duma economia rural para uma economia (pós)industrial, caracterizada pela urbanização, pela nuclearização da família, pela mobilidade geográfica e pela erosão das tradicionais normas de obrigação familiar e reciprocidade, quebrou esta instituição ancestral, chegando ao caso dos filhos não terem nem tempo ou vontade para estar com os seus pais.

A família, em Portugal, está em profunda mudança. No passado recente, a organização familiar reconfigurou-se devido às transformações sociais relacionadas com o aumento da taxa de participação das mulheres portuguesas no mercado de trabalho, a atomização dos agregados familiares e a maior volatilidade das relações conjugais, com as alterações nos processos de trabalho centrados na tecnologia e com a globalização crescente associada tanto a potencialidades como a riscos globais. A figura da mulher doméstica constitui uma raridade. As relações familiares têm sido afetadas pelo aumento de ruturas matrimoniais e de novas formas de conjugalidade, observando-se uma reestruturação das relações, mais aberta e com menor estabilidade. Esta instabilidade está associada aos casos problemáticos de isolamento e de abandono. Em Portugal, os familiares (mulheres, pais, maridos, filhos) formam o grosso dos cuidadores das pessoas idosas com dificuldades nas atividades da vida diária. A evolução nas últimas décadas da estrutura, composição e dimensão das famílias portuguesas mostra o aumento das famílias unipessoais, nomeadamente dos idosos a viverem sós e o surgimento de novas formas de conjugalidade, o que pode levar a um aumento dos idosos institucionalizados se

não se tomarem medidas de política que contrariem esta tendência. A Qualidade de Vida está condicionada por fatores psicológicos, para além da saúde física, e da percepção do indivíduo sobre si próprio e a sua vida; os determinantes da qualidade de vida oscilam com o grupo de idade: enquanto para a população com mais de 75 anos a qualidade de vida tem muito a ver com doenças e suas consequências no plano funcional, já para o grupo etário 65-74 anos, os seus problemas têm mais que ver com o respetivo enquadramento familiar e social.-

NA VULNERABILIDADE : UM SENTIDO PARA A DIGNIDADE

O projeto de autorrealização exige, da parte dos outros, reconhecimento, respeito, liberdade de acção e não responsabilidade da pessoa. Essa autorrealização, que seria o objeto e a razão da dignidade, só é possível pela solidariedade e pela vulnerabilidade. Pela parábola do Bom Samaritano, o Desvalido no Caminho é “vulnerável” e o vulnerável é “desvalido”. Este é o grande epílogo da narrativa - conto, onde Jesus Cristo está presente como a “quenose” de Deus-Pai

Naturalmente, a vulnerabilidade é uma “quenose” e surge como aniquilamento do ser, do agir e do fazer. Jesus Cristo não escapou ao “aniquilamento ou à “quenose”, no Golgota. A parábola do Hom -Viator é eticamente um prólogo da vulnerabilidade de Deus-Pai, em Jesus Cristo, como responsabilidade anárquica. Tal como sucedeu com o Samaritano, usando terminologia levinasiana, a responsabilidade é o próprio, a própria espiritualidade, a própria “incondição” de um sujeito auto-heteronomicamente dito, isto é, de um sujeito absoluto e anárquicamente sujeito à anterioridade da “alteridade”. É um sujeito que vem a si, a si-mesmo, respondendo à anterioridade anárquica do Outro como “des-valido” no caminho. Surge a resposta responsável, obsessiva ou “in-finita”, como responsabilidade sem começo e ilimitada. A responsabilidade é o que exclusivamente me incumbe e que humanamente não posso recusar. Este fardo ou tarefa é a suprema dignidade do único Eu. E sou Eu na justa medida em que sou responsável. Porque somos responsáveis sem “assumir” essa responsabilidade voluntariamente, sempre que a outra pessoa nos olha, as nossas respostas são em favor delas. Somos responsáveis pelas responsabilidades dos outros. Assim, foi o Samaritano. Nada que esteja relacionado com o alheio, refere Lévinas, nos deixará indiferentes. Nada fora indiferente para o Samaritano. Poderemos sempre exigir justiça, para os outros, especialmente aqueles que são mais responsáveis por nós, precisamente porque somos responsáveis até mesmo pelas responsabilidades dos outros. Contudo, a vulnerabilidade é uma responsabilidade poética, de alteridade, porque conleva um compromisso de solidariedade e de acolhimento do Desvalido no Caminho, dado que habita na fragilidade. Toda a vulnerabilidade é uma responsabilidade por todos. Mais do que Eu. Cada pessoa será mais responsável ou culpada, que qualquer um ou que todos os demais. Na verdade, a vulnerabilidade, como responsabilidade, manifesta-se numa fenomenologia, caracterizada pelos elementos seguintes:

- O vulnerável reage ao Outro e vice-versa;
- O vulnerável é responsável por nós mesmos diante da outra pessoa;
- O vulnerável é responsável pelo Outro no seu sofrimento.

Esta responsabilidade não é um ato deliberado e assumido ou um predicado da consciência, segundo a leitura de Lévinas, mas “trauma sofrido”. A responsabilidade aparece como fardo absoluto, que consagra a suprema dignidade do único. Logo, a sujeição do sujeito, da substituição até à expiação, é eleição pela responsabilidade e para a responsabilidade de alteridade. A eleição, pela anterioridade do Bem para a bondade do Bem ou para o “des-interesse”, no cuidado absoluto e absolutamente desinteressado pelo Outro, encontra-se no paradigma de alteridade. O Samaritano, diferentemente do Sacerdote e do Levita, sendo estrangeiro e mal-visto, por razões étnicas e culturais e ainda como inimigo, é o representante do “amor de des-interesse”, pelo qual o Outro não é homogêneo ao próprio projecto, mas rompe-o e coloca-o ao seu serviço. Detendo-se e inclinando-se perante o “desvalido” (semi-morto), que encontrou no caminho, o Samaritano não somente não O prende dentro do seu projeto, bem como O “vê” no seu projeto, que irrompe e se redefine, não já como uma “autorrealização”, mas como um “serviço”. O amor de alteridade, como de irmão, dado pela responsabilidade arqui-origina-riamente considerada, do qual o Samaritano é a imagem narrativa, não conleva o Outro (des-valido) ao horizonte do Eu, mas antes converte o Eu ao serviço do Outro. O amor de alteridade, na sua “resposta ética” (responsabilidade pelo Outro), aproxima-se do Outro, não para se realizar, mas antes para vivenciar o Outro, não para se projetar, mas para “cuidar” do Outro e fazê-Lo ser. Pela parábola de Lucas, a “responsabilidade de alteridade”, que julga e que redefine qualquer Outro, será a de “des-identidade”, única que aproxima do Outro e aproximando-se do Outro realiza o próprio Eu, revelando-lhe a sua “autenticidade”.

A vulnerabilidade implica uma correlação intersubjetiva, onde se encontra o patético do agir, do estar, do ser e do fazer. Daqui que, segundo a fenomenologia bíblica, a vulnerabilidade teve uma morada (conduta humana frágil), onde habita a falência do estar até ao fazer, surgindo como uma “vivência plesiológica” representada no Samaritano. Fenomenologicamente, a vulnerabilidade diz uma relação plesiológica pela conduta poética. Não necessita de imperativos teleológicos (ética nicomaqueia) nem de imperativos categóricos (deontologismo kantiano), dado que é a verdadeira debilidade, como, na ordem da economia soteriológica, esteve no pretório de Pôncio Pilatos. O Ecce Homo é a vulnerabilidade suprema da “esplancnofania poética” do Pai das Misericórdias. Esta vulnerabilidade, além de ter um prómio na parábola do Bom Samaritano, verificou-se na flagelação, segundo S. João, encontra-se realizada desde a passividade da passividade até à proximidade do Samaritano ao Desvalido. Este é o Rosto da fragilidade do ser ao fazer. A vulnerabilidade traz consigo xenologia ou a dimensão da estranheza do agir e do fazer. É uma xenologia poética. A vulnerabilidade participa deste cuidado xenológico. Segundo a parábola do Bom Samaritano, será possível uma “teologia da vulnerabilidade”, caracterizando-se pelo papel do estranho na doação e serviço da fragilidade do Outro. O agir e o fazer implicam “condutas quebráveis”, como encontramos nas personagens da parábola: salteadores, Sacerdote, Levitas, Samaritano e “semi-morto”. A vulnerabilidade é uma qualidade vivencial do Desvalido, e este é per naturam suam vulnerável. De facto, a “comoção das vísceras” do Samaritano é uma dimensão plesiológica da vulnerabilidade, uma vez que esta

origina aquela. A vida do Desvalido no Caminho é determinada pela debilidade ontológica. Naturalmente que a vulnerabilidade está condicionada pela solidariedade. Quanto mais vulnerável, mais solidário se é. Aqui está o sentido da responsabilidade. Na vulnerabilidade surge também uma pergunta pela fragilidade de um Desvalido no Caminho (quidam homo), que induz uma resposta, sendo a responsabilidade poética, para com o Outro, por parte do Samaritano, que do tipo de responsabilidade de alteridade. Toda a vulnerabilidade possui per se uma responsabilidade agápica, onde o Samaritano é insubstituível. Ninguém mais poderá ocupar o lugar do Samaritano e assumir a condição de “semi-morto” (Lc 10, 25-37).

O vulnerável é um “semi-morto”, que se mostra como um Rosto fragilizado (nu, doente, pobre, drogado, etc.). É o Rosto do Outro! ... Ser Desvalido no Caminho é ser vulnerável. Assim, perceber o Outro fragilizado, como outro, é entender, na epifania do Rosto, a solicitação do vulnerável. A vulnerabilidade é uma solicitude ou preocupação do ser- Outro. Existe, naturalmente, uma “responsabilidade esplancofânica”, que está inerente à vulnerabilidade (vulnus, -eris). A vulnerabilidade implica uma responsabilidade como um sofrer pelo Outro. A responsabilidade por Outro será uma comiseração ou uma misericórdia. Apresenta-se como um sentimento esplancofânico, por outra pessoa, especialmente no seu sofrimento. Ninguém pode substituir o Eu, nessa responsabilidade indeclinável. Ele deve ser responsável pelos Outros e a presença deles assim o exige. Segundo a vulnerabilidade, quando alguém se aproxima, a responsabilidade, por essa dor e sofrimento, é radical, mesmo que não tenhamos causado a mesma dor, nem assumindo qualquer responsabilidade por ela, segundo interpretação de Hutchens. Para haver vulnerabilidade é porque há sofrimento, a responsabilidade será uma expressão da vulnerabilidade, porque esta implica o sofrimento do Outro. É-se frágil, porque se é re-sponçável. O vulnerável sente dor, mesmo que não tenha causado a mesma dor ou sofrimento. A responsabilidade esplancofânica traz consigo a vulnerabilidade esplancofânica.

O Outro (Desvalido no Caminho) poderá ressentir-se da sua vulnerabilidade, com, o corpo físico, e da impossibilidade de recusar a sua responsabilidade ou de sentir, que ela é recíproca. Implicará naturalmente a responsabilidade como dado recíproco. Poderemos imaginar um Eu (Samaritano) que está ressentidamente obcecado com a responsabilidade irrecusável. O ressentimento, que está no face-a-face da vulnerabilidade, poderá ser o único meio de auto-evidência disponível do Eu autodeterminante e irrecusavelmente responsável. Esse rancor, na vulnerabilidade, está de tal maneira emaranhado com a responsabilidade, que é quase impossível distinguir um do Outro. Logo, a vulnerabilidade é o ressentimento do Outro pela responsabilidade. Daqui surge uma conduta vulnerável, que vai da Hamartiologia à Cairologia, no sentido de definir uma nova ética, que poderá ser chamada de Ética da Fragilidade, que tem um paradigma na parábola do Bom Samaritano (Lc 10, 25 - 37). Segundo o sentido fenomenológico, a vulnerabilidade tem tanto de solidariedade, quanto esta daquela. É uma necessidade fisiológica que vem do sentido axiológico-ético da vulnerabilidade de um Desvalido no Caminho. Esta é a parábola da vulnerabilidade, porque descreve um Desvalido na sua “debilidade soteriológica”, como responsabilidade anárquica do Pai das Misericórdias.

Segundo Lévinas, a responsabilidade é o que exclusivamente me incumbe e que, humanamente, não posso recusar. O Samaritano não recusou o Desvalido. O Sacerdote e o Levita não O receberam e não se entregaram ao “semi-morto”. Este encargo é uma suprema dignidade do único Eu, não intercambiável porque sou Eu apenas na medida em que “sou responsável”. Pela responsabilidade posso substituir-me a todos, mas ninguém pode substituir-me. A minha responsabilidade não cessa, ninguém pode substituir-me. Ninguém substituiu aquele Samaritano. Os “muito idosos” são vistos como figura menos central na família do que os “idosos jovens.” Apesar de todos terem algum rendimento, de reforma ou de pensão, e de alguns serem proprietários da casa onde moram, de alguns até terem bons rendimentos, a ponto de sustentarem toda a família que mora com eles, a maioria, surpreendentemente, não se considera chefe da família, nem com autonomia para centrar as deliberações do grupo. O rendimento do idoso é, muito frequentemente, utilizado em prol de toda a família, ficando para segundo plano as suas necessidades pessoais, não só por real necessidade familiar, mas por o idoso colocar toda a família à frente do seu bem-estar, por amor, ou por baixa autoestima. Apesar das melhores condições de vida que hoje se tem, o idoso nem sempre tem boa saúde, autonomia e independência. É natural que, com o avançar da idade, surjam algumas limitações, umas decorrentes do próprio envelhecimento, outras de processos patológicos crónicos, inerentes também ao próprio envelhecimento. Muitas são as dificuldades enfrentadas pelos idosos ao longo da sua velhice, sendo várias delas decorrentes da vulnerabilidade, próprias do estado fisiológico, mental e, muitas vezes, social, cultural, económico e familiar. Tais fragilidades podem torná-los vítimas da crescente violência social observada nos nossos dias. A Organização Mundial de Saúde teme que o aumento do número de idosos, por todo o mundo, venha de alguma maneira agravar as situações de violência e maus tratos, relacionados particularmente com a rutura de laços familiares e com o enfraquecimento dos sistemas de proteção social.

Há cada vez mais investigações que mostram a existência de maus tratos e negligência a pessoas idosas. É um dado público que muitos idosos sofrem abandono, negligência, desprezo e maus tratos, não só nas instituições que os acolhem, como também no seio das famílias das quais fazem parte. É um cenário praticado de várias formas, em todos os grupos sociais que, longe de ser uma questão isolada, vai aumentando proporcionalmente ao número de idosos. Na sociedade contemporânea, os dispositivos legais admitem, de forma consensual, que os cuidados dos idosos são da responsabilidade concomitante da família da família, da sociedade e do Estado. Assim, retoma-se a centralidade da família com auxílio e suporte do Estado. O cuidado aos idosos nem sempre é realizado pela família com vontade e disponibilidade. Pela falta de respostas sociais e de apoio da comunidade aos idosos, a casa de família é o lugar onde a violência mais ocorre e, apesar de isso não ser uma justificação, é preciso também reconhecer que a sociedade colocou novas responsabilidades na vida familiar, que alteraram as estruturas que sustentam os modos de vida em família. Com efeito, verifica-se que grande parte dos casos de violência contra idosos ocorre quando diferentes gerações convivem numa mesma unidade doméstica, sendo uma evidência que o convívio multigeracional nem

sempre pode ser visto como garantia de velhice bem-sucedida, nem mesmo como sinal de relações mais amistosas entre as sucessivas gerações. Refira-se ainda que não há um padrão único de abuso no lar. Muitas vezes, o abuso é a continuação de um longo padrão de abuso físico ou emocional naquela família. A forma mais comum de abuso será, talvez, derivada de mudanças relacionais e de situações de vida, advindas da progressiva fragilidade e da dependência em que o idoso fica dos seus familiares.

Em Portugal, a notificação da violência, exigida pela lei, tem um papel fundamental, nomeadamente no combate à violência contra o idoso. No entanto esse papel pode ser otimizado se não se limitar a uma função meramente punitiva. A notificação pode ser um instrumento de proteção dos direitos do idoso e uma medida, que permite articular ações e recursos públicos e privados, que somem esforços para promover ações solidárias e reconstruir relações afetivas. Se os saberes e as práticas institucionais se valerem da notificação para ampliar a análise da dinâmica das relações intra e extrafamiliares, então amplia-se a compreensão dos modos como as condições sociais, económicas e culturais afetam a dinâmica familiar. Se essa compreensão puder contribuir para criar alternativas de intervenção sobre os conflitos, então a notificação pode ser o primeiro passo na proteção do idoso e na defesa dos seus direitos. Onde não houver respeito pela vida e pela integridade do ser humano, onde as condições dos valores não estiverem asseguradas, onde a intimidade e a identidade do indivíduo forem objeto de ingerência indevida e onde a sua igualdade não for garantida, não haverá espaço para a dignidade da pessoa humana. Há muita gente com idade avançada que é amada e acarinhada e, por isso mesmo, se sente feliz e útil, não pelo trabalho que ainda realiza, mas por ser uma presença congregadora no meio dos seus e uma referência enriquecedora para as gerações dos mais novos, quando estes a sabem apreciar e agradecer. No património de uma família, os mais idosos representam uma parte importante e valiosa para aqueles que ainda não deixaram subverter os verdadeiros valores da vida.

Madre Teresa de Calcutá referiu: “a maior miséria deste mundo reside muitas vezes no abandono e no desamparo dos velhos.” Uma sociedade que não ama nem respeita os seus mais velhos é uma sociedade desumanizada, sem alma, sem futuro, afirmou Simone de Beauvoir, a famosa feminista que foi companheira de Sartre. Nada do que nós desfrutamos e nos vem de longe apareceu ou chegou até nós por acaso. O que nos foi chegando e perdura é, frequentemente, mais fruto do trabalho, da dedicação, do amor, com muitos sacrifícios e lutas pelo meio, daqueles que nos precederam, que do nosso trabalho e engenho pessoal. Saborear a alegria de viver, ainda que com as limitações que a idade impõe, não é possível sem se estar rodeado de um ambiente de amor e gratidão, de apreço e estima. Na reta final da vida, já muita coisa se dispensa, não porém o sentir-se amado e acarinhado.

RESPONSABILIDADE SOCIAL E ENVELHECIMENTO ATIVO: PELA FENOMENOLOGIA RELIGIOSA

A satisfação na vida e a felicidade estão positivamente correlacionadas com a participação social, destacando-se como efeitos os contactos sociais regulares, seguidos pela ajuda prestada a outras pessoas e a participação em organizações volun-

tárias. Portugal encontra-se numa situação confortável em relação à maioria dos restantes países da Europa na medida em que apenas cerca de 2% da população de 65 e mais anos não tem contato com amigos, encontrando-se entre os cinco países com maiores relações de amizade para o grupo etário de 65 e mais anos. A situação de idosos a viverem sós, em Portugal, não é homogénea em todo o território apresentando diferenças significativas; as realidades são diferentes, consoante se trate de grandes centros urbanos, regiões urbanas ou rurais e, dentro dos grandes centros urbanos, se se considerarem bairros antigos, tradicionais ou novas zonas urbanas. Pode-se admitir que mais de 200.000 grandes idosos vivem sozinhos. O motivo principal para os idosos optarem pela solução lar respeita à insuficiência em gerir as necessidades diárias e à impossibilidade da família prestar os cuidados necessários. O apoio continuado a famílias cuidadoras é o único caminho alternativo à institucionalização maciça de idosos avançados. Esta constitui a solução antropológica e socialmente dotada de maior densidade humana além de se apresentar também como a menos dispendiosa para recursos públicos escassos e sujeitos a custos de oportunidade elevados. Esta (re)orientação estratégica de fundo contraria o individualismo pós-moderno e a mentalidade consumista que propende a ignorar o valor da experiência e a marginalizar a presença dos idosos, relegando-os para um isolamento sem perspectivas de superação.

As Universidades de Terceira Idade (UTI) constituem um desenvolvimento positivo da aprendizagem ao longo da vida (ALV); as coletividades e os responsáveis devem dar prioridade à educação dos idosos sobre os estilos de vida mais consentâneos com o envelhecimento saudável, em particular, a mobilidade (exercício físico regular) da população idosa urbana, a promoção de comportamentos e estilos de vida saudáveis; a promoção da autoestima e da qualidade de vida; e o combate ao isolamento social. A principal via para garantir um envelhecimento ativo - combater a crescente e inelutável dependência psíquica e física, e maximizar o bem-estar do idoso - consiste na adequada preparação pessoal para o período da idade avançada. Neste sentido, reputa-se da maior relevância estratégica o envolvimento do próprio, como ator principal e insubstituível, na compreensão das etapas de vida humana e na gestão das transições mais difíceis, designadamente a passagem à inatividade. Por consequência, as instituições competentes na prestação de serviços ganharão no investimento prioritário em valências de prevenção ao invés da mera ação assistencial, na formação para aquisição da sabedoria de vida, e na consciencialização dos fatores de bem-estar pessoal e relacional que acrescentam vida aos anos. Essa tarefa é tanto mais urgente e necessária quando se assiste a uma conquista sistemática de maior longevidade, a uma melhoria sensível nas condições de saúde da população sénior e à acumulação de evidência empírica sobre a viabilidade de minorar, ou mesmo reverter, patologias do foro neuropsiquiátrico que afetam uma proporção significativa do universo sob estudo. Dito doutro modo, as instituições e os técnicos especializados serão convocados a desempenhar um papel cada vez mais relevante no adiamento da fase da vida idosa e da pessoa dependente, a qual, sem prejuízo de parâmetros objetivos de aferição do processo de senescência, se pode ver protelada muito para além da tradicional idade da reforma ou da norma etária correspondente ao momento de aposentação.

As Universidades Seniores, entidades com uma vertente académica, social e lúdica, são um espaço privilegiado de inserção e participação social dos mais velhos, através de cursos de formação, visitas, oficinas, blogues, revistas e jornais, grupos de música ou teatro, voluntariado, viagens de estudo no país ou estrangeiro, em que os seniores se sentem úteis, ativos e participativos. Em Portugal, a partir dos anos 90, regista-se uma verdadeira explosão destas entidades, existindo 182 em 2012, com um número de alunos de 35 000 tendo-se tomado consciência do seu papel na qualidade de vida dos seniores e na concretização do princípio da aprendizagem ao longo da vida. A criação, nas escolas, de programas de voluntariado para jovens junto da população idosa afigura-se altamente recomendável, favorecendo a geração de imagens mais positivas do envelhecimento e da velhice, associando-lhe competência, independência e maturidade. O valor educativo das relações de troca intergeracional é hoje inquestionável. Vale a pena invocar Robert Kegan, um dos mais notáveis psicólogos do desenvolvimento da contemporaneidade. Num artigo recente, contraria os pessimistas históricos que só detetam sintomas de declínio na humanidade, de geração para geração. O reputado académico e psicólogo diz que, bem pelo contrário, nunca a humanidade esteve tão perto de protagonizar um verdadeiro salto quântico de progresso. Para isso, bastaria, argumenta Kegan, descobrir uma forma de transferir toda a experiência dos seniores para as novas gerações. Com efeito, segundo o autor, nunca o género humano dispôs de tanta experiência acumulada no seu seio, pelo simples facto de as pessoas viverem hoje mais tempo do que em qualquer outra época e de o fazerem com qualidade física e mental. Esta evolução biológica cria verdadeiras bibliotecas humanas à disposição dos mais jovens que, com elas, queiram aprender a viver e a aproveitar aquele corpus de sabedoria profunda que só os anos permitem acumular. E importa relevar este importante facto empiricamente sustentado: só aprende verdadeiramente quem tem a possibilidade de ensinar algo a alguém. O sonho dum aprendizagem ao longo da vida para todos, e cada um, confunde-se assim com o repto de construir uma sociedade onde cada um assuma a humildade de aprender com todos os outros.

Segundo Lévinas, é na subjectividade que o Eu, sempre posterior à alteridade, se manifesta ao Outro, que existe necessariamente antes do Eu e que chama o Eu à existência. Então toda a subjectividade é em relação com o Outro, na dependência do outro que o faz ser

Reconhecer no humano a vulnerabilidade é o mesmo que dizer que ele é passivo a uma acção. Significa afirmar que o Homem é um ser colocado no mundo que interage com outros. Reconhecer o Homem como ser finito significa afirmar que a sua corporeidade não é única e simplesmente identificável a uma coisa mundana. Pela sua corporeidade, o ser humano é um ser encarnado capaz de afectividade, de acção e desejo e de tomar consciência de si, como ser mortal. Inerente à sua corporeidade reconhece-se a capacidade de transcender o estatuto de objecto ou de algo manipulável. Corporeidade e transcendência sustentam-no como consciente de si, capaz de se reconhecer como finito vulnerável e como agente moral. Em sentido concreto, vulnerável é aquele que pode ser atingido no plano físico, psíquico, social ou moral. O pathos próprio do homem faz dele um ser de múlti-

plas potencialidades e de fragilidades. Por outros termos, ser corpóreo, será aquele que se projecta para fora de si e se relaciona com o Outro.

Segundo Patrão Neves, a vulnerabilidade não define a subjetividade num plano ontológico, como identidade substancial ou natureza do ser humano, mas no plano ético, surge como um apelo a uma relação não violenta entre o Eu e Outro, no “face a face”, situação originária da subjetividade. O Eu, na sua vulnerabilidade, apresenta-se como resposta não violenta à eleição do Outro que o faz ser. Assim, continuando a citar a mesma autora, a vulnerabilidade entra, no vocabulário filosófico como realidade constitutiva do homem, como condição universal da humanidade e como indissolivelmente ligada à responsabilidade, no sentido etimológico de resposta.

O Rosto do próximo significa uma responsabilidade irrecusável, precedendo todo o consentimento livre, todo o pacto e todo o contacto. Ele permanece absolutamente assimétrico em relação a mim. Refere-se como responsabilidade nunca totalmente responsável, não sendo o contacto com Outrem, que anularia a “alteridade”. A responsabilidade é o que exclusivamente me incumbe e que humanamente não poderei recusar. O surgimento do Outro, como vulnerabilidade, será a vida da minha responsabilidade, que revela a finitude numa dimensão ética, porque o Homem não pode ilibar-se da chamada suplicante e exigente do Rosto do outro Homem. Esta proximidade não se revela com carácter espacial, mas sublinha, naturalmente, o carácter contingente desta relação, porque próximo é o primeiro que chega. O próximo mais próximo, segundo a interpretação da parábola, pela leitura de Lévinas, é aquele que chegou primeiro. Foi o quidam homo, que descia de Jerusalém para Jericó, que caiu às mãos dos salteadores que O despojaram e abandonaram, deixando “meio – morto”. O responsável é o desenraizado, o apátrida, o exposto ao frio e ao calor das estações, o que, em suma, está despido de dignidade ou de valor, aquele que é Desvalido e vulnerável. E a responsabilidade é ditada, não pela distância, pelo espaço ou pelo tempo, de que o seu ser, como “vulnerável”, me incumbe, me acusa de uma falta, que não cometi livremente, obrigando-se a um despojamento de si mesmo, para cuidar do Outro como frágil. Assumir a responsabilidade por outrem é, na verdade, uma maneira de testemunhar a glória do Infinito e de ser inspirado por Ele.

A vulnerabilidade é uma responsabilidade de responsabilidade, com o Outro, e a responsabilidade é uma vulnerabilidade do Samaritano. Daqui se infere que a vulnerabilidade do Outro (quidam homo) será um “aniquilamento plesiológico”. Surge como um proprium plesiológico do Desvalido no Caminho da vida. O cuidado é uma responsabilidade. É o elemento plesiológico do vulnerável. Sem o cuidado ao Desvalido aquilo que se vivencia será “vulnerabilidade da vulnerabilidade”. Com efeito, o Outro torna-se “vulnerável” confirmando a minha permanência e não me deixa fugir tal como o Samaritano que viu e se aproximou. O Sacerdote e o Levita significaram uma rutura de solidariedade com o Outro (semi-morto). O Outro (des-valido) está próximo, provoca no Samaritano a questão ética, leva-me para além da minha vontade e da minha consciência, desperta-me para a responsabilidade, que se expressou na atitude do Sacerdote e do Levita,

como distância do vulnerável. Foi o Outro (desvalido) que apareceu primeiro no caminho da proximidade, tendo levado o Samaritano (vocaç o do cuidado)   proximidade, acolhendo-O e respondendo aos Seus apelos. Estes apelos do vulner vel s o os cuidados (colocou as ligaduras, e aplicou o azeite e vinho). A responsabilidade surge como rela o sem rela o n o mediada, na imediato do Outro, que   subjetividade an rquica como implica o, recep o e aceita o vulner vel, que vem a mim (Samaritano), como aquele que presta cuidados, significando mais do que a origem e mais do que a consci ncia. A responsabilidade converte-se em sujeito, chega ao superlativo, quando desencadeia a “inquietude” que n o cessa, convertendo-se em  nica e, desde este momento, esquecendo-se completamente da reciprocidade. A responsabilidade   vulnerabilidade, fazendo com que esta seja uma “plesiologia quen tica”. Na vulnerabilidade h  quenose do sujeito. O “aniquilamento plesiol gico”   a quenose da vulnerabilidade, que teve o seu ep logo no G lgota, pela Paix o e Morte, e apresentou o seu pr logo no proto - evangelho da Cruz: par bola de Bom Samaritano.

A responsabilidade n o est  no saber e t o pouco na reciprocidade. A proximidade   n o – indiferen a   presen a do Outro, que me olha. A responsabilidade   presen a do vulner vel (semi-morto), como Desvalido, que olha e chama o Samaritano. Cuida de mim! ...  o mandamento. A responsabilidade tem dois acusativos: vulnerabilidade e cuidado. A responsabilidade significa vencer o medo de superar o esquecimento da responsabilidade e da solidariedade ao chamamento e de encontrar a dimens o do existir e do fazer ao vulner vel.

A responsabilidade   o movimento em dire o ao Outro (vulner vel), sem preocupa o do movimento de volta, porque houve um “movimento esplacnof nico” do Samaritano. Este foi em dire o ao Outro porque O (desvalido) viu, aproximou-se e acolheu-O sem se preocupar pelo “movimento” do regresso. A responsabilidade   a resposta indeclin vel pelo “outro” e um dar inexor vel. Existe o paradoxo de uma responsabilidade da qual eu n o sou respons vel. Tal asser o leva-nos a pensar que existem tr s conec es de responsabilidade. Por um lado, a conec o corrente, a de uma “responsabilidade por imposi o” e, por outro, a de uma “responsabilidade assumida”, e, finalmente, a conec o de “responsabilidade an rquica”, que precede toda a iniciativa pessoal e toda a interven o pr via da liberdade. Pela figura m tica de Caim, a quem Deus pergunta: Onde est  o teu irm o Abel? Aquele responde: N o sei. Serei eu o guarda do meu irm o? A resposta, na sua negatividade,   altamente reveladora de uma “responsabilidade” que Caim n o “escolheu”. Caim n o pediu para ser respons vel do seu irm o.   respons vel d’Ele, como de todos os outros em virtude desta fraternidade origin ria que ultrapassa o parentesco. Biblicamente, Caim   incapaz de reconhecer a ben o concedida ao seu irm o. A narrativa vetero-testament ria d  a entender que Caim n o compreendeu que a presen a de Abel era uma Alian a, porque   dele que recebeu a vida. Como dom, Deus oferece a ben o,   humanidade, pelos Patriarcas do Antigo Testamento. O eleito, ao recebe-la, oferece-a   comunidade e, finalmente, o n o-eleito (Caim) deveria alegrar-se com a ben o e pela escolha que Deus faz do eleito.

Segundo A. Couto, Deus confia nos homens, no eleito e nos outros, escolhendo entregar-se a eles, a acolher e a oferecer a alegria da salvação. Daqui, a necessária responsabilidade de cada vértice do triângulo: Deus, o eleito e o não-eleito. O fundamento da responsabilidade, para Lévinas, reside naquilo que a “eleição” confere. Sentir-se como “eleito” é fazer parte da Aliança e ser único, como sujeito-escolhido, na condição de “refém”. A eleição, expressão da responsabilidade, nomeia-se nas seguintes flexões: consumir-se, entregar-se, etc. A responsabilidade supõe o reconhecimento da Aliança, dado que somos recebidos como “dom”. Exige-se, assim, uma responsabilidade que faça da “resposta” uma tarefa (Aufgabe).

Perante esta responsabilidade, segundo Ramiro Meneses, o Desvalido no Caminho (semi-morto) constitui-se como “Gabe” (dom) e o Samaritano apresenta-se como “Aufgabe” (contra-dom / tarefa). A responsabilidade é uma “Vorgabe” (afirmação), aparecendo como “condição para a misericórdia”, que vem de Deus-Pai, através do Des-valido, para o Samaritano. Finalmente, há uma “Eingabe” (petição / apelo) pelo silêncio e pelo sofrimento do Outro (des-valido). Porém, o Samaritano, pela eleição do Desvalido, realiza uma “Vergabe” (entrega) pela comoção ou estremecimento das vísceras, aplicando óleo e vinho e curando-Lhe as feridas (Lc 10, 33-34). O Samaritano, pela responsabilidade, “entrega-se” ao Desvalido no Caminho, porque Este se entregou primeiro ao Samaritano. O Sacerdote e o Levita foram a ausência do dom e realizaram a “Übergabe” (rendição) e perderam-se na responsabilidade de “identidade”. Toda a parábola, única nos sinópticos, é uma Palavra que foi evento, marcando o acontecimento da “palavra”. O Bom Samaritano surge na proximidade da Bondade e do Bem por causa da “Gabe” divina que se tornou humana.

Logo, a responsabilidade pelo Outro refere-se como uma “eleição”. O eleito nada faz para ser bom, ele é solicitado pelo Bem na proximidade. Assim se passou com o Samaritano que foi “eleito” pelo Outro, no caminho, porque Este o chamou. O protagonista é o Desvalido. A esta parábola deveria chamar-se “narrativa do Desvalido no Caminho” com um subtítulo: o Samaritano pelo comportamento misericordioso, podendo, também, denominar-se narrativa do Homo Viator. A responsabilidade, assim compreendida, ultrapassa a fundada sobre uma “livre escolha”. Aqui está presente uma responsabilidade de Infinito, uma responsabilidade por tudo e por todos. A minha responsabilidade é anterior à minha liberdade na medida em que sou chamado a responder ao “amor”. A responsabilidade do vulnerável cria-me uma ordem (pela ética normativa) e vivencia-me, pelos cuidados, pela “esplancnofania plesiológica” (ação da misericórdia ao próximo), atualizando uma aretologia soteriológica. A responsabilidade é a soterologia da vulnerabilidade pelo cuidado. A responsabilidade é “dar prioridade” ao vulnerável.

A responsabilidade de identidade marca as condutas dos assaltantes, do Sacerdote e do Levita e mesmo do legista, de maneiras diferentes, vivendo todos para si e a partir de si, “agindo”, no seu comportamento, pelo interesse, auto-estima, autoconservação, auto-extensão, auto-realização e auto-satisfação, precisamente naquilo que Lévinas denomina “egoísmo alérgico”, que são os individualismos em guerra uns contra os outros. Todos contra todos.

Aquele pelo qual tenho de responder, afirma Lévinas, é também aquele a quem tenho que responder. Naturalmente, devemos responder no próprio status da existência livre, que foi elevado a uma existência maior, como ele refere, com muita frequência, “além do ser”. Com efeito, sendo responsáveis pelas ações dos outros. A responsabilidade, por outros, é muito semelhante à comisseração, ter um sentimento por outro (desvalido no Caminho), que é um “sentimento esplancofânico”, especialmente no seu sofrimento. O Samaritano foi responsável pela dor e pelo sofrimento do Desvalido. A responsabilidade é uma esplancofania do Samaritano para com o Desvalido no Caminho (meio-morto). A comoção das vísceras, de baixo para cima, será a responsabilidade pelo Outro, segundo a parábola do Bom Samaritano (Lc 10, 25 – 37). A comoção das vísceras do Samaritano é uma responsabilidade poética do mesmo, perante a responsabilidade anárquica, do Desvalido no Caminho. Ninguém pode substituir o Eu (Samaritano) nessa responsabilidade indeclinável. Ele deve ser responsável pelos outros e a presença deles assim o exige. modelo da responsabilidade identitária, em que “me comprometo” só pelos sucessos, insucessos e interesses, apresenta a sua pauta de comportamento (intrínseca e/ou extrínseca) revelada, metaforicamente, no Sacerdote e no Levita, que não se detêm e seguem em frente. O “des-valido” é considerado um ser sem categoria, sem dignidade, sem posição, como um estranho, não pertencendo ao seu “in-group” e/ou “out-group” e ao seu ciclo de amigos. Isto quer dizer que aquelas duas personagens do Templo de Jerusalém representam o “amor de identidade”, segundo C. Di Sante.

Trata-se de um amor que deseja o Outro, se pertencer ao seu mundo, enquanto ignora o “des-valido”: “viu, desviou-se e passou ao lado” (Lc 10, 31-32). O Sacerdote e o Levita amam aqueles que já estão dentro do seu mundo afetivo pelo sangue, pelo parentesco ou pelo interesse, mostrando-se desinteressados e desconhecedores dos demais. Estes são os protótipos do “amor de identidade”, onde o Outro é amado, porque já está dentro do meu Eu e me é necessário. O amor de identidade, simbolizado nos servidores do Templo, é um amor só aparente, que nega a própria realidade do amor, não só porque nele o Outro é definitivamente inalcançável, como também porque nele o Eu fica irremediavelmente irrealizado e, por isso mesmo, alienado. O amor de identidade é um amor duplamente paradoxal, tanto para o Eu, que em vez de se realizar fica perdido na Lei, nos Profetas e no ritual, quanto para o Outro que, no momento em que é possuído ou incorporado, em vez de estar próximo se revela inacessivelmente “distante”. Este é inexoravelmente um não dar-se.

DIGNIDADE NOS CUIDADOS DE SAÚDE: FUNDAMENTOS RELIGIOSOS

Cuidar é ir ao encontro de outra pessoa, para acompanhá-la na promoção da sua saúde. O prestador de cuidados, segundo o sentido areto-axiológico, num encontro que visa criar laços de confiança e vínculos nos serviços, mostra-se como profissional, porque pode ajudar e acompanhar o paciente, de quem está próximo. Caminha ao lado do paciente, de quem cuida para promover a saúde, ora como perito ora como conselheiro. O encontro, como significado do “cuidado de” é uma

categoria antropológica, é uma exigência ética, podendo falar-se de uma moral do encontro, como aquela que realiza o técnico de saúde, enquanto estabelece uma comunicação intersubjetiva, que tem uma dimensão ética, expressa em exigências no descobrir e tratar o Outro como um Tu e manifestar-se na comunicação interpessoal como um Eu e criar um Nós. As duas dimensões (técnica e ética) estão presentes nos cuidados como encontro dual e enriquecedor. Assim se professa uma ética do cuidado, que se realiza e actualiza nas dualidades: cuidado-técnica e cuidado-ética. Esta correlação plesiológica, que se verifica no encontro do Eu e do Tu, tem a sua expressão nominal no existir do cuidado.

Poderemos chamar à parábola do Bom Samaritano a parábola ou a narrativa-conto sobre o cuidado. A relação entre um Samaritano bom e um Desvalido no Caminho referem-se como um conto paranético sobre o sentido técnico e ético sobre os cuidados.

O valor é pressuposto ou *conditio sine qua non* de outro tipo fundamental de bens objectivos: a possessão e o gozo de bens, que proporcionam uma genuína felicidade, como o conhecimento da verdade, da amizade, de uma personalidade esplêndida, a contemplação da beleza da natureza e da arte, etc. Todos estes elementos se encontram no sentido e complementaridade dos “cuidados-técnica” com o “cuidado-moral”. E todos eles pressupõem o valor do bem, assim como a sua aptidão para proporcionar a felicidade: *congregatio omnium bonorum ad finem* (congregação de todos bens em ordem a um fim). Esta é eticamente um traço de união entre “cuidado-técnica” com o “cuidado-moral”. A qualidade do bem objectivo não radica no valor do bem como tal. Este possui um valor indireto, porque é um bem objectivo para a pessoa. Esta propriedade é fonte do seu valor indireto. Esta inversão só é válida para a relação entre o valor indireto do bem objectivo e o seu carácter de bem objectivo para a pessoa. São estes os elementos axiológicos, que caracterizam o “cuidado-técnica”. Considera-se que o declínio funcional e a perda da qualidade de vida são características inerentes ao envelhecimento da grande maioria das pessoas, características, estas, que temos de aprender a respeitar e a contornar. Esta perda está espelhada na Velhice. Falar sobre a responsabilidade dos profissionais de saúde nesta matéria, é falar sobre uma realidade que assume contornos cada vez mais evidentes e em que os profissionais de saúde deverão encetar esforços no sentido de a promover. É preciso que os profissionais estejam sensíveis, desportos e abertos a esses novos desafios. O conceito de cuidados paliativos é frequentemente utilizado de forma intercambiável com cuidados de fim de vida. A organização Mundial de Saúde definiu os cuidados paliativos como: “Uma abordagem que melhora a qualidade de vida dos doentes e das suas famílias, que enfrentam o problema associado à doença com risco de vida, através da prevenção e alívio do sofrimento por meio de identificação precoce, avaliação perfeita e gestão da dor e de outros problemas físicos, psicossociais e espirituais”. Os cuidados paliativos são ao mesmo tempo uma filosofia e um sistema estruturado de cuidados. Os cuidados são prestados por uma equipa multidisciplinar, incluindo médicos, enfermeiros, assistentes sociais, capelães e outros profissionais e para-profissionais de saúde. Estes cuidados podem ser prestados em todos os contextos, a doentes de todas as idades e membros de suas famílias, ao longo do

diagnóstico, tratamento, cura ou morte e até a perda por parte da família. O alívio do sofrimento é a pedra angular dos bons cuidados paliativos. Os programas de cuidados paliativos aumentaram rapidamente nos últimos anos devido à existência de mais doentes com doenças crônicas e em risco de vida e devido ao facto de haver mais famílias a estar envolvidas nas decisões acerca dos cuidados em fim de vida prestados aos seus entes queridos.

Os profissionais de saúde, muitas vezes, não se querem envolver em questões familiares, alegando que são do domínio privado e furtam-se à responsabilidade de preservar e proteger a saúde do idoso. Qualquer que seja a intervenção, ela deve promover o respeito dos direitos à privacidade e autodeterminação da pessoa com mais idade. Respeitar a autonomia do idoso é um valor fundamental, representa a liberdade individual e a oportunidade de desenvolvimento pessoal. As decisões individuais tornam-se um bem essencial, desde que não venham a ferir o valor da dignidade humana, a vida e o respeito que lhe é devido. O cuidado deve ser orientado e contextualizado na vida de cada um, ajustando, de forma eficiente, as respostas de apoio, tendo como objetivo melhorar o bem-estar e a qualidade de vida de cada um. Se o desejo do idoso for estar em ambiente familiar, todos os esforços devem ser concentrados no sentido de manter a pessoa idosa em ambiente domiciliar com segurança. Caso seja necessário a institucionalização, deve ser sempre considerada como uma alternativa e não como um fim. Perante situações problemáticas, que representem até dilemas, é necessário que se juntem esforços de forma a que a qualidade de vida possa ser melhorada através do diagnóstico, prevenção ou tratamento eficazes. O suporte familiar, através da orientação para as questões relativas à pessoa com mais idade, para tomada de decisões, para divisão de responsabilidades dos familiares e para informação sobre a rede de apoio e suporte comunitário, será eficiente para a manutenção do idoso numa comunidade livre de riscos. Manter a dignidade da pessoa idosa é uma tarefa de elevada nobreza e responsabilidade. A falta de saúde vem, muitas vezes de forma repentina, dificultar esta missão. É, com frequência, a fragilidade e falta de preparação do agregado familiar do idoso que contribui para os problemas que se geram em torno dos seus cuidados. O devido cuidado ao cuidador, representaria, na maioria dos casos, uma resolução mais simples, saudável e acolhedora dos problemas que podem surgir na tentativa de atingir o grande objetivo de trazer dignidade e felicidade à vida da pessoa com mais idade.

A parábola do Bom Samaritano é a Teologia do Cuidado. Trata-se, pois, de um cuidado esplancofânico de um Samaritano bom para com um Desvalido no Caminho, pela via crucis, da doença, nudez, marginalidade. etc. No “cuidado-valor”, esta resposta constitui uma harmonia objectiva entre o valor e a resposta, que encarna o “valor”. Uma resposta contrária ou indiferente, frente a um valor, constitui uma desarmonia, que encarna um desvalor. Toda a Teologia do Cuidado é uma Teologia plesiológica, que tem tanto de axiológico, quanto de ético, no seu sentido poiético. Perante o “cuidado-valor”, será necessário notar que nem o valor moral, nem o intelectual de uma resposta adequada, fundamentam o princípio segundo o qual o objeto portador de um valor (desvalido no caminho) exige uma resposta apropriada e harmónica. A resposta adequada é exigida em razão de objeto-su-

jeito, não da pessoa que responde (enfermeiro/médico). A nossa posição original faz-se ao enunciar dialeticamente o sentido do “cuidado”, que vai do cuidado-técnico ao cuidado-moral até ao “cuidado-valor”. O verdadeiro termo do cuidado está no “cuidado-valor”. O Samaritano soube estabelecer prioridades na aplicação de cuidados. Primeiro fez os cuidados primários (ligaduras, azeite e vinho) ao Desvalido (Lc 10, 34). Seguidamente mantém uma relação de prioridades, em ordem às obrigações, que foram: colocou-O sobre a sua montada, levou-O para uma estalagem e cuidou d’Ele. Segundo a parábola, a comoção entranhável converteu-se em fazeres. A ética do cuidado deu lugar à ética poiética. O primeiro é um movimento para um “fazer visceralmente” (Lc 10, 33), o segundo para tomar conta da ocorrência. O texto refere várias obrigações, sendo primeiro a “curativa”. A parábola é muito explícita ao falar das obrigações, expressas nas Aufgaben (tarefas), mas antes há o acolhimento do cuidado (Lc 10, 33). A resposta de cuidado do Samaritano, ao semi-morto, é expressão do constante amor, que os profetas anunciaram. Logo, é o Samaritano que faz a verdadeira oferta pelo “sentimento esplanchnofânico”. Naturalmente, tyoda a parábola do Bom Samaritano (Lc., 10, 25 – 37) professa uma axiologia do cuidado, que vai desde o cuidado-técnico até ao cuidado-soteriológico. Assim, o epicentro desta axiologia soteriológica encontra-se nos sentimentos esplanchnofânicos de um Samaritano para com um Desvalido no Caminho. A dignidade na Velhice postula, portanto, uma “ética de cuidados”.

CONCLUSÃO

A personalidade é uma construção. Ninguém é o que é por acaso. É fruto da maneira como viveu cada uma das etapas da vida e daquilo que cultivou. A pergunta que devemos fazer é o que temos cultivado enquanto nação, mundo produtivo, escola, família, lazer e religião? A velhice deve ser compreendida não como uma involução, retrocesso, perda, queda, mas sim como uma evolução natural da vida. A qualidade de vida na terceira idade pode ser definida como a manutenção da saúde, no seu maior nível possível, em todos os aspetos da vida humana: físico, social, psíquico e espiritual, como é descrita enquanto conceito pela Organização Mundial de Saúde. Proporcionar ao idoso diferentes espaços na sociedade requer a humanização de todos e a adoção da prática dos bons costumes a partir da nossa história e da valorização da vida em todas as suas etapas. A vida é o nosso bem mais precioso, que de graça recebemos e que ainda nos dias de hoje, não sabemos administrar competentemente, com base em valores humanos e solidários, apesar de termos sido agraciados com tanta beleza na natureza e tantos maravilhosos e diferentes dons em cada ser humano. A nossa sociedade deve pensar em formas criativas de abrir canais recetivos para que também o idoso contribua efetivamente, com as gerações mais novas, por meio do seu maior patrimônio: as suas experiências e vivências adquiridas durante a sua caminhada existencial. Preservar a autonomia, independência e a dignidade do idoso, implica sabermos usufruir da beleza que é a vida, em todas as fases da sua natural evolução, com os seus desafios, encantamentos, limitações e possibilidades. Viver, muito para além da fase em que nos encontramos nesta jornada, é um eterno processo para o compartilhar e o aprender. A condição essencial de todo o ser humano é a sua personalidade.

Esta condição determina a dignidade para todos os seres humanos, dignidade que é do indivíduo e não do género humano. Temos, pois, uma dignidade que é individual e intrínseca, diretamente relacionada com a nossa condição de pessoa, independente do exercício temporal das respetivas virtualidades, devido a erros genéticos, a acidentes ou circunstâncias desfavoráveis no percurso do próprio envelhecimento. Todos somos potenciais maltratantes, por ação ou por omissão, ou por mera negligência, contribuindo para o agravamento da vulnerabilidade. Em vez de advogados ou agentes promocionais do idoso, zelando pelo escrupuloso respeito pelos seus direitos, somos cúmplices de uma tendência que privilegia os mais jovens, como se a juventude fosse, por si só, garantia de longevidade e de produtividade social. Cumpre-nos reconhecer que é inaceitável que o aumento da longevidade signifique, para muitos, solidão, tristeza e dependência. Os idosos são, até ao fim, depositários de uma pequena riqueza, como que um denário, que não se pode enterrar nem menosprezar, porque toda a riqueza pode ser rentável. Felizes os que têm consciência disso e encontram na sua vida quem os estimule a continuarem úteis e felizes.

A Vulnerabilidade, naturalmente, refere a grande instabilidade, em que se estrutura o existir, que se implica na essência dos nossos comportamentos, como responsabilidade por aquilo que não fui eu que fiz ou não me diz respeito. Assim, a vulnerabilidade é uma forma de passividade e de proximidade do sujeito, referindo-se, na parábola, como responsabilidade. Será esta que marca a vulnerabilidade. A vulnerabilidade é uma forma de responsabilidade do Desvalido no Caminho. Esta antecede frequentemente as nossas ações e pode anteceder aquela. A vulnerabilidade é do domínio do patético e o patético da vulnerabilidade é um esse pré-filosófico, donde tudo parte, tal significa que ele é o solo da desproporção da vivência pela polaridade finito e infinito.

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Daniela Hrehová

Mária Antošová

Technical University, in Košice

Business ethics and corporate social responsibility

Abstract

Business and commerce, and their connections to ethical thinking, are as old as civilization. This paper raises questions about the overlap and reciprocally supportive interface between business ethics and corporate social responsibility, as well as about their mutual exclusivity. Business ethics imply a system of moral principles and rules of conduct applied to business so that the business should be conducted according to certain self-recognised moral standards. Corporate social responsibility is a form of corporate selfregulation integrated into a business model. It is also called as corporate conscience, corporate citizenship, social performance, or sustainable responsible business.

Key words: business ethics, corporate social responsibility, firms

INTRODUCTION

Business ethics can be defined as written and unwritten codes of principles and values that govern decisions and actions within a company. In the business world, the organization's culture sets standards for determining the difference between good and bad decision making and behavior. In the most basic terms, a definition for business ethics boils down to knowing the difference between right and wrong and choosing to do what is right. The phrase 'business ethics' can be used to describe the actions of individuals within an organization, as well as the organization as a whole. CSR-focused businesses would proactively promote the public interest (PI) by encouraging community growth and development, and voluntarily eliminating practices that harm the public sphere, regardless of legality. CSR is the deliberate inclusion of PI into corporate decision-making, that is the core business of the company or firm, and the honouring of a triple bottom line: People, Planet, Profit [12]. The goal of CSR is to embrace responsibility for the company's actions and encourage a positive impact through its activities on the environment, consumers, employees, communities, stakeholders and all other members of the public sphere. Understanding the landscape of business ethics can

be problematic [11]. The field is vast, often encompassing such concerns as corporate governance, reputation management, accurate accounting, fair labor practices and environmental stewardship to name but a few. In fact, the field addresses the entire scope of responsibilities that a company has to each of its stakeholders: those who have a vested interest in the decisions and actions of a company, like clients, employees, shareholders, suppliers and the community. Depending upon the company in question, one may even be able to identify additional stakeholders.

BUSINESS ETHICS

Business ethics is focused on the corporations and society, consider social responsibility, moral standards across borders, issues of human rights such as non-discrimination, safety and privacy. Understanding ethical principles and explaining their relevance to business [6]. Business ethics is a form of applied ethics. It aims at inculcating a sense within a company's employee population of how to conduct business responsibly [20]. Because the term „ethics” can pose problems in an international context, i.e., the term does not translate well and it can be difficult to find a common understanding of the term, some organizations choose to recast the concept of business ethics through such other terms as integrity, business practices or responsible business conduct [22]. Why are problems in business ethics? In other words, what accounts for the unethical actions of people in organizations, more specifically, why do people commit those unethical actions in which individuals knew or should have known that the organization was committing an unethical act [21]? An example recently provided by Baucus and Near [2] help to illustrate this distinction. According to the model developed from Baucus and Near's research, illegal behavior occurs under certain conditions. For example, results from their research showed that

1. large firms are more likely to commit illegal acts than small firms;
2. although the probability of such wrongdoing increases when resources are scarce, it is greatest when resources are plentiful;
3. illegal behavior is prevalent in fairly stable environments but is more probable in dynamic environments;
4. membership in certain industries and a history of repeated wrongdoing are also associated with illegal acts; and,
5. the type of illegal activity chosen may vary according to the particular combination of environmental and internal conditions under which a firm is operating.

CORPORATE SOCIAL RESPONSIBILITY (CSR)

Corporate responsibility refers to fulfilling the responsibilities or obligations that a company has toward its stakeholders. When examining a particular corporate practice, like profit versus environmental protection, corporate responsibility can help distinguish between a stakeholder expectation and a corporate obligation, i.e., is the company obligated to provide absolute environmental protection at all costs or is it obligated to maximize profits for its investors at the cost of damaging

the environment? CSR can be understood in terms of corporate responsibility, but with greater stress upon the obligations a company has to the community, particularly with respect to charitable activities and environmental stewardship [14]. Corporate and social responsibility is sometimes described as being a tacit contract between business and a community, whereby the community permits the business to operate within its jurisdiction to obtain jobs for residents and revenue through taxation [8]. Additionally, the community expects the business to preserve the environment and to make the community a better place to live and to work through charitable activities.

Corporate Social Responsibility (CSR) - its translation as social responsibility is understood as primarily a course on the ethical principles that should be respected companies in business [23]. Until now there is no united definition of the concept. Reasons are different aspects the definitions come from. Basically it contains long-time commitment of the company to behave ethically, to contribute to economic growth and life quality improvement of their employees, community and whole society [10]. Under social responsibility belong anticorruption measures, corporate governance, intellectual property protection, transparency, also ecology, quality management and various HR policies [13]. Socially responsible is also a company which is engaged in charity and community investment, counselling or volunteering [1]. It is harder to find consensus if it can be involved in social responsibility also combining of philanthropy with brand promotion such as so called cause related marketing. Current definitions of CSR are based on principles of objectivity, involvement, active cooperation with the involved subjects and transparency. It is also distinguished by common characteristics such as: universality, focusing on active cooperation with involved subjects (stakeholders), expression of commitment to contribute to life quality development.

ETHICS AND SOCIAL RESPONSIBILITY

Corporate social responsibility is quite often wrongly identical replacement term business ethics, in some cases, the concept of business ethics. As social (social) responsibility is a synthesis of economic, ethical, legal and philanthropic responsibilities, and based on the idea of business as good citizens, businesses, respectively [9]. Business ethics focuses primarily on the moral aspects of the behaviour of individuals and groups within the enterprise [4]. Both concepts use different methods and forms of its implementation. Current definitions of corporate social responsibility are clearly based on universal ethical principles, namely independence, commitment, active collaboration with stakeholders and transparency [3]. Also, having common characteristics such as: universality, voluntary, focusing on the active cooperation of stakeholders (stakeholders), expressed commitment to contribute to the development of quality of life. They have a universal character and apply to all types of business, not just for some [5]. It is clearly impossible to do a one-on-one comparison between ethical standards and social responsibility principles if, for no other reason, than there are twelve ethical standards and seven principles for social responsibility [19]. Nevertheless, a side-by-side look at the standards and principles provides the opportunity to make some initial compari-

sons and begin to question their compatibility or mutual exclusivity [23]:

Buying organizations have the ability to influence and/or demand both ethical behavior and social responsibility from their suppliers, but should they? When it comes to ethics, an implicit agreement of long-standing exists that ethical behavior is not only desirable but required in domestic business transactions. Any debate [7], [9] stems from doing business globally wherein the ethics standard recommends being „especially sensitive to customs and cultural differences with respect to social and business behavior and issues of influence.” Influencing or demanding social responsibility from suppliers has no such caveat and poses such questions as: *Is it ethical to influence the social responsibility of suppliers? Is it ethical to demand, by way of contract language, socially responsible behavior from suppliers?*

Ethics Perhaps, the first thing that becomes apparent in comparing the ethics standards and the social responsibility principles is that „ethics” are embedded in the social responsibility principles [16]. The ethical standard for small, disadvantaged and minority-owned businesses seems to relate to the social responsibility principle of diversity. The commentary for the ethical standard, „encourage support for small, disadvantaged and minority-owned businesses”.

The social responsibility principle includes: proactively promote purchasing from, and the development of, socially diverse suppliers; encourage diversity within your own organization; proactively promote diverse employment practices throughout the supply chain [17], [18]. Because the social responsibility principle is much broader than the ethical standard, a direct relationship is not as well defined as that concerning ethics and questions begin to emerge:

Is this ethical standard compatible only with the first item under the social responsibility principle? Are the second two items of the social responsibility principle mutually exclusive?

Can you be ethical and demand, as a condition of a contract, that a supplier ensure diversity within its organization?

Can you go beyond encouraging diversity and demand, as a condition of a contract, that a supplier have a diversity-supplier program in place?

If mandates such as these are placed in contracts, how does this square with the ethical standard on supplier relationships that demands impartiality?

CONCLUSION

CSR and business ethic are hot topic in current age. Understanding the importance of ethics in business is the key to success. Customers, management, and employees all appreciate honest and ethical practices. Business ethics are important because they help maintain a clean reputation and they ultimately benefit everyone involved. Ethically the business should also have social responsibility towards shareholders, employees, customers, community & government. Corporate responsibility is an integral part of business ethics and should be practiced by all entities, whether large or small. Corporate responsibility simply means that each

individual within a company is practicing personal and professional responsibility in a way that will benefit him and others. It is extremely difficult to create a set of strict guidelines that will work for every organization, across each standard and principle, in every situation, and in every country within which it may conduct business.

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Mária Dupkalová

Katedra pedagogiky FHPV
Prešovská univerzita v Prešove
E-mail: maria.dupkalova@unipo.sk

Učiteľská profesia z legislatívneho a spoločenského hľadiska / *Teaching Profession from Legislative and Social Perspective*

Abstract

The present contribution deals with the teaching profession in legislative and social perspective. There are presented the brief results of pedeutology research in the introduction section. Subsequently, attention is focused on the legislative aspects of the teaching profession and there is also the emphasis on the social aspect of the teaching profession in the end of the article.

Key words: teacher, teaching profession, education Act, prestige of teaching profession

UČITEĽ A JEHO PROFESIA

Jednou z profesií, ktoré majú v systéme profesií (povolání) osobitné miesto a poslanie je aj profesia učiteľa. Okrem iného to vyplýva aj z nárokov, ktoré sú kladené na výkon tejto profesie. Od učiteľa sa očakáva nielen to, že bude profesionálom vo svojom povolání, teda, že bude mať formálne kompetencie na výkon tohto povolania, ale – a to predovšetkým – že svoju profesiu bude vykonávať vskutku profesionálne¹. Podľa súčasných autorov je profesionalizácia učiteľstva možná len pri zachovaní istých znakov profesionality, ktoré môžu byť prezentované v troch dimenziách: personálna – osobnostná zrelosť, etická – mravnosť osobnosti, odborná – kvalifikovanosť (Kasáčová, 2004, 2003, a i.). Možno teda konštatovať, že s problematikou učiteľskej profesie súvisí mnoho otázok. Akou osobnosťou má byť učiteľ, ktorý sprevádza žiaka počas školskej dochádzky, a ktorý tak výrazne ovplyvňuje a formuje osobnosť dieťaťa? Aké aspekty učiteľskej profesie sú z hľadiska pregraduálnej prípravy najpodstatnejšie? Aký typ učiteľa je z hľadiska determinácie osobnosti žiaka najvhodnejší? A jestvuje vôbec ideálny typ učiteľa?

R. Dyrtrtová a M. Krhutová vo svojej publikácii *Učitel Příprava na profesi* prinášajú funkčne zaujímavú „ideu“, keď tvrdia, že: „chápanie učiteľa súčasnej doby vychá-

¹ V tejto súvislosti sa žiada upozorniť na potrebu precizovania obsahu pojmov profesia, profesionál, profesionalita, profesionálnosť a pod.

dza z teórie humanistickej filozofie, z jej homocentrickej a holistickej podstaty“ (Dytrtová, Krhutová, 2009, s. 16). V danej súvislosti môžeme konštatovať, že tak ako homocentrizmus je sústredený na človeka a považuje ho za stred, centrum všetkého, tak je potrebné chápať i učiteľa ako „stred“ a „centrum“ učiteľskej profesie, a že tak ako holistické učenie pokladá celok za niečo vyššie než je súhrn jeho častí, aj osobnosť učiteľa je potrebné poznávať komplexne a nielen jednu jeho schopnosť či zručnosť. Na učiteľa treba nazerať a je potrebné ho skúmať ako *osobnosť*.

OSOBNOSŤ UČITEĽA V KONTEXTE PEDEUTOLÓGIE

Osobnosť učiteľa (angl. *teacher*, nem. *der Lehrer*, fr. *maître*, rus. учитель) je predmetom teoretickej reflexie z hľadiska viacerých pedagogických disciplín, napr. pedagogická psychológia, didaktika, teória výchovy, filozofia výchovy, sociológia výchovy, pedagogická teleológia a i.

Špecifické miesto medzi nimi zaujíma *pedeutológia*, nazývaná aj *teória učiteľskej profesie* (angl. *teacher education, teacher development, teacher research*, nem. *Theorie des Lehrerberufs*, fr. *la théorie de la profession enseignante*, rus. Теория учительской профессии)².

Pedeutológia (z gr. *paideutos* – vychovávaný a *logos* – slovo, náuka) je definovaná ako špeciálna pedagogická disciplína, ktorá komplexne skúma ciele, prostriedky, predpoklady a podmienky profesionálnych činností učiteľov, predovšetkým spoločenské nároky na osobnosť, kvalifikáciu a v neposlednom rade i na prácu učiteľa (Pavlík, 1985). Ako samostatná, osobitná disciplína sa rozvinula v druhej polovici 20. storočia a jej ďalšia genéza súvisí predovšetkým s rozvojom pedagogickej psychológie, sociológie výchovy, ako aj so zvýšeným záujmom ďalších teoretikov v oblasti pedagogiky o učiteľskú profesiu. V systéme pedagogických vied je zaradená medzi hraničné vedné disciplíny a úzko spolupracuje so psychológiou osobnosti, pedagogickou psychológiou, sociálnou psychológiou, filozofiou, etikou, sociológiou, ale aj s komparatívnou pedagogikou, školským manažmentom, pedagogickou evalváciou a inými. Medzi dominantných autorov, ktorí upozorňujú na nedostatočné uvedenie si dôležitosti učiteľskej profesie, ako i potrebu venovať sa jej komplexnejšie z teoretického, ale i praktického hľadiska patria J. Průcha, M. Černotová a B. Kasáčová.

V súčasnosti sa *pedeutológia* zameriava hlavne na otázky obsahu, metód a foriem vzdelávania učiteľov, zvyšovania ich kvalifikácie, vzrastajúcimi kvalifikačnými a spoločenskými požiadavkami, ale skúma aj iné faktory ovplyvňujúce rozvoj osobnosti učiteľov, ako napríklad osobnostné profesijné predpoklady, motiváciu voľby učiteľského povolania, spoločenské postavenie učiteľov a ich ďalší osobný rozvoj (Ed. Pavlík, 1985, s. 46).

2 B. Kasáčová sa vo svojej publikácii *Učiteľská profesia v trendoch teórie a praxe* hneď v úvode zameriava na vymedzenie a definovanie pojmu *pedeutológia*. V tejto súvislosti okrajovo upozorňuje na cudzojazyčný ekvivalent pojmu *pedeutológia*, keď dodáva, že anglické termíny *teacher education, teacher development, teacher research* označujú len jednotlivé okruhy *pedeutológie* a nie jej celé obsahové zameranie.

Pedeutológia ako subdisciplína pedagogiky má charakter:

- filozofickej vedy, a teda, kladie si otázku: *Aký je vlastne zmysel učiteľskej profesie?*;
- sociálnej vedy, ktorá sa pýta: *Aký je status a postavenie učiteľa v spoločnosti?*;
- psychologической vedy, ktorá sa snaží nájsť odpoveď na otázku: *Aké osobnostné a charakterové vlastnosti má učiteľ mať?* (Kasáčová, 2003).

Ako vedná disciplína má svoje špecifické obsahové zameranie, ktoré môže byť prezentované – podľa B. Kasáčovej – vo viacerých okruhoch:

1. Príprava učiteľov – pregraduálna príprava na povolanie, *tvorba koncepcií učiteľskej prípravy*, v rámci ktorej vznikajú modely profesionálnej kompetencie učiteľa a pod.
2. Profesionálna dráha učiteľov – založená na báze biodromálnej teórie, ktorej východiskom je náuka o praxi učiteľskej profesie, resp. *praxeológia učiteľskej profesie*.
3. Profesionálne činnosti učiteľa – pedagogické myslenie učiteľa, pedagogické spôsobilosti a kompetencie učiteľa, *profesiografia učiteľského povolania*.
4. Historický vývoj učiteľskej profesie, resp. *historiografia učiteľskej profesie*.
5. Komparácia učiteľov v medzinárodnom meradle, zmeny v učiteľskej profesii a príprave, resp. *komparatívna (porovnávacía) peudeutológia*.
6. *Typológia učiteľa*
7. *Sociálne a ekonomické postavenie učiteľa*
8. *Morálka učiteľského povolania*
9. *Pedeutologický výskum*

V tejto súvislosti ponúka inšpiratívnu ideu M. Černotová keď píše, že peudeutológia by mala „*utvárať hodnotovú orientáciu učiteľského Ja*“ (Černotová, 2006, s. 188).

Osobnosťou učiteľa sa v peudeutologickej teórii zaoberajú viacerí autori ako napríklad: L. Bakoš, V. Špendla, O. Pavlík, L. Višňovský, L. Ďurič, Ch. Kyriacou, V. Spilková, S. Kariková, V. Švec, E. Petlák, P. Gavora, M. Zelina, B. Kasáčová, B. Kosová, R. Dyrtrtová, M. Krhutová, J. Průcha, M. Černotová, N. Krajčová, M. Gluchmanová a i.

Všetci vyššie uvedení autori – z uhlu svojho pohľadu, resp. z hľadiska svojho výskumu – hľadajú odpoveď na otázku: „kto je to učiteľ“?

Z terminologického hľadiska je pojem *učiteľ* používaný najmä pre: „pracovníkov, ktorých činnosť je spätá s edukáciou v školskom prostredí. J. Průcha v tejto súvislosti konštatuje, že termín *edukátor* nepokrýva už len všeobecné hľadisko učiteľa v tomto zmysle, ale je aplikovateľný aj pre „všetkých iných profesionálov realizujúcich nejaké edukačné procesy i mimo školské prostredie – inštruktori, majstri odbornej výchovy, lektori v podnikovom vzdelávaní, školitelia v rekvalifikačných kurzoch, pedagógovia v nápravných zariadeniach a i.“ (Průcha, 2009, s. 173).

Podľa *Charty učiteľa* sa slovo *učiteľ* (enseignant, teacher) „vzťahuje na všetky osoby v školách, ktoré sa zaoberajú výchovou a vzdelávaním žiakov“ (Charta učiteľa, 2002, s. 7). Medzinárodné organizácie OECD a UNESCO vo svojich pravidelných prehľadoch *Education at the Glance – OECD Indicators* vydávajú pravidelné prehľady týkajúce sa komparácie hlavných indikátorov učiteľskej profesie v medzinárodnom meradle. Sledujú viacero ukazovateľov, ako napríklad: dĺžka prípravy učiteľov na povolanie podľa subprofesií, vekové rozvrstvenie učiteľov, pedagogické činnosti učiteľov a pod. B. Kasáčová s odvolaním sa na vyššie spomínané dokumenty píše, že ak sa na učiteľa pozeráme v medzinárodných súvislostiach, tak za učiteľa považujeme profesionála, ktorý „vykonáva edukačnú prácu na niektorom stupni alebo type škôl a spĺňa na to určené kvalifikačné predpoklady“ (Kasáčová, 2004, s. 15)

Z obsahového hľadiska môžeme teda učiteľa definovať ako osobu, ktorého profesijná aktivita zahŕňa prenos poznatkov (angl. *transmission of knowledge*), postojov a schopností, špecifikovaných vo formálnych kurikulárnych programoch pre žiakov a študentov vo vzdelávacích inštitúciách. Kategória učiteľ zahŕňa tých pracovníkov, ktorí priamo uskutočňujú výchovno-vzdelávací proces, teda vyučovanie žiakov (Kasáčová, 2004). Táto definícia je založená na 3 aspektoch:

1. aktivita – medzi učiteľov sa radia iba tí, ktorí vykonávajú priamo vyučovaciu činnosť;
2. profesionalita – z definície sú vylúčení tí, ktorí pracujú vo vzdelávacích inštitúciách, ale nevyučujú;
3. vzdelávací program – zahŕňujú sa sem len tí, ktorí vyučujú žiakov, ale nie tí, ktorí uskutočňujú určité služby týkajúce sa vzdelávania (napr. psychológia, školskí inšpektori, knihovníci a pod.).

UNESCO vypracovalo medzinárodnú normu pre klasifikáciu vzdelávania s názvom *Európske Hodnotenie Vzdelania* (angl. *The International Standard Classification of Education – ISCED*). Prezentované hodnotenie bolo v roku 1975 potvrdené na Medzinárodnej konferencii pre vzdelanie v Ženeve. Ide o klasifikáciu vzdelávacích úrovní, ktorá je záväzná i pre Slovenskú republiku. Učítelia na základe tejto klasifikácie nadobúdajú kvalifikáciu a sú zaradení podľa medzinárodne komparabilnej úrovne nasledovne:

ISCED 0 predprimárne vzdelávanie – materské školy

ISCED 1 primárne, elementárne vzdelávanie – 1. stupeň základnej školy

ISCED 2 nižšie sekundárne vzdelávanie – 2. stupeň základnej školy

ISCED 3 vyššie sekundárne vzdelávanie – stredné školy, kvalifikácia – *učiteľ materskej školy*.

ISCED 4 postsekundárne vzdelávanie – pomaturitné, príp. nadstavbové štúdium pre absolventov stredných škôl, príp. doplnkové pedagogické štúdium na pedagogických fakultách kvalifikácia – *učiteľ materskej školy*.

ISCED 5 prvý stupeň terciárneho vzdelávania – bakalárske a magisterské vysokoškolské štúdium, kvalifikácia – po absolvovaní magisterského štúdia *učiteľ pre 1. a 2. stupeň základnej školy, učiteľ pre stredné školy, učiteľ materskej školy*.

ISCED 6 druhý stupeň terciárneho vzdelávania – doktorandské štúdium, kvalifikácia – učiteľ na fakulte univerzity.

Centrum pre výskum a inovácie vo vzdelávaní, ktoré spolupôsobí pri OECD od roku 1968, rozlišuje podľa tejto medzinárodnej klasifikácie toto členenie:

1. učitelia v predprimárnych zariadeniach – učitelia materských škôl,
2. učitelia pre primárny stupeň škôl – učitelia 1. stupňa základných škôl,
3. učitelia pre nižší sekundárny stupeň škôl – učitelia 2. stupňa základných škôl,
4. učitelia pre vyšší sekundárny stupeň škôl – stredoškolskí učitelia,
5. učitelia pre terciárny stupeň škôl – vysokoškolskí učitelia (Kasáčová, 2004).

Učitelia sú často označovaní za pedagogických pracovníkov, avšak učiteľ tvorí len súčasť širšej profesijnej skupiny nazvanej „pedagogickí pracovníci“. J. Průcha do tejto skupiny radí:

- učiteľov (vrátane riaditeľov a zástupcov riaditeľov) MŠ, ZŠ, ZUŠ, SŠ, špeciálnych škôl, špeciálnych pedagogických centier a PPP, učilíšť, zariadení pre záujmové štúdium, školských zotavovacích zariadení, školských zariadení pre ďalšie vzdelávanie pedagogických pracovníkov, zariadení sociálnej starostlivosti;
- vychovávateľov škôl a školských zariadení, majstrov odborných výcvikov, inštruktorov telesnej výchovy, trénerov športových tried a pod.

Samostatnú skupinu tvoria učitelia na vysokých školách (Průcha, 2002), kde funkciu učiteľa plnia akademickí pracovníci, medzi ktorých môžeme zaradiť:

- zamestnancov vysokých škôl, ktorí vykonávajú pedagogickú, vedeckú, výskumnú, umeleckú a ďalšiu tvorivú činnosť;
- profesorov, docentov, odborných asistentov, asistentov, lektorov, rovnako aj ostatných vedeckých, výskumných pracovníkov podieľajúcich sa na pedagogickej činnosti.

Ako bolo prezentované v úvode, zastávame názor, že učiteľ by mal byť vo svojej profesii v prvom rade profesionál. B. Kasáčová (2003) píše, že profesionalizácia učiteľstva je možná len pri zachovaní určitých podmienok a rešpektovaní istých znakov profesionality, ktoré vyjadruje v troch dimenziách:

1. personálna – osobnostná zrelosť,
2. etická – mravnosť osobnosti,
3. odborná – odbornosť (kvalifikovanosť).

S ohľadom na tému predloženého príspevku nebudeme venovať pozornosť všetkým trom dimenziám, ale sústredíme sa len na odbornú dimenziu učiteľskej profesie, pričom slovné spojenie „odborná dimenzia profesionality“ modifikujeme do podoby *sociálno-legislatívny rozmer* učiteľskej profesie.

Spoločnosť je – podľa nášho názoru – hlavným činiteľom, ktorý determinuje

podmienky na výkon učiteľskej profesie, získanie kvalifikácie a pod. Ako píše N. Krajčová: „Kvalita práce pedagogickej profesie sa odráža vo fungovaní celej spoločnosti. Zároveň však máloktorá **profesia** je tak úzko spätá so **spoločenskými podmienkami**“ (Krajčová, 2001, s. 334). Aj s prihliadnutím na túto skutočnosť sa budeme tejto problematike venovať podrobnejšie, pričom sa sústredíme na spoločenský status učiteľa, na vymedzenie učiteľa z pohľadu súčasnej legislatívy a pod.

SOCIÁLNO-LEGISLATÍVNY ROZMER UČITEĽSKEJ PROFESIE

N. Krajčová (2003) o profesii učiteľa píše, že má *jedinečné postavenie v spoločnosti*. Z hľadiska sociologickej analýzy dodáva, že učiteľ je naozaj ten, kto „sprostredkováva na profesionálnej úrovni kumulovanú kultúru nastupujúcej generácii“ a ako ďalej konštatuje, práve „profesionalita pedagogického pracovníka umožňuje deťom a mládeži v procese enkulturácie a societizácie prípravu na fungovanie v spoločnosti“ (Krajčová, 2003, s. 237).

V rámci problematiky definovania profesionalizácie učiteľskej profesie môžeme v interpretačnej literatúre nájsť viacero stanovísk. V práci S. Štecha sa môžeme stretnúť s tendenciou k „de-profesionalizácii“, keď o učiteľskej profesii hovorí ako o „nemožnom povolani“, a vo svojej práci nastoľuje otázku: Čo je to učiteľstvo a dá sa mu vôbec naučiť? Dokonca sa môžeme stretnúť s pomenovaním učiteľstva ako „intelektuálneho kutilstva“. J. Průcha opierajúc sa o prácu A. C. Ornsteina a D. U. Levina (1989) dokonca konštatuje, že učiteľstvo nie je profesiou v plnom slova zmysle, nemá totiž niektoré charakteristiky, ktoré profesia musí mať. Učiteľstvo považuje za „semi-profesiu“, príp. za „vyvíjajúcu sa profesiou“, ktorá sa k charakteristikám profesie len dopracováva. Táto skutočnosť je argumentovaná tým, že mnohí ľudia vykonávajú učiteľstvo bez príslušnej kvalifikácie, nie je presne vymedzený súbor profesijných znalostí pre výkon profesie a v neposlednom rade, jednou z konzekvencií, ktorá z týchto okolností vyplýva je, že laická verejnosť často rieši otázky vzdelávania bez príslušných vedomostí a následne bez kompetentnej kvalifikácie.

V sociologických výskumoch sa venuje pozornosť – okrem iného – aj skúmaniu prestíže učiteľskej profesie, ktorá sa analyzuje ako jedna z charakteristík sociálnej stratifikácie. Zostavujú sa stupnice, prípadne poradia profesií. Takto bola vytvorená – medzinárodná štandardná škála prestíže povolania – ISCO. V českých podmienkach bola vypracovaná česká škála prestíže povolania (Průcha, 2009). Posudzovalo sa 70 povolaní na reprezentatívnom súbore 1600 respondentov vo veku 18-60 rokov.³ Dospelo sa k dvom záverom:

1. „Učiteľ na základnej škole“ a „docent, profesor na vysokej škole“ boli v tejto škále hodnotené v kategórii profesií s najvyššou prestížou.
2. Prestíž povolania v českej škále významne koreluje s kategóriami „zložitosť práce“ a „stupeň vzdelávania“, ale nie s kategóriou „pohlavie“.

Z uvedeného vyplýva, že povolanie učiteľ je hodnotené ako vysoko prestížne kvôli

³ V rebríčku prestíže povolania sa učiteľ základnej školy umiestnil na 7. mieste a vysokoškolský učiteľ, docent, profesor na 3. mieste. Výskum realizovaný na reprezentatívnej vzorke študentov učiteľstva posunul učiteľa na základnej škole na 6. miesto, učiteľa strednej školy na 5. miesto a vysokoškolského učiteľa, docenta a profesora dokonca na 2. miesto z hľadiska škály prestíže povolania.

vysokému stupňu vzdelania a zložitosti vykonávanej činnosti, avšak bez ohľadu na pohlavie učiteľa. Vysoká feminizácia učiteľstva nemá teda významne negatívny dopad na hodnotenie prestíže učiteľskej profesie. Ak sa pozrieme na prestíž učiteľského povolania z pohľadu študentov učiteľstva, rovnako je profesia učiteľa hodnotená veľmi vysoko. Čo teda robí učiteľskú profesiu profesiou? Podľa M. Zelinu (In: Blížkovský, Kučerová, Kurelová, 2000) môžeme v tejto súvislosti hovoriť o nasledujúcich charakteristikách:

- Učiteľská profesia je definovaná ako unikátna, jedinečná činnosť, ktorej základom je služba človeku a spoločnosti.
- Učiteľská profesia si vyžaduje isté intelektové zručnosti a osobnostné kvality.
- Učiteľská profesia predpokladá dlhý čas prípravy, tréningu na vykonávanie činnosti.
- Členovia tejto profesie ako aj profesijné skupiny majú určitú mieru autonómie a autoritu pre uskutočnenie validných, profesionálnych rozhodnutí.
- Učitelia, ako profesionáli vo svojej činnosti preberajú autonómnu zodpovednosť za svoje činy a rozhodnutia.
- Učiteľstvo vyžaduje vysokú profesionálnu motiváciu pre službu človeku.
- Učiteľská profesia si vyžaduje vysoký stupeň sebaovládania, sebariadenia a zodpovednosť za vlastnú tvorivosť.
- Učiteľská profesia má vysoký etický kódex, predpokladá vzorovú prezentáciu i reprezentáciu kvalitnej výchovy.

Súhlasíme so stanoviskom, podľa ktorého: „**učiteľstvo je profesiou, vysoko náročnou a spoločensky málokedy a málokde docenenou**“, učiteľ je profesionál, ktorého úlohou je pôsobiť na **“rozvoj osobnosti, osobnosti ako svojbýtnej, zvláštnej bytosti, bytosti jedinečnej, ktorej hodnota nemôže byť nikdy ničím a nikým podmienená – je to hodnota sui generis”** (Blížkovský, Kučerová, Kurelová, 2000 s. 139).

Z hľadiska súčasnej legislatívy je problematika výkonu výchovno-vzdelávacej činnosti vymedzená v nasledujúcich dokumentoch:

- Zákon č. 317/2009 Z. z. o pedagogických zamestnancoch a odborných zamestnancoch
- Zákon č. 245/2008 Z. z. výchove a vzdelávaní (školský zákon)

Tieto zákony sa vzťahujú:

- na pedagogického zamestnanca a odborného zamestnanca škôl a školských zariadení, v ktorých sa vykonáva výchova a vzdelávanie detí a žiakov v odvetvovej pôsobnosti ústredných orgánov štátnej správy,
- na pedagogického zamestnanca v organizáciách kontinuálneho vzdelávania,
- na pedagogického alebo odborného zamestnanca zariadení sociálnych služieb, zariadení sociálnoprávnej ochrany a sociálnej kurately a zariadení pre pracovnú rehabilitáciu, v ktorých sa vykonáva výchova, výchovné poradenstvo alebo vzdelávanie plnoletých fyzických osôb,
- na ďalších pedagogických zamestnancov a odborných zamestnancov.⁴

⁴ Tento zákon sa nevzťahuje na vysokoškolských učiteľov. Na vysokých školách ako zamestnanci pôsobia podľa § 74 ods. (1) Zákona č. 131/2002 Z. z. o vysokých školách „vysokoškolskí

Pedagogický zamestnanec je vymedzený ako „fyzická osoba, ktorá vykonáva pedagogickú činnosť“ a *odborný zamestnanec* ako: „fyzická osoba, ktorá vykonáva odbornú činnosť“. *Pedagogická činnosť* predstavuje „súbor pracovných činností vykonávaných priamou výchovno-vzdelávacou činnosťou“ a *odborná činnosť* je definovaná ako: „súbor pracovných činností vykonávaných odborným zamestnancom najmä pri poskytovaní psychologickkej, logopedickej, špeciálnopedagogickej starostlivosti alebo výchovného a sociálneho poradenstva a prevencie dieťaťa, žiakovi, poslucháčovi, skupine detí, žiakov alebo poslucháčov s osobitným zreteľom na proces výchovy a vzdelávania v školách a v školských zariadeniach“ (Zákon č. 317/2009 o pedagogických zamestnancoch a odborných zamestnancoch).

Kategórie pedagogických a odborných zamestnancov môžu byť v kontexte vyššie uvedeného zákona prezentované nasledovným spôsobom:

TAB. Č. 2.: Kategorizácia pedagogických a odborných zamestnancov (Zákon č. 317/2009 o pedagogických a odborných zamestnancoch)

Pedagogický zamestnanec	Odborný zamestnanec
učiteľ	psychológ, školský psychológ
majster odbornej výchovy	školský logopéd
vychovávateľ	špeciálny pedagóg,
pedagogický zamestnanec	školský špeciálny pedagóg,
zahraničný lektor	terénny špeciálny pedagóg
tréner športovej školy a tréner športovej triedy	liečebný pedagóg
korepetítor	sociálny pedagóg

Učiteľ – podľa tohto zákona – vykonáva: „pedagogickú činnosť pri uskutočňovaní školského vzdelávacieho programu alebo pri poskytovaní kontinuálneho vzdelávania“. Kategória *učiteľ* sa podľa vzdelávacieho programu člení na podkategórie podľa vzdelávacích programov poskytujúcich stupne vzdelania alebo kontinuálne vzdelávanie takto:

- učiteľ pre predprimárne vzdelávanie (učiteľ materskej školy),
- učiteľ pre primárne vzdelávanie (učiteľ prvého stupňa základnej školy),
- učiteľ pre nižšie stredné vzdelávanie (učiteľ druhého stupňa základnej školy),
- učiteľ pre nižšie stredné odborné vzdelávanie, stredné odborné vzdelávanie, úplné stredné všeobecné vzdelávanie, úplné stredné odborné vzdelávanie a učiteľ pre vyššie odborné vzdelávanie (učiteľ strednej školy),
- učiteľ základnej umeleckej školy,
- učiteľ jazykovej školy,
- učiteľ pre kontinuálne vzdelávanie.

V súvislosti s profesiou učiteľa je vo vyššie uvedenom zákone komplexne definovaný aj pojem *profesijný rozvoj učiteľa*, ktorého obsah má nasledovný charakter: „profesijný rozvoj je proces prehlbovania, zdokonaľovania a rozširovania kvalifikačných kompetencií učiteľa, vyskumní pracovníci, umeleckí pracovníci a ostatní zamestnanci“. Podľa § 75 ods. (1) „vysokoškolskí učitelia pôsobia vo funkciách profesor, hosťujúci profesor, docent, hosťujúci docent, odborný asistent, asistent a lektor“.

fikácie a profesijných kompetencií v súlade s najnovšími vedeckými poznatkami, spoločenskými potrebami a požiadavkami na výkon pedagogickej činnosti a na výkon odbornej činnosti“, a ktorý sa v kariérovom systéme uskutočňuje prostredníctvom „kontinuálneho vzdelávania, tvorivých aktivít súvisiacich s výkonom pedagogickej činnosti alebo odborných činností, sebazvedávania“. V danom kontexte je na mieste precizovať termín kariérový stupeň, ktorý podľa tohto zákona „vyjadruje mieru preukázaného osvojenia si profesijných kompetencií a náročnosť vykonávania pedagogickej činnosti pedagogickým zamestnancom a náročnosť vykonávania odbornej činnosti odborným zamestnancom“ (Zákon č. 317/2009 o pedagogických a odborných zamestnancoch).

Z pohľadu súčasnej legislatívy sa teda učiteľ môže zaradiť do týchto kariérových stupňov:

- a) začínajúci pedagogický zamestnanec,
- b) samostatný pedagogický zamestnanec,
- c) pedagogický zamestnanec s prvou atestáciou,
- d) pedagogický zamestnanec s druhou atestáciou.

Okrem kariérového stupňa, môže byť učiteľ zaradený do kariérovej pozície, ktorá vyjadruje jeho funkčné zaradenie na výkon špecializovaných alebo riadiacich činností. Kariérové pozície sú v spomínanom zákone nasledovné:

- a) pedagogický zamestnanec špecialista,
- b) vedúci pedagogický zamestnanec.⁵

Učiteľ (pedagogický zamestnanec) sa zaradí do príslušného kariérového stupňa alebo kariérovej pozície absolvovaním kontinuálneho vzdelávania a aktualizovaním, resp. inovovaním svojich profesijných kompetencií. Kontinuálne vzdelávanie môžeme definovať ako „sústavný proces nadobúdania vedomostí, zručností a spôsobilostí s cieľom udržiavania, obnovovania, zdokonaľovania, rozširovania a dopĺňania profesijných kompetencií“ (Zákon č. 317/2009 o pedagogických a odborných zamestnancoch).

Kontinuálne vzdelávanie môže poskytovať škola alebo školské zariadenie, vysoká škola, organizácia zriadená ministerstvom na zabezpečenie alebo plnenie úloh v oblasti kontinuálneho vzdelávania, vzdelávacia organizácia iného ústredného orgánu štátnej správy, cirkev alebo náboženská spoločnosť a realizuje sa prostredníctvom akreditovaných programov nasledovných druhov kontinuálneho vzdelávania:

- a) adaptačné vzdelávanie,
- b) aktualizáčn é vzdelávanie,
- c) inovačné vzdelávanie,
- d) špecializačné vzdelávanie,
- e) funkčné vzdelávanie,

⁵ Štruktúru kariérových pozícií v škole určuje riaditeľ vo vnútornom predpise po prerokovaní pedagogickej rady.

f) kvalifikačné vzdelávanie ⁶.

Táto legislatívna presnosť a jasnosť vymedzenia profesijného rozvoja učiteľa však sama o sebe negarantuje jeho očakávané uplatnenie v oblasti konkrétnej edukačnej praxe. Na profesijný rozvoj učiteľa sa viažu nielen nekompatibilné (ba až nekomparatívne) špecifiká vyplývajúce z charakteru jednotlivých regiónov, či jednotlivých typov škôl, ale tiež rôzne individuálne (osobné, resp. osobnostné) zvláštnosti.

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⁶ Blížšie k tejto problematike pozri Zákon č. 317/2009 o pedagogických a odborných zamestnancoch.



Ján Bajtoš

Institute of Technology, Dubnica,
Republic Of Slovakia
E-mail: bajtos@dti.sk

University teacher versus student`s affective component of personality

Abstract

Modern university should primarily teach students to think critically its purpose is to teach students to solve problems, to develop their entrepreneurial skills and more intense engagement with practice also seems desirable. Equally important is also the formation of the affective component of personality of students, active contribution to the development of their scale of values and the contribution to the development of values such as goodness, love, tolerance, understanding and so on. The author, in this paper deals, with the characteristics of the humanist-oriented university teacher and with the options of development of affective aspects of the personality of the student through the targeted categories.

Key words: modern university, university teacher, creative and humanistic teaching, good characters of university teacher, affective component of the student's personality, taxonomy of the objectives developing the affective aspect of the student's personality

INTRODUCTION

In order for university teachers to achieve overall objectives, objectives of the school, objectives of the fields of studies, objectives of the study programmes therefore there is a need to have the most accurate information about the process of teaching, about the characteristics of their students, working conditions thus as much empirical information which describe and explain educative reality as possible. University teacher needs to know a wide range of behavioral patterns, heuristic rules and best practice (Bajtoš, 2008). If a university teacher has to effectively fulfill his role, i.e. educate, nurture and develop the personality of students, he/she must be thoroughly well-read in his/her field, also should have a good educational preparation and high general refinement. Highly professional and scientific erudition is the basic and the most important prerequisite for the professional accomplishment of the university teacher. The attributes mentioned above do not necessarily automatically guarantee success in imparted knowledge, education and motivation of young people, or in the pedagogic and/or didactic area.

CREATIVE AND HUMANISTIC UNIVERSITY TEACHER

Thorough knowledge of the students their needs and interests is an essential requirement for successful and effective education. University teacher should have the student's interest, and he should want to help him/her at all times. The traditional image of the teacher comes from the view of teaching as a process of unilateral action on the student (learning object), which is led by teacher, guided and shaped. In such relationship the teacher is the responsible entity interested in the students' qualifications only for the reason to conduct the learning process, i.e. to choose the appropriate methods and means to achieve the goals of education. Contemporary modern student concept understands the student as an evolving and developing being. The student becomes the subject of education actively portrayed in the learning process. The school has to focus on student's abilities and opportunities and givenness. The aim of educational process is a complete multilateral development of personality and individual approach to the existing cultivation and the formation of its active and creative relationship to reality. Therefore we cultivate the individual in all aspects in education. We cultivate it in terms of the components of personality; cultivate it professionally to stimulate its philosophical, moral and aesthetic attitudes toward reality, his/her needs, his/her interests and social behavior (Bajtoš, 2013). Educational outcome is, therefore, the comprehensive development of the student as a subject of education. It is not a simple task and considerable demands are being placed to this process.

The tasks facing teachers in present time are extremely demanding. After all, they carry out responsibility for development of students, preparing them for the basic social roles in creating and shaping the personality of the individual persons. These difficult tasks impose reasonable demands for every teacher, to his/her professional character and quality of his/her multilateral focus. Yet, the experience shows, that there are large differences among individual teachers. Students and the whole surrounding value the outstanding teachers; they become authorities for them in the real sense of the word. Such teachers shape and develop their students in a versatile way. However, there are also teachers who are already inconsistent in their moral and human profile, teachers who have deficiencies in general and vocational education, teachers who do not have proper authority among students, teachers who prefer coercive (forcing) methods in education and in nurture, teachers who take distance from their ward, and teachers who have elitist tendencies of behavior. Such teachers do not have the success of their students, which does not trust teachers like that and thus, they have to enforce their "authority". Educational activity and participation in the education of this group of teachers is often rather negative, although this effect alone is not even being realized by many.

In addition to educational activities, university teacher performs his duties in the area of scientific research. It is assumed, that the college latest knowledge of the given branch of study are being continually enriching the content of education and that the students are actively being involved in research and scholarly activities to capitalize in their diploma and doctoral theses. Teacher at the high school is therefore also a trainer (manager) of scientific activity of students, designer and

investigator of research tasks. The teacher is also the creator of learning materials (university textbooks, scripts, distance learning texts and etc...) and teaching aids of different nature, as well. In pedagogical literature, we often encounter the term "pedagogic competence". It is not only about the fact that the university teacher has to be able to teach or lecture, therefore, to implement didactic principles in his work, the teaching methods, organizational forms to the learning process. According to Vašutová (2002), the pedagogical competence is "a set of specific and highly expert knowledge, skills, attitudes and experiences that reflect the dynamics of learning processes in tertiary level and conversion the population of students, their intellectual and personal needs, individual interests and educational needs". Pedagogical competence essentially covers the following areas (Podlahová, 2012) :

- interpersonal strategy (relationships and interactions),
- teaching strategies (improving teacher teaching style, knowledge of learning styles of students, their motivation and barriers),
- personality development of students and their professional socialization (experiential and social learning, personal skills, interests and needs, age and intellectual peculiarities),
- management of learning activities of students (control, documentation, creation of conditions for learning),
- transform new scientific knowledge into the curriculum (updating the curriculum),
- designing study programs and courses,
- use heuristic, activating and supporting didactic teaching practices in education,
- application of information technology,
- student assessment strategies,
- creation of textbooks and teaching materials,
- self-assessment and self-reflection.

Each college has its own specific teaching staff, within which various academics operate. It is true, that at every high school, there are teachers who are more popular while others are less favorite, respectively. Sometimes the same (given) university teacher can be considered as good while in the opinion of others he/she can be considered to be on the contrary a poor teacher. Nevertheless, with some degree of accuracy it can be said that which the prosperities of a good university teacher are. Based on numerous studies we conclude that students particularly appreciate the teacher's expertise, a comprehensive and clear presentation of subject matter, placing examples from practice while teaching the new subject matter, objectivity and fairness in the evaluation, an equal behavior, a provision of opportunities for students to ask questions, humor, focus on higher thought operations such as critical and creative thinking, and so on. Students do negatively perceive superior or patronizing behavior of the teacher, his moodiness, arrogance, ignorance of students, injustice, focus on highlighting the weaknesses of student(s) and the like. The basic task of a university teacher is to educate and train the students.

University teacher should have teach students and it should not had to be limited to knowledge. It is also important to teach them to think, create, or work independently, with the intention that students could become responsible young people with realistic view of the world. Fulfilling these expectations are being subjects by constantly improving of the teacher in carrying out his/her work. If the university teacher wants to improve in teaching profession, it is necessary for him/her to know the work of successful teacher and to realize that the success of the teachers can be considered in a number of perspectives. From the perspective of students, from the perspective of parents, in terms of subscribers of graduates and from the perspective of fellow colleagues (Turek, 2008). Ellington (2000) offers seven golden rules for university teachers:

- Find out how your students learn.
- Determine the appropriate learning objectives.
- Use optimal methods of teaching.
- Use optimal methods of student assessment.
- Monitor and evaluate their teaching practices (do self-reflection).
- Try to always bring the best performance, keep it improving.
- Constantly educate, keep up with the latest developments, not only in the given field but also in the field of higher education.

The characteristics of good and poor teacher has been investigated in the work of many foreign authors. As the sample, we can mention the characteristics of a good teacher (Black - Howard-Jones, 2000).

Personality traits:

- Has a good relationship with the students, can put you in their position, and is interested in them.
- Motivates, encourages, and inspires students.
- Is fair and reasonable.
- Is enthusiastic.
- Is an understanding and a good listener.
- Has positive thinking.
- Creates a favorable atmosphere.
- Has a sense of humor.
- Is patient.
- Is friendly.
- Expects a lot from students (has high demands).
- Characteristics of teaching:
 - Knows to organize things well (structure) teaching unit, handle the teaching.
 - Activates students, particularly in the form of group work and modern teaching methods.

- Makes learning interesting and fun.
- Likes the subject, who teaches and speaks it well.
- Communicates with students outside of teaching.
- Gives students instructions on what and how to study.
- Can arouse student's responsibility for learning.
- Is flexible.

Characteristics of poor teacher (Black - Howard-Jones, 2000):

Personality traits:

- Is sarcastic, mocks students, intimidates students.
- Does not care about problems of students, does not respect the students.
- Is very strict, creates a feeling of tension and fear.
- Dismisses the opinions of others, considers himself/herself to be the smartest who is always right.
- Has negative thinking, is arrogant.
- Does nepotism, has his favourites.
- Is not willing to help students, if it is necessary.
- Is racist or sexist.
- Is unfair, unjust.
- Can not boast his/her students, to encourage them.

Characteristics of teaching:

- As a teaching method - uses monologue only.
- Lack of combining theory with practice, does not connect the curriculum with real life situations, or applies them insufficiently.
- Can not organize things very well (structure, control) the teaching unit.
- Is not flexible.
- Makes teaching boring, uninteresting.

Australian educator P. Ramsden, which is considered to be the world expert of university pedagogy (Rohlíková - Vejvodová, 2012), in year 1992, based on his research, he formulated the answer to the question: What does it mean to be a good university teacher? He claims that to be a good teacher, it means to:

- Want to share with students about his/her love for the subject.
- Be able to prepare the teaching content to make it interesting and stimulating.
- Be available to work with students at their level of understanding.
- Be able to explain the subject matter.
- Feel responsibility for the students that everything is clear and understandable to them.
- Show interest for the needs of his/her students and respect it.

- Support the independence in student's learning process.
- Have the ability to improvise and to adapt to the new conditions of teaching.
- To use methods and tasks when teaching which supports the active and co-operative learning of students.
- Utilize appropriate assessment tools for students.
- Concentrate on rather key concepts first, on questions and confusions of students, than on the depletion of content for the discussed topics.
- Provide a quality feedback for the students.
- Have the need to teacher from students and from other sources, as well, for the purpose of improving teacher's teaching activity.

Teaching process in college should be generally characterized by these attributes (Vašutová, 2002):

- *The quality of teaching and influencing student's interests* - the teacher has to know how to explain concepts, patterns, methods and relationships in an informed way, so that teacher's students should not only understand it, but to even make it interesting and stimulating for the students, for further cognition. Teacher also has to present the curriculum descriptively and in structures.
- *The interest of students, respect for students* - teacher has to provide space for the expression of opinions of students, to stimulate debate, the model of teacher's behavior should influence the behavior of students.
- *Appropriate assessment and feedback* - is associated with the fulfillment of study obligations of the students and it is considered to be a difficult teaching situation. The teacher is required to be objective, significantly confused and to be able to compare and differentiate.
- *Clear goals and intellectual stimuli* - the teacher has to ensure compatibility with the learning objectives of the study results, set out to translate the study requirements. Teacher should such a professional level, to guarantee the amount of intellectual incentives for his/her students.
- *Independence and active involvement of students in learning* - student should be responsible for his/her study and achievements, therefore, the teacher should develop - in the teaching process - the conditions for the student's intellectual activities. This is achieved by giving individual or group tasks and by creating the space for the presentation of achieved results and outputs.
- *Learning from the students* - teacher should get to know the students as emerging personality, examine their teaching styles, to assess their reactions, identify their learning opportunities, take their opinions and criticism into account and the like. All this information should then include in their teaching practices and strategies.

The personality of the learner (the learning subject) is in the spotlight of creative and humanistic teaching. The development of the student is being monitored on humanistic principles. There are two key concepts included in this teaching concept: creativity and humanization. Creativity represents the cognitive dimension

of personality development; humanization represents non-cognitive dimensions of development of personality. Both of these dimensions are complementary and conditional. For example, the creativity of students can not be developed without creating the feeling of complete trust, security, i.e. without humanization of teaching. The aim of creative and humanistic teaching is to teach the student not only to learn the given curriculum, but to be it associated with human aspects too, i.e. to remove stress from students and teachers, to create a good relationships between them, and for the joy to prevail in the classroom, good humor, curiosity, desire to know more, cooperation, creativity and positive experience. Students here are not receiving knowledge only, skills, but they also learn to feel positive, to motivate, they acquiring capabilities for social life and for progressive interpersonal relationships, learn of freedom, responsibility and creativity (Bajtoš, 2013).

Work style typical for the humanistic oriented teacher, as prerequisite for creative and humanistic teaching is characterized as follows (Kosová, 1996): it tolerates - feelings; needs, interests; individual differences; other opinions, mistakes and errors of students and teacher's errors too; discussion of issues; the fact that student can outgrow the teacher and etc., supporting - independent thinking and acting of student; search of problems and information; multiplicity of solutions and unconventional relations of student to the learning; positive informal relations of student to the teacher and between them; collaboration between students and reasonable competitiveness and so on., requires - active, conscious discipline and responsibility, own opinion, evaluation and student's self-assessment, for the student to understand the nature of his/her activity; for students to know themselves, causes of his/her mistakes; advantages of teacher and advantages of his/her students and etc., expects and creates conditions for - the success of each students; curiosity and questions of students; discussion and open communication; stimulating ideas and criticism and the like., rejects - blind obedience and forced activity; feeling of fear and tension; ridicules and tags the students; satisfaction with the mediocrity; servility and acting on call only; the opinion that everything has to be clear and the like. In the creative and humanistic teaching, it is necessary for the teacher to develop the creativity of his/her students. M. Zelinová and M. Zelina (1997) indicate the difference between the styles of work of teachers supporting and not supporting the creativity.

Teacher supporting creativity:

- focuses on teaching, teaches students how to learn,
- helps students to be independent, active, teaches them to find and to use the information,
- promotes the activity of the student, his responsibility, exploring the motivation of the student, expects that the student will learn to experiment, explore and to ask questions and solve problems,
- focuses on the creative process of solving life's problems with many solutions
- acts as an advisor and organizer,
- prefers the curriculum based on the needs and interests of students,

- requires students to assess their progress in the work, in their learning,
- focuses on helping the students to cooperate in solving, searching and exploring,
- prefers open thinking, ideas, criticism that students do their own decisions,
- supports informal relationships, spontaneity,
- creates a feeling of trust, openness, focusing on work.

Teacher not supporting creativity:

- focuses on the presentation of facts, information,
- decides what students need, prescribes the books for them from which they should learn,
- assumes what students need and what motivates them,
- expects that student will learn to memorize and to answer the questions,
- focuses on the tasks from the textbooks and problems with the one and only right answer,
- acts as an infallible expert, authority,
- prefers curriculum based on the needs of imaginary polymath,
- assesses and evaluates the students performance himself/herself, and everything that is going on,
- focuses on testing, discipline, schedules, signs and familiarity with prescribed curriculum,
- prefers one-way communication, teacher – student,
- decides by himself/herself, does not support criticism and ideas from students,
- emphasis on formal relations and control,
- creates an atmosphere of distrust.

THE OBJECTIVE OF THE TEACHING ORIENTED ON DEVELOPMENT OF AFFECTIVE COMPONENT OF STUDENT

Objectives of teaching at our universities are derived from the value-system of our democratic society. Objectives of the learning process can be seen in the trends of the previous period, for which was characteristic, the prescriptive and totalitarian attitude to education. However, neither the training nor education on democratic and humanistic principles can provide well-rounded, sovereign and open personality without set goals. This requirement can be fulfilled only by dialectical interconnection of spontaneous and authentic development of conscious and purposeful formation through teaching

We consider the learning objectives to be important category of didactics of high school and despite the fact that some pedagogical directions, for example anti-authoritative pedagogy rejects the application of learning objectives in the classroom. Objectives of the educational process are functional only in relation to students, for students and teachers respectively. Unilateral and overexposed orientation on

objectives of teaching of teacher can lead to formalism. Every successful and effective teaching must result in a successful and effective learning. The teacher has to know whether if teaching even has come to place, and whether if some planned positive changes in knowledge - came into play- skills and in attitudes of students. These final phases in changing students' personalities, i.e. the results of the learning process, the university teacher has to plan early in teaching, just as the formulated objectives. For the whole educational process at universities is thus characterized by its focus target. Through objective, we determine, to what changes should the educational process come to in terms of different aspects and levels of personality development of the student. Objective is being reflected in the content and methods of teaching, and from it, the basic criteria for determining the rate of execution of planned results. Therefore, a thorough understanding of the nature of the goal and its function is essential for theoretical solutions and practical efforts in order to improve the efficiency of the educational process. Importance of unifying goals in the educational process thus consists henceforth in the fact that the objectives are being reflected in other components and relationships of teaching and learning. Since the teaching process in schools to fulfill the educational and nurturing function it is necessary to formulate the objectives of teaching process, for the educational (cognitive and psychomotor) and for nurturing area. Teaching objectives are not only the prospective program of activities of the teacher, but they are also important for student motivation and for his guidance in a particular activity. This is particularly true when the teaching process is based on active and independent work of students (Skalková, 1995). Assuming that students receive the objectives internally and they identify with them, they are meeting the objectives of teaching of an important regulatory role in their learning activities. Teaching objectives bring order to this process it helps the teacher to choose appropriate methods, organizational forms and material resources.

The issues of teaching objectives at universities are often being perceived - by teachers - as vague proclamations and indefinite. Many teacher are in fact satisfied with the fact, that subject or topic can be unlearn of its students, without deeper reflection on what is the aim of his/her work, lectures or exercises, or what should students after going through lecture, seminar, semester or the study know. Learning objectives and their determination applies to the specific teaching, specific teaching unit, and specific theme of teaching. They are a prerequisite for any teacher thinking about the upcoming educational process in college. University teachers formulate the objectives of thematic units and their individual parts by their daily pedagogic activity. These objectives are called "specific objectives". Only the teacher is able to functionally establish these goals, because only the teacher knows the level of the study group, the individual students and only the teacher knows how far in teaching book he/she came over the past teaching units in personality changes of his/her students.

Specific objective should clearly define the state to be achieved. Specific objectives are usually being divided - according to mental processes of learners (students) - to: (Turek 2008; Bajtoš 2013):

- Cognitive: comprising an area of knowledge, intellectual skills and cognitive abilities. Because, it prevails in education, they are also being called as educational goals. Their primary concern is primarily the acquisition of knowledge (i.e. the acquisition of new knowledge), but also the development of intellectual skills and abilities. The teacher should very carefully consider whether the mere reproduction of a particular definition, law formula is sufficient enough or it is necessary to explain the appropriate relationship or to apply it on the present model.
- Psychomotor: involving the area of motoric skills and familiarity with the participation of mental processes (e.g.: working and handling the tools or devices, drawing, writing, physical exercise, etc...). Because they are the main content practical training, practice and laboratory exercises, also called "training objectives". Their primary concern is the learning experience of physical activities requiring neuromuscular coordination. This includes all kinds of physical work, but also sports activities or playing musical instruments. The teacher sets the following objectives based on what psychomotor skills students have obtained. For example, work with sound, drawing a technical plan, coordinate movements in sports performance, and correctly pronounce the combination of words and so on.
- Affective (attitude): include emotional area, the area of attitudes, value orientation and socio-communicative skills. Achieving affective objectives is the main aim of education, and therefore they are also called "educational goals" Their main task is to shape attitudes, beliefs and to create value chain, to affect the emotional sphere of students and the like. Affective objectives can be used to teach any topic, because it is always an element that has formative orientation. It plans, where and when the students will get space to convey their personal experiences, when it will be appropriate to cause some controversy, e.g. to some social phenomena and etc.

Before, going into the theory behind the objectives forming the affective component of student's personality, we consider it necessary to pick up their substitutability in teaching at the college. It is good, when student has a genetic basis for some activity or some given branch of study, he/she is an asset when he/she has quality previous education, and actually, it is also excellent when the student has a good education from home, but the decisive factor is the motivation and self-regulation (Zelina, 2004). It is proven that only the incentive system may assume the personality of the individual to change the exceptional facts. While the motivation we have in mind, we consider not only the needs, interests, perseverance, diligence and the entire incentive system, like e.g. A. Maslow (2000) puts it, or his amended version about awareness of the needs of individual R.Barett (2001), but also emotional involvement (Goleman, 1997), but meta-motivation also, and value system and its axiological environmental focus (Frankl, 1994). For the teaching process - there is one evident facts resulting from these analyzes - and that is the fact that it is necessary to pay equal attention on the education and on the creation and development of incentive and regulatory system of personality too. We can express it by classical formula (Zelina, 2004):

$$H_p = A \times S_r \times C$$

while human performance (H_p) is equal to abilities (A), times the motivation and self regulation (S_r), times living conditions (C), in which we include genetics, upbringing, the company etc.

Educational objectives (affective, attitudinal) express ideas about personal development of the student. They are important component of any teaching, thus even the teaching at universities. Educational objectives in terms of higher education are long-term in nature and most educational objectives go beyond the teaching the instructional unit and they also mingle with the preparation of students for other subjects. Unlike the cognitive and psychomotor objective, which has to be formulated by specific kind of activity of the student, the educational objectives should be rather be expressed by form of educational activity of teacher. From the mentioned above, it follows that teacher does not has to have objectives, developing the area of personality for a particular student to formulate a teaching unit in accordance with the selected taxonomy. It is sufficient, if in preparation for a teaching, the teacher points out to possible areas of educational activity for students in accordance with the topics covered. For example, forming relation to the environment, culture, the aesthetic sense, safety at work, shaping the personality characteristics of students (e.g. activity, initiative, self-confidence, independence, tolerance, participation, humanity, dignity) and the like.

Taxonomy of D.B. Kratwohl (Kratwohl - Bloom - Masia, 1969) distinguishes five formal categories of affective objectives and these are divided into subcategories.

1. *Receiving (responsibilities)* - the lowest level of taxonomic classification, which characterized by sensitivity and attention to student on certain stimuli. I.e. the student is willing to receive and perceive, what gives the basic premise of induction of learning.
 - 1a) Awareness: the individual realizes, notes the objects, phenomenon, condition, etc.
 - 1b) The willingness to receive: the individual does not avoid the phenomenon, object, and problem.
2. *Responding* - involvement, finding certain stimuli, so-called "active attention". The students do not only notes something, passively receives the stimuli, but also reacts, does something with the object. From susceptibility it differs with the increased activity of the individual and a higher degree of involvement.
 - 2a) Consent to respond: submission to the rules of conduct.
 - 2b) Willingness to respond: to take part in voluntary activities.
 - 2c) Satisfaction of responding: the acquisition of satisfaction from the activity.
3. *Recognition of values* - creating a positive attitude, generating interest, feeling of commitment. Student receives belief that the activity is significant that it is important therefore there is a growing up intrinsic motivation in action i.e. certain facts come into the student's intrinsic value and are recognized as useful and desirable. Behaviour of the student's henceforth acquires stability and recognition of values becomes the motivating force of personality. Recognition

- of values can be considered as the basis from which an individual develops an active internal control of his/her behavior.
- 3a) Acceptance of values: the feeling of belonging to a group that solves a problem.
 - 3b) Preference value: preference for a particular activity, its search.
 - 3c) Conviction of values: effort to persuade other to undertake a given activity.
 - 4. *Integrating value* - at this level, the start of creating a personal value system of though processing and generalized awareness of dominant values. The student is often faced with situations which are covered by more than one value. Therefore, it is necessary to integrate values into the system, to determine the relationships between them and establish the principal, dominant values in that system.
 - 4a) Conceptualization of value: the value of abstraction and generalization, shaping responsibility for the actions.
 - 4b) Integrating values into the system: putting a new value to the personal values.
 - 5. *Integrating values into the character's personality structure* - the value system firmly incorporated into the character of the individual, the individual is acting on the basis of belief, his/her words are consistent with the facts, the new value becomes part of his/her worldview, philosophy of life. The obtained values thus gets a fixed place in the hierarchy of the value of the individual, creating a unified system which fully and long-term affects the behavior of the individual.
 - 5a) Generalized focusing: prevailing tendency to act in a certain way.
 - 5b) Clear-cut of character.

Because it is a little used and unconventional formulation of educational objectives, we will try to illustrate the Kratwohl's taxonomy of values on the following example (Bajtoś, 2013).

Example: Higher purpose - intentional of educational activity for students is to cultivate a positive relationship with the environment:

1. Receiving

- 1a) *The student realizes that the quality and state of environment in different parts of the world is at unequal levels.*
- 1b) *The student realized the fact, that the state of the environment in his/her surrounding has a number of shortcomings.*
- 1c) *Student, if he/she has a choice of literature, might prefer a book that deals with the protection of environment.*

2. Responding

- 2a) *Despite the belief that it would be more convenient to stay idle, the student is willing to do something specific to help to improve the state of the environment.*
- 2b) *After receiving the information that a discussion about the protection of environment will be held, he/she will take part of it voluntarily.*
- 2c) *The student is satisfied with reading books and visiting conferences about the environment.*

3. Recognition of values

3a) *The student believes that the protection and creation of the environment is one of the priority tasks of our time.*

3b) *The student wants to establish a personal contact with someone who is dealing with environmental issues.*

3c) *The students want to continue in these contacts.*

4. Integrating values

4a) *Lessons learned from literature, conferences and personal contacts are able to justify the statement: "To protect the environment is in the interest of all mankind".*

4b) *The student is able to comply with the requirements relating to environmental protection.*

5. Integrating values into character's personality structure

5a) *When the student has the opportunity to choose work in the classroom, he/she selects the work with the issue of protection of environment.*

5b) *The student's behavior to the environment and his conviction is consistent with his/her words.*

CONCLUSION

Presented facts should be accepted by every university teacher who - during his/her time of work - should verify the most appropriate processes in educational activities. In respect of the whole society accentuated need of preparation of the young generation for the new conditions and the requirements of society development, in which higher education finds its irreplaceable place as well, it acquires a significant value to achieve pedagogic competence of all university teachers. From the above listed text, it follows that the issues of theory of teaching on university, i.e. didactics of high school (high-school didactics) should be given due attention, because every university teacher should assume the theoretical foundations of the discipline to be as effective as possible, in their pedagogical work. The issue of university didactics is the subject of interest of renowned educators and universities around the world for many years. The paradox, however, is the fact that the requirement of pedagogical training of university teacher in Slovakia is not set out in the universities act (law) and this situation is similar in many neighboring countries as well. University teachers themselves - perhaps, because of a lack of legislation in this area - in many cases believe that their professional qualifications are a sufficient condition to be qualified teachers.

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Kiyokazu Nakatomi

Chiba Prefectural Togane Commercial High School, Japan
E-mail: k-nakatomi@proof.ocn.ne.jp

Beyond the Difficulties of the Huge Earthquake and Tsunami in Japan. Bushidō and Philia Saved Japan

Abstract

It is noted that in the context of globalization of the modern world the dialogue between different cultures is an essential requirement of the XXI century. Social barriers that impede the development of intercultural dialogue, which can not be carried out subject to the socio-cultural identity of various ethnic groups, nations and countries, are characterized. The modern paradigm of intercultural dialogue is based on the recognition of the increasing role of national culture and open, trusting, friendly interchange of cultural values in a multicultural society.

Key words: youth, value, value orientation

The huge earthquake and Tsunami assaulted Japan on March 11, 2011. The Great East Japan Earthquake, at it is known today, destroyed several cities immediately and devastated a quarter of the Japanese land. The damage in Japan is similar to the Great Kantō Earthquake (1923) and the destruction of World War II. Still more, nuclear plants lost their cooling equipment systems and as a result hydrogen explosions occurred. These are the triple catastrophes. We, the Japanese people, are facing a desperate crisis. But many countries support us, Japan. The rescue-teams and assistance from over 130 countries gave us a big encouragement and hope. How highly the civilization and sciences do develop, they are powerless against the might of nature. Some of the strongest embankments in the world that were 10 meters high were immediately wiped out by a tsunami tidal wave of up to 40 meters high. We have the emotion of fear for nature and we recognize the powerlessness and nothingness of human beings. But we helped and supported each other in these times of hardship. Rescue and encouragement are hope and light in the darkness. We learn that though the sciences develop highly, we need benevolence and philia (friendship). Infra I wish to expound on these hardships.

HARDSHIPS OF JAPAN AND BUSHIDŌ

The Japanese victims who lost their families and houses are in the depth of sorrow. But they are recovering little by little with the help and support from foreign countries.

Once Japanese people were called 'economic animals' skillful at earning money and were often criticized as being 'working bees' as they scarcely take holidays. Through the explosion of the bubble economy and the Lehman Brother's shock, Japan has become a little modest. Unfortunately new hardships have hit Japan, but we are thankful for the help received from all over the world. It was very impressive that the helicopters of the U.S. forces delivered supplies from the aircraft carrier for the Japanese people. We are learning the spirit of mutual assistance and we continue to work hard and live a frugal existence. In this time of major damages and tragedies, panic did not occur in the stricken area. This is not the lack of emotion of the Japanese but the expression of patience and the spirit of consideration. In the Japanese spirit, the teaching of Confucius lives with Bushidō. Instantly there were some plunders or robberies, but they were not occurring daily. Almost all Japanese people do know that as the Japanese land is very small, social punishment returns quickly. They understand that plunder and robberies are folly. It is clear that man endures the difficulties with his neighbors and keeps cool. The calmness of the Japanese people cannot be formed in a day or two. It relies on the Bushidō and Confucianism in the long history and tradition. Bushidō is the essence where the strong man helps and saves weak people. The sword is not the instrument for killing but the tool of self-protection. In the Edo era, in the towns, Samurais did not cut down people who did not bear swords. This is common sense for Japanese people. The symbol of Bushidō in modern times is Jūdō.

Now Jūdō is an international sport. The founder of Jūdō is Jigorō Kanō (1860-1938). He opened the road of Jūdō and education in Japan. As the first president of Tsukuba University and Kōdōkan that is the place for Jūdō training and expansion, he taught educational programs and Jūdō to students. When he was young, his body was weak. Therefore he tried to train his body. He learned the techniques of martial arts and perfected them by himself. He had the enthusiasm to be strong in his body and spirit. Still more he was excellent in his studies. He entered Tokyo University to learn liberal arts, philosophy, political science and economics. He was a scholar and a Jūdō instructor. So many students learned philosophy, ethics and Jūdō under him. The students taught his theories and Jūdō. Now in almost every school of Japan, Jūdō is mandatory. Lu Xun (the pen name of Zhou Shuren, 1881-1936), one of the leaders of the Chinese revolution, studied under him. Kanō made efforts to spread Jūdō and Japanese sports in the world. Strictly speaking, Kanō was a great scholar, pedagogue, diplomat and Jūdō instructor. In 1909 he became the first Japanese member of the International Olympic Committee. He invited the Olympic games to Tokyo in 1940, but World War II suspended the Olympics. His dream was realized 24 years later. In 1964 the Tokyo Olympics were held. He was a father of the Olympics in Japan and a philosopher of Jūdō. When he was young, the reading of the Four Confucian Texts was his duty in his family. He

was very accustomed to the teachings of Confucius. Therefore he always showed respect and bowed to others and was courteous. Further I wish to expand the essence of Jūdō and Bushidō.

Yen Yüan asked about benevolence. The Master said, 'To return to the observance of the rites through overcoming the self constitutes benevolence. If for a single day a man could return to the observance of the rites through overcoming himself, then the whole Empire would consider benevolence to be his. However, the practice of benevolence depends on oneself alone, and not on others.'

Yen Yüan said, 'I should like you to list the items.' The Master said, 'Do not look unless it is in accordance with the rites; do not listen unless it is in accordance with the rites; do not speak unless it is in accordance with the rites; do not move unless it is in accordance with the rites'

Yen Yüan said, 'Though I am not quick, I shall direct my efforts towards what you have said.' (Confucius, *The Analects* -1, Penguin Classics, 1979, London)

Jūdō begins by bowing to each other. The first step is Ukemi, or break-falls. Several distinct types of break-falls exist, including rear break-falls, side break-falls, front break-falls and rolling break-falls. One needs to play these break-falls freely. Then the person second step is Nage-waza or throwing techniques. There are many kinds of them. The third step is to learn the holding techniques, strangulation techniques and lock techniques. By these techniques, body and spirit are trained. The motto is "Maximum efficiency, mutual welfare and softness controls hardness". The purpose of Jūdō is not the victory of the game but to polish the body and spirit. Therefore professional show games such as wrestling are not the essence of Jūdō. This spirit of Jūdō is the same as Kendō, Karate and the Japanese martial arts (Budō). Through these Budō, Japanese people learn patience and consideration. In ordinary life, Japanese people are working hard and living busily like 'economic animals'. As they are too prudent and conservative, they are sometimes weak at making discoveries and creating new ideas. Still more, they shy from foreigners. But when they faced disaster, they could be calm by the traditional Budō and Confucianism morals. The reason of Japanese calmness is not incompetence in the face of disaster. I want to insist on this.

After the disaster, there were so many volunteers from all areas of Japan. This is the teaching of the Great Hanshin Earthquake (Jan.17, 1995). Though the Japanese people were called egoists, so many volunteers got together and considerable donations were provided. From this year on, all national public servants donate 10% of their salaries for the next three years. Where is the philanthropy spirit coming from? Of course it is the possibility of the influence of Buddhism and Christianity. How about Confucianism? The next part is famous for that human beings are all brothers.

Ssu-ma Niu appeared worried, saying, 'All men have brothers. I alone have none.' Tzu-hsia said, 'I have heard it said: life and death are a matter of Destiny; wealth and honour depend on Heaven. The Gentleman is reverent and does nothing amiss, is respectful towards others and observant of the rites, and all within the Four Seas are his brother. What need is there for the gentleman to worry about not having any brothers?' (*The Analects* XII- 5)

Ssu-ma Niu had lost his brother who was an outlaw. He felt lonely. At once, Con-

Confucius said to Tzu-hsia, "Life and death are a matter of Destiny". It means that Ssu-ma should accept his Destiny. But the word of Confucius did not end there. The following sentence is very important to express the foundation of Brotherliness (love of brothers). "All within the Four seas are his brothers". As for this, by practice of benevolence and rites, elder and young people, the ruling class and the farmer class can become brothers to each other. Confucius has already spoken of brotherliness with people in the world. This is friendship that helps all people. Where there is friendship, weak men, children and women get together. The master said:

'How pretty Fan Hsü! is! When those above love rites, none of the common people will dare be irreverent; when they love what is right, none of the common people will dare be insubordinate; when they love trustworthiness, none of the common people will dare be insincere. In this way, the common people from the four quarters will come with their children strapped on their backs....' (The Analects, XIII-4)

From my philosophy point of view, such spirit is similar to the *philia* of Aristotle. At all ages and in all places, people always help and support each other. In here, we can see the movement of love, benevolence and *philia*. When human beings face difficulties, they reflect about their situations and how to break the obstacle. Then we find the movement of benevolence and *philia*. Benevolence continues to *philia*.

CONFUCIUS AND ARISTOTLE

Great philosophers face difficulties often. Confucius and Aristotle are not exceptional. Confucius was an orphan. According to Shizuka Shirakawa - the first class scholar of Chinese classics in Japan - the origin of his family is unknown (1). Sima Qian intentionally forged the family name in his book. The identity of Confucius by the Grand Historian of Sima Qian is a fiction. The difficulty of Confucius is not only poverty but also the lack of parents and a family name. As he is under such difficulties, he desires true love – benevolence - instead of parent's love. But though he was experiencing this difficulty, he intuited nothingness and would study to compensate nothingness. The earnest passion for study depends on the depth of nothingness.

The master said, 'He has not lived in vain who dies the day he is told about the Way.'
(The Analects IV- 8)

This passion for truth is similar to the resolution of death by Martin Heidegger and lives in today. Aristotle lost his parents in his youth. It is said that his brother-in-law took care of him. As members of family were doctors, he was probably well off. But Aristotle did not know parents love. Instead, he researched truth and love, friendship. When he was seventeen years old, he entered the Academy of Plato. Though he studied under Plato for twenty years, he was not satisfied. As Confucius did, he faced the lack of parent's love, darkness, and nothingness. Then he searched the truth with infinite and eternal passion. Nothingness continues to infinity, eternity and Transcendental-being still more to love. This is the principle of nothingness and love (2). After the search and thought with infinite and eternal passion, he formed the foundation of logics and opened the road of all sciences.

At the same time, he intuited God. Then he preached love that is philia. Confucius intuited Heaven or 'Ten'. Then he preached benevolence. Though Aristotle and Confucius were born in quite different places and times, their philosophies are synthesized by my philosophy. I argued the benevolence of Confucius in one of my publications (3). *Infra*, I want to treat of philia, the friendship of Aristotle.

What is the philia of Aristotle? It is the desire to be good for others.

'The perfect form of friendship is that between the good, and those who resemble each other in virtue. For these friends wish each alike the other's good in respect of their goodness, and they are good in themselves; but it is those who wish the good of their friends for their friends' sake who are friends in the fullest sense, since they love each other for themselves and not accidentally. Hence the friendship of these lasts as long as they continue to be good; and virtue is a permanent quality.'

(Nicomachean Ethics, translated by H. Rackham, Loeb Classical Library, 1934, Harvard University Press, 6 .p. 461)

This part is famous for the definition of philia of Aristotle. Friendship, philia is to respect each other and wish the best for others. It lasts as long as one continues to be good. Such as is eternity. Well, benevolence of Confucius continues to philia because philia presupposes the honesty for others. When we wish the best for others, we need to know their condition and personality correctly in advance. To omit idols, gossips and prejudices is needed.

Fan Ch'ih asked about benevolence. The Master said, 'Love your fellow men.'

He asked about wisdom. The Master said, 'Know your fellow men.' (The Analects XII-22)

In philosophy, the procedure is the phenomenology reduction. We face the others with honesty. At that time, if man wants to be best for others, at least man should not do what man does not wish. If man reverses this sentence, it means: 'Always treat others as you would like them to treat yourself.' This is the Golden rule and benevolence itself. The man who holds honesty, consideration and scholarship is a man of virtue. According to Aristotle, he recognizes the virtue of mean.

MEAN OF ARISTOTLE AND CONFUCIUS, THE MIDDLE WAY

Mean is the condition to avoid the extremes of deficiency and too many. Confucius said; 'Supreme indeed is the Mean as a moral virtue. It has been rare among the common people for quite a long time.' (*The Analects*, VI-29)

The meaning is to avoid the extremes of shortage and excess and 'self-sufficient or being enough'. In Asia, the notion of Mean and Middle way is famous. In traditional philosophy, these notions are not related. Mean of Aristotle is only the condition about amount and relation. But the notion of the Middle way is Buddhism and often it means enlightenment. Therefore most philosophers insist on the difference between Mean and Middle way. But according to my philosophy, these are synthesized. First, I consider the notion of mean of Aristotle. It begins by the recognition of the condition of amount.

‘Now of everything that is continuous and divisible, it is possible to take the larger part, or the smaller part, or an equal part, and these parts may be larger, smaller, and equal either with respect to the thing itself or relatively to us; the equal part being mean between excess and deficiency. By the mean of the thing I denote a point equally distant from either extreme, which is one and the same for everybody; by the mean relative to us, that amount which is neither too much nor too little, and this is not one and the same for everybody.’ (*Nicomachean Ethics*, II. 4-5. P.91)

This definition is quite simple and is the equilibrium. It seems that man can understand it easily by mathematics. Automatically, it is adequate with the notion of average. But later in the course of the sentence, Aristotle explains that the notion is not the average of mathematics. As Aristotle thought of wide and deep applications, the meaning of mean is not mathematic. It aims to balance in all conditions. It reaches to virtue of action and emotion. The mean is the state between the two vices of excess and defect:

‘Virtue then is a settled disposition of the mind determining the choice of action and emotions, consisting essentially in the observance of the mean relative to us, this being determined by principle, that is, as the prudent man would determine it.

And it is a mean state between two vices, one of excess and one of defect. Furthermore, it is a mean state in that whereas the vices either fall short of or exceed what is right in feelings and in actions, virtue ascertains and adopts the mean. Hence while in respect of its substance and the definition that state what it really is in essence virtue is the observance of the mean, in point of excellence and rightness it is an extreme.’ (*Nicomachean Ethics*, II. 15-17. p. 95)

In this sentence, the theme is virtue. First, it is the problem of equilibrium and average. The moderation of this is adequate with material life. These are moderate resources. In here, the theme is more developed. It reaches to virtue and moral. As the typical virtue of mean, Aristotle points out courage. It is mean between fear and confidence. The courageous man endures before the death like Socrates. Before death, man who is confident is a saint. The mean of Aristotle aims to hold higher personality and virtue.

This notion of mean of Aristotle is similar with mean that is ‘self-sufficiency or being enough’ by Confucius. As the child of a shrine maiden, Confucius worked at funeral ceremonies. Strictly speaking, it was the processing of dead bodies. The person in such a social position is the lowest. He experienced the poor and low rank life. On the other hand, he obtained the position of Minister of Justice at 53 years old. He experienced a luxurious life. But as he insisted on the theory of peace, he was dismissed of his post. He experienced shortage (deficiency) and luxurious life (excess). After he abandoned his richness, he entered the self-sufficiency (being enough). This is life of mean. Though he lost his position of minister, he built his school and educated his disciples. The next paragraph from Aristotle clearly expresses the spirit condition of self-sufficiency of Confucius.

‘The temperate man keeps a middle course in these matters. He takes no pleasure at all in the thing that the profligate enjoys most, on the contrary, he positively dislikes them; nor in general does he find pleasure in wrong things, nor excessive pleasure in anything of this sort; nor does he feel pain or desire when they are lacking, or only in a moderate degree, not more than is right, nor at the wrong time, et cetera. But

such pleasure as conduce to health and fitness he will try to obtain in a moderate and right degree; as also other pleasures so far as they are not detrimental to health and fitness, and not ignoble, nor beyond his means. The man who exceeds these limits cares more for such pleasures than they are worth. Not so the temperate man; he only cares for them as right principle enjoins.' (*Nicomachean Ethics*, 8, p.183)

It seems like Confucius wrote this sentence himself. The key words are 'a middle course, in a moderate degree and right principle.' The temperate man enjoys the proper things at the right time and at the right place with a moderate degree. This is the essence of the thought of self-sufficiency. Is this an accident? The mean of Aristotle is adequate with the middle way of Buddhism.

The middle way or middle path is to abandon the extremes of pleasure and penance. Buddha describes the middle way as a path of moderation between the extremes of sensual indulgence and self-mortification. First Buddha was born in the family of a king. As he was very rich, he had three villas for different seasons. He ate gorgeous foods and was dressed in gorgeous silk clothes every day. But he felt the meaninglessness (nothingness) of life. Then he abandoned his family and his position of prince. He wandered to search the truth and did penance. The hardest penance was fasting. During many days, he lost consciousness by lack of nutrition. A girl saved him and gave him milk and yogurt. Buddha experienced the extremes of excess and deficiency. After that, he reached enlightenment by Zen meditation on the stone. That is the Middle way. The meaning is to avoid the extremes of pleasure and penance. The essence of that is moderation and right principle. This is the same as the mean of Aristotle and Confucius. They experienced nothingness as the extreme of deficiency and infinity as the extreme of excess. The intuition of nothingness and infinity continues to eternity and Transcendental-being, love. This is my principle of nothingness and love. The notions of nothingness and infinity are not independent but continuous. Blaise Pascal said that human is middle being between nothingness and infinity. Therefore man intuitively nothingness and infinity. It continues to eternity and Transcendental-being (God), love. In traditional philosophy, the notions of mean, self-sufficiency and Middle way are independent. We cannot find the common point. But my philosophy synthesizes these notions. The intuition of nothingness as the extreme of deficiency and infinity as the extreme of excess bore the notions of mean, being-enough and middle way. In these conditions, man can be a man of virtue or truth. According to Aristotle, I can summarize it as follows:

Though a man of virtue does not want to be helped and supported, he is willing to save and help others. His behavior is arrogant to famous and great successful men, but he is moderate to common people. His heart is not moved by the fame and success. If he faces a difficulty and he is unlucky, he behaves calmly. As his heart is in peace, he does not pay attention to other's gossips. He has no interest for admiration and blame. When he faces an enemy, he does not boo him. Regarding wealth, he likes to own beautiful and useless things, rather than thing that bring a financial return. He searches invisible (eternal) things more than visible (temporary) things. The traits of a great souled man are a slow gait, a deep voice and deliberate utterance, to speak in shill tone and walk fast. This is the abstract of a true man and a man of virtue from *Nicomachean Ethics* 26-34 (pp223-225). The

character is similar with the benevolent man (gentleman) of Confucius and the true man of Chuang-tzu. A man who aims to live by means, self-sufficiency and the middle way becomes a true man and a man of virtue. He is an ideal person. In all ages and places, in community, more or less, he needs to be the ideal image of a person. A true man and a man of virtue probably help others in the case of accidents and natural disasters. The sages who intuited nothingness and infinity indicated the direction of conducts that is the mean, being-enough and the middle way. By these practices, man could be a man of benevolence and a man of virtue. He knows the way of life in community.

‘Hence some friends drink or dice together, others practice athletic sports and hunt, or study philosophy, in each other’s company; each sort spending their time together in the occupation that they love best of everything in life; for wishing to live in their friends society, they pursue and take part with them in these occupations as best they can.’ (Nicomachean Ethics, 2 p575)

Same as the communication of Confucius, the friend practices archery. Confucius does not want to compete and cross sword with others, but archery is exception. After he practices archery, he likes to drink with another participant. But when he faces the crisis, he is brave.

‘One can, perhaps, be satisfied with a Gentleman who is ready to lay down his life in the face of danger, who does not forget what is right at the sight of gain, and who does not forget reverence during a sacrifice nor sorrow while in mourning.’ (The Analects, 1).

Such a gentleman and a man of virtue can save and encourage people in the case of difficulties. It is his mission; a rich man knows his self-sufficiency and shares his richness with poor people. Aristotle and Confucius recognized their mission. The rest of their lives, they devoted to educate young men. Such way of life is still the light in contemporary age.

NOTES

- (1) Shizuka Shirakawa “ Confucius biography “, Chukou library p. 26 ,Tokyo
- (2) Kiyokazu Nakatomi, *Philosophy of Nothingness and Love*, Hokuju company, Tokyo 2002; Kiyokazu Nakatomi, ‘ A Philosophical Synthesis of Christianity, Buddhism and Islam ‘*Bulletin of The Russian Philosophical Society*, 2005. “*Parerga*”-International philosophical studies-, No2 /2005; University of Finance and Management in Warsaw, Poland, [http:// parerga.vizja.pl/wp-content/uploads/.../parerga_02_2005.pdf](http://parerga.vizja.pl/wp-content/uploads/.../parerga_02_2005.pdf); <http://teme.junis.ni.ac.rs/teme2-2008/teme2-2008-06.pdf>; “*Discourse-P*” 2005, Russian Academy of Science, Ural, Russia (Russian version); <http://discourse-pm.ur.ru/discours7/kiekazu.php>.
- (3) Kiyokazu Nakatomi, ‘ Theory of Peace of Confucius ‘ ISUD (International Society for Universal Dialogue) 2007. ISUD Paper Web site. <http://papers.isud.org/>; “*Parerga* “ 2006/No2 (University of Finance and management in Warsaw, Poland);http://parerga.vizja.pl/wp-content/uploads/.../parerga_02_2006.pdf; “*Skepsis*”2010(Olympic Center for Philosophy and Culture, Athens University, Academia Verlag, Germany); Kiyokazu Nakatomi;‘A theory of Justice by Confucius’ ISUD (International Society for Universal Dialogue) 2010. ISUD Paper Web site. <http://papers.isud.org/>; Volgograd Academy In Russia(Russian version). Web site.; <http://nauka.vags.ru/images/stories/vestnik/gmu2.pdf>.



Milan Žák

VŠEM o.p.s., Praha

Krise adaptace a svoboda (Institucionální pohled)

Abstract

The article discusses the essence of the quality of teaching as the transmission of himself as a man: who he is, what he represents and where he is going. Through the synthetic approach to the theory of modern science and practice of life, it allows you to understand the interdependence of human self-image of the world and the quality of communication in teaching. By setting the centrifugal self-knowledge as the basis for this communication, we are able to not only get back to the essence of things – to understand a man, but also change the quality of education and human interaction with the world.

Key words: the essence of teaching, teaching as communication, individual experience, the order of things, sustainable human development, spiritual human identity

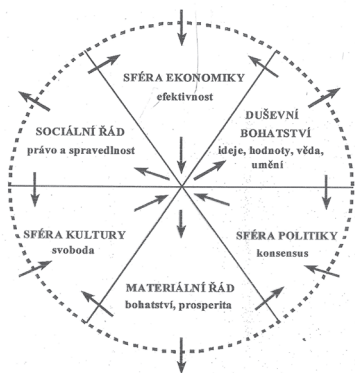
Farao k Josefovi mluvil: Zdálo se mi, že stojím na břehu Nilu. Pojednou z Nilu vystupuje sedm krav vykrmených a krásného vzhledu a popásají se na říční trávě. A hle, za nimi vystupuje jiných sedm krav, nevzhledných, velice bídného vzrůstu a vychrtlých. Něco tak šeredného jsem neviděl v celé egyptské zemi. A ty vychrtlé a šeredné krávy sežraly prvních sedm krav vykrmených. Ačkoli se dostaly do jejich útroby, nebylo znát, že tam jsou.

Genesis 41,15-37

TEORETICKÁ VÝCHODISKA

Vývoj soudobé ekonomické teorie, čerpající zejména z neoklasické teorie, se v současnosti dostává do stále větších těžkostí při vysvětlování probíhajících změn ve společnosti. Jednou z hlavních příčin je určitá uzavřenost hlavního proudu ekonomické teorie, která jakoby nebrala v potaz dynamický vývoj ostatních společensko-vědních disciplín. Přitom konkrétní tvorba hospodářské politiky vyžaduje jak kvalitní znalosti ekonomické teorie, které se zaměřují na čistě ekonomické příčiny a faktory fungování trhů, tak i znalost ostatních aspektů, které mohou ovlivnit chování jednotlivých aktérů, a tím i výslednou podobu politik i trhů. Převládající „mainstreamové“ teorie nejsou s to dostatečně vysvětlit odlišnosti mezi teoretickými modely a reálným chodem ekonomik, neboť na ně pohlíží pouze prizmatem čistě

ekonomie. Teoretické modely hlavního proudu se nezabývají problematikou rozhodování o výběru konkrétních politik, neanalyzují vlivy na tyto rozhodovací procesy, neřeší motivy, které vedou ke konkrétnímu jednání subjektů, jejich zájmy apod. Jsou to právě tyto, zejména institucionální faktory, které významně ovlivňují výslednou podobu společenské praxe. Obrázek 1 se snaží zachytit skutečnost, že zájmy ve společnosti nejsou omezeny jen zájmy ekonomickými, že existuje sféra politiky, kde na základě konsensu dochází z prosazování zájmů a že existuje též sféra kultury tvořící ideje, závislejší zejména na osobní svobodě občanů – prosazování zájmů je pak harmonickou součástí vývoje všech sfér společenského života.



OBRÁZEK 1: Harmonizace společenských zájmů

ZDROJ: SOHAIL INAYATULLAH : The Futures of Democracy : Broadening the Discourse, in: The Futures of Democracy in Pakistan and the Developing World (selected papers), page 11, Pakistan, Futuring Foundation and Institute, Islamabad, Pakistan 1992.

V průběhu konce 20. století se začaly v rámci ekonomie formovat teorie stojící mimo hlavní proud – zejména přístupy nové institucionální ekonomie a všech jejích forem a odnoží, přístup teorie veřejné volby, nové politické ekonomie apod., které se zabývají mj. aplikací ekonomické teorie na analýzu „netržního“ rozhodování, zkoumáním vývoje a vlivu politických systémů na vývoj společnosti, pojmenováním zájmů a hledáním mechanismů jejich prosazování. Nová institucionální ekonomie hledá příčiny odlišného vývoje zemí se stejnými výchozími podmínkami, používá historických a komparativních přístupů, snaží se začlenit do svého pohledu právě dříve opomíjené přístupy a pohledy stojící mimo hlavní proud ekonomické teorie. Pohled na průběh krizí v soukromém sektoru a možných reakcí na ně nabízí např. práce Kolečáka z let 2006 - 2014.

Při hledání odpovědi na příčiny, průběh a popřípadě řešení současné krize z pohledu institucionální ekonomie vycházíme z přesvědčení, že krize jsou nedílnou¹, spontánní součástí vývoje společnosti a mají ozdravný charakter. Příčiny vzniku však nemusí být nutně jen ekonomické, ale mohou stát i mimo ekonomiku. Přístup nové institucionální ekonomie (NIE) vychází v podstatě z hledání odpovědí na dvě otázky: „Co řeší institucionální ekonomie?“ a „Co jsou vlastně instituce?“ K odpovědi na tu první, můžeme citovat zakladatele nové institucionální ekonomie Douglasse C. Northe: „Růst, rozvoj závisí rozhodujícím způsobem na současných platných institucích“², což je bráno jako ústřední hypotéza nové institucionální ekonomie, a „možnosti, jak politicky prosadit instituce podporující

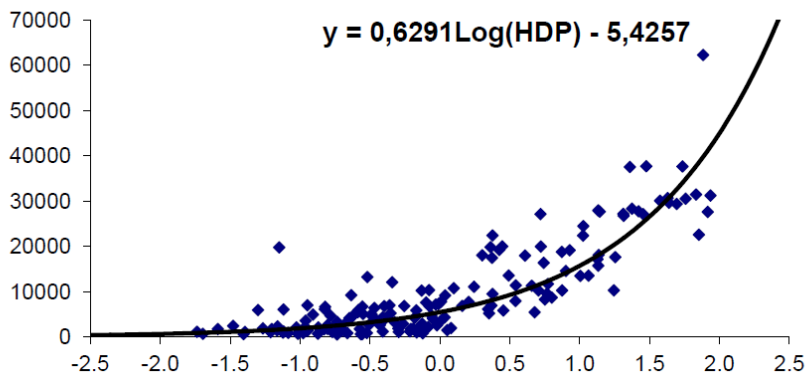
1 S odvoláním na „motto“ můžeme konstatovat, že od biblických dob se společnost přece jen naučila s krizemi žít a čelit jejich následkům úspěšněji. USA jsou v současnosti v 33. cyklu od roku 1854 kdy sledování začalo, průměrné období růstu trvá více jak 3 roky a průměrná délka krizí je 17 měsíců.

2 D. C. North, Institutions, Institutional Change and Economic Performance, Cambridge University Press 1990, str 5.

růst a rozvoj, jsou omezeny kulturním charakterem současné společnosti³. Znamená to, že chápeme instituce jako pravidla hry umožňující promítnout zájmy nejen ekonomické, ale i politické a sociální. NIE rozlišuje instituce na formální a neformální. K pochopení tohoto přístupu je třeba si ještě uvědomit, že D. North rozlišuje instituce na formální a neformální. Za formální považuje vše, co je kodifikováno – od Ústavy, přes schválené a platné zákony, až například k programu akademického roku, konference apod., neformální pak vznikají spontánně, historicky, jako například trh, vlastnictví, peníze, jazyk, rodina, zvyky, morálka, etika, konvence, tradice.

První citát vyvolává jednoduché otázky: Opravdu se máme zabývat institucemi? Opravdu instituce za „něco“ mohou? Odpověď nabízí obrázek č. 3, kde na ose X je „Index institucionální kvality“⁴ vypočítaný z projektu „Governance Matter“ Světové Banky, jako aritmetický průměr hodnot šesti oblastí institucionální kvality⁵ a na ose Y je HDP na hlavu v USD.

OBRAZEK 2: Vztah Institucionální kvality zemí a HDP na hlavu v roce 2005



ZDROJ: Žák, M., Vymětal, P.: Institucionální aspekty nové komparativní ekonomie: ČR a EU. PE 5/2006.

Odpověď na druhou otázku je obsažena v obrázku č. 1. Při důsledné harmonizaci společenských sil nelze opominout širší „mimoekonomické“ souvislosti a to jak ze sféry kultury, tak i ze sféry politiky. V této souvislosti například Milan Sojka doslova uvádí: „Neoklasická ekonomie se dostává při vysvětlování současného sociálně-ekonomického vývoje do stále větších problémů. Jedním z jejích hlavních nedostatků je ignorování role institucí v sociálně ekonomickém vývoji“⁶. To je možno chápat dvojím způsobem: je „mainstream“ v krizi, nebo jde jen o jeho rozšíření ze strany sfér politiky a kultury zmíněného schématu? Nebo vede nutnost dosahování konsensu jako politická realita demokratické společnosti k rozšíření „spektra“ možností hospodářské politiky mimo hlavní proud?⁷ Nová insti-

3 Tamt., str. 7.

4 Podrobněji viz Ročenka konkurenceschopnosti České republiky 2007-2008, Linde Praha 2009, str. 87.

5 Oblastmi institucionální kvality jsou: demokracie, politická stabilita, výkonnost vlády, kontrola korupce, kvalita regulace právní řád.

6 M. Sojka, „Stane se institucionální ekonomie paradigmatem 21. století?“, in: Politická ekonomie, 2009, č. 3.

7 S lehce provokativním vysvětlením přichází například Martin Gregor: „Profesionální ekonom bývá pravidelně zaskočen neustálou proměnlivostí hospodářské politiky a kreativitou je-

tucionální ekonomie přináší navíc zcela zásadní a nové pohledy na předpoklady, s nimiž ekonomická teorie středního proudu pracuje. Východiskem je omezená racionalita místo racionality dokonalé a náklady na využití trhů nejsou nulové a nazývají se transakčními náklady.⁸

K příčinám, ale zejména k důsledkům a řešením současných ekonomických problémů existuje velmi rozsáhlá odborná literatura a její objem neustále narůstá. U některých fakt, zejména týkající se příčin jejího vzniku, panuje poměrně shoda. Při vyjmenování příčin vycházíme z přepisu příspěvků z V. konference Evropského fóra podnikání.⁹ Velmi obecně shrnuto, lze konstatovat, že oproti dřívějším poklesům došlo ke kombinaci negativních faktorů, vynořil se problém s odhadováním rizika, svou roli hrála i globalizace světové ekonomiky, uvolněná měnová politika USA na přelomu milénia. Mluví se o institucionalizaci morálního hazardu, zkruslování a zatajování údajů účetními a ratingovými agenturami, o selhání regulace, o chamtivosti, o vyvolávání paniky. Vymezují se příčiny ve vztahu selhání trhů či selhání vlád a uvádí se v této souvislosti selhání regulační a supervizní. Je pozoruhodné, že se příliš nemluví o spontánnosti vývoje, o objektivních příčinách a vnějších, neovlivnitelných faktorech. Celá diskuze vyznívá ve zjednodušený, ale dosti důležitý závěr. Nejdůležitějším faktorem se stává, selhání konkrétních lidí, selhání způsobené nevědomostí, neschopností, nadutostí, chamtivostí apod. – tedy převážně selháním morálním, a morálku, jak již bylo výše řečeno, řadíme k institucím neformálním.

Odpovědi na otázku po příčinách vzniku současné krize můžeme tedy pohledem nové institucionální ekonomie hledat v neformálních institucích, konkrétně v **rozchodu ekonomie s etikou**, a je v podstatě jedno, co tuto krizi způsobilo, ať už to nazveme nenasytnou hrabivostí, arogancí, okouzlením z dlouhodobé prosperity, podlehnutí skupinovému myšlení a to jak v příčinách (nikoho z nás nenapadlo), tak v reakcích (panika a přehnané reakce). A další a další důvody, tak jak jsou dnes široce prezentovány.

Označíme-li za hlavní důvod současné krize rozchod ekonomie s etikou, pak se nevyhneme pohledu do historie. Spojení ekonomie a etiky je tu přítomno již obrazně řečeno od Adama. Zakladatel moderní politické ekonomie Adam Smith byl totiž profesorem morální filosofie na Univerzitě v Glasgowě a napsal kromě proslulého „Bohatství národů“ také „Teorii mravních citů“. Adam Smith pokládal sledování vlastního prospěchu nejen za racionální, ale také, z morálního hlediska, za ctnost. Ctnost doplněnou úctou ke spravedlnosti.

Absence etiky v současné hospodářské politice na všech rozhodovacích úrovních

jích tvůrců. Hledá klíč k pochopení, odkud se dané politiky berou, jak je možné, že přežívají po dlouhou dobu a proč naopak jiné politiky nezískají podporu politické reprezentace a voličů“. Rozšíření pohledu tak paradoxně vede ke skutečnosti, že politikům se tak dostává více možností a tím je možnost jejich selhání větší. Gregor dále dodává, že při hledání odpovědi se ekonom často dočká odpovědi, že v dané zemi existuje historicky či kulturně daný sociálně-politický systém či model, který určuje, jaká politika bude přijata. Označit jev za historicky a kulturně podmíněný je ale mnohdy alibi, nepřímo konstatující neznalost konkrétních mechanismů. (M. Gregor: interní materiál FSV).

8 Koncept omezené racionality zavedl do ekonomie Herbert Simon v roce 1955 v článku: „A behavioral Model of Rational Choice“, pojem transakční náklady formuloval Ronald H. Coase v roce 1937 v článku: „The Nature of the Firm“.

9 „Příčiny, důsledky a řešení finanční a ekonomické krize“: Záznam příspěvků z konference pořádané v PS PCR dne 23. září 2009, NEWTON College, a.s.

ve světové ekonomice má pro českou zkušenost ještě jeden, vpravdě bolestný dopad. Tím je rozčarování z toho, že brzo poté, co jsme se pracně zbavili „výhodní“ morálky, přichází krize morálky ze země, k níž jsme po osvobození ze sovětského vazalství až nekriticky vzhlíželi.

INSTITUCIONÁLNÍ ZMĚNY A JEJICH ČASOVÉ SOUVISLOSTI

Institucionální řešení je odvislé na časových možnostech a na souvislostech uskutečňovaných institucionálních změn, jak je zobrazeno na obrázku č. 3. S ohledem na časové souvislosti se z hlediska přítomnosti dospějeme k přesvědčení, že v krátkém období je výhodné věřit spontánním tržním silám a nápravu či změnu institucí se máme snažit spíše v delším časovém horizontu.

OBRAZEK 3: Hierarchie institucionálních změn v čase

	Časový horizont	Efekt	Příklady
1.	přítomnost	Přizpůsobení cenám	Alokační pravidla
2.	1–10 let	Tvorba organizací	Smluvní agenda
3.	10–100 let	Definování Institucionálního prostředí	Právní systém včetně ochrany vlastnických práv
4.	Více jak 100 let	Způsoby chování	Tradice, reputace, čest

ZDROJ Williamson, O.E.: The New Institutional Economic: Taking Stocks, Loking Ahead, JEL 3/2000, vlastní úprava.

Tuto skutečnost můžeme dokumentovat i na nejznámější institucionální analýze, kterou provádí Světová banka v rámci projektu „Governance Matters“ (GM) od roku 1996, původně v pravidelných dvouletých intervalech, od roku 2002 každoročně. Při hodnocení kvality správy jsou použity tři dvojice agregovaných ukazatelů, které zahrnují 310 dílčích ukazatelů z celkem 35 zdrojů od 33 organizací s mezinárodní působností. Do srovnání je aktuálně zahrnuto 212 zemí. Při interpretaci dat ve srovnání v čase i mezi zeměmi je však nutno zohlednit skutečnost, že jejich zdrojem jsou ve většině případů měkká data (široké spektrum zdrojů). Každý ze šesti agregovaných ukazatelů nabývá normalizovaných hodnot v intervalu od –2,5 (nejhorší výsledek) do +2,5 (nejlepší výsledek).

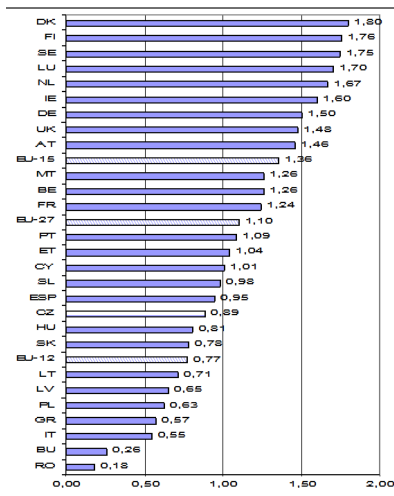
BOX 1 – PROBLEMATIKA MĚKKÝCH DAT

Tvrdá data je označení, které se týká většiny exaktně měřitelných jevů a dat. Většinou jsou označována za data kvantifikovatelná, přesná, testovatelná, jejich soubory vytvářejí statistiky nebo datové soubory např. rozpočty, počet obslužených klientů apod. či výkonová data jako náklady, výnosy, nejrůznější poměrové ukazatele. Ta jsou většinou zjišťována v pravidelných intervalech, s ustálenou, standardizovanou a mezinárodně uznanou metodologií, jsou dodávána s určitým zpožděním a reflektují minulou výkonnost. Jsou často označována za fakta, tj. za uchopitelný popis reality. Proto bývají označována za data objektivní – velmi často jsou považována za jednoznačná, nezpochybnitelná, vyozená z určitých ustálených vzorců a kategorií, pozorovatelná objektivním způsobem a jejich největší výhodou je možnosti vyjádřit je určitými čísly.

Měkká data naopak označují skupinu dat obtížně měřitelných a uchopitelných za pomoci standardních postupů. Nejčastěji jsou zjišťována pomocí dotazníkového šetření, konzultací, rozhovorů, jsou spíše kvalitativního charakteru a popisují chování, vnímání nebo po-

stoje. Odrážejí v sobě nejen minulé zkušenosti, ale také určitá očekávání do budoucnosti. Navíc, jejich přednost spočívá v tom, že jsou relativně rychle zjistitelná a mohou obsahovat minimální zpoždění. I když jsou obtížně měřitelná a podléhají subjektivnímu názoru a náladám, mohou být užitečná v tom smyslu, že pomáhají uchopit a lépe vysvětlit složitou realitu v širším než ekonomickém pohledu. Velké otázky jsou ale nejen v jejich zjišťování, ale také v jejich interpretačních možnostech.

Vedle uvedených základních rozdílů je možné zmínit ještě další – zatímco tvrdá data jsou „inženýrským“, přírodovědným modelem zkoumání, měkká data spíše souvisejí s psychosociálními metodami zkoumání a humanitními a sociálně-vědními modely, vycházejícími z rozdílného způsobu ovládnání jevů (mechanicky vs. nemechanicky). Zatímco tvrdá data bývají považována za jednorozměrná a odrážející pouze jistý aspekt reality, kdy je v důsledku kauzální analýzy možné víceméně jasně určit příčiny a následky, měkká data jsou širší, vícerozměrná a zahrnují v sobě velmi obtížně od sebe oddělitelné jevy a charakteristiky. Z toho důvodu jsou pro popis komplexních jevů velmi často používána právě měkká data, i když je otázka, jestli nakonec nepopisují nepopsatelné.



OBRÁZEK 4: Souhrnný index kvality správy GM (r. 2012)

POZNÁMKA: označuje nesignifikantní hodnoty. Signifikance hodnoty byla zjišťována pomocí T-ratia na 10% hladině významnosti po zohlednění počtu zdrojů dat. Průměry za jednotlivé země jsou počítány jako nevážené průměry všech dílčích ukazatelů - jsou zahrnuty i nesignifikantní hodnoty. Totéž platí i pro průměry EU-15 a EU-27. Výsledky v intervalu +2,5 (nejlepší) až -2,5 (nejhorší).

PRAMEN: World Bank (2012).

První dvojice ukazatelů kvality správy hodnotí kvalitu politického procesu a zahrnuje hlediska rozsahu demokracie a politické stability. Rozsah demokracie je posuzován podle základních charakteristik politického procesu (včetně vynutitelnosti zodpovědnosti orgánů veřejné moci), občanských svobod a politických práv a nezávislosti médií. Ukazatel politické stability, resp. politické nestability a násilí vyjadřuje pravděpodobnost destabilizace vládní moci či jejího svržení včetně hrozby terorismu. Druhá dvojice ukazatelů kvality správy hodnotí efektivnost vládních politik a zahrnuje hlediska výkonnosti vlády a regulační kvality. Výkonnost vlády je hodnocena podle předpokladů pro formulaci a realizaci odpovídajících politik. Tyto předpoklady zahrnují kvalitu poskytování veřejných služeb, kvalitu byrokracie, kompetentnost úředníků, nezávislost úřadů na politických tlacích a důvěryhodnost vlády. Regulační kvalita, resp. regulační břemeno hodnotí vlastní politiky z hlediska zásahů narušujících funkčnost trhů (regulace cen, neadekvátní bankovní dohled) a z hlediska nadměrné regulace v oblasti zahraničního obchodu a podnikání. Třetí dvojice ukazatelů kvality správy hodnotí kvalitu institucionálních interakcí, a to podle hledisek právního řádu a kontroly korupce. Kvalita právního řádu je hodnocena podle důvěry ve společenská pravidla a podle míry jejich respektování. Tento ukazatel vy-

jadruje vnímání výskytu násilné i nenásilné kriminality, účinnost a předvídatelnost soudních rozhodnutí a vynutitelnost smluv. Poslední ukazatel měří vnímání korupce, definované jako využití veřejné moci k získání soukromého užitku. Přítomnost korupce je obvykle projevem nedostatečného respektu korumpujícího (soukromé osoby) a korumpovaného (obvykle úředníka) vůči stanoveným pravidlům. Na obrázku 4 jsou zobrazena poslední dostupná data souhrnného indexu kvality správy projektu Governance Matters pro země EU-27, která ukazují rozdílnost institucionální kvality mezi jednotlivými zeměmi (a zároveň mohou sloužit k diskuzi o modelech kapitalismu), na obrázku 5 je pak uveden vývoj jednotlivých komponent pro ČR.

Na obrázku 4 uvedené souhrnné údaje o kvalitě správy, vypočítané jako prostý aritmetický průměr z výše uvedených šesti složek institucionální kvality, ukazují výrazný rozdíl mezi zeměmi EU-15 a EU-12. Vzhledem k výše uvedeným časovým souvislostem institucionálních změn se ani nedá předpokládat, že by se krizový vývoj a reakce na něj v oblasti vývoje institucí mohl objevit v hodnocení institucionální kvality dříve než za pár let. Z analytického hlediska zde platí, že v krátkém období se z krize mohou „těšit“ experti na makroekonomickou analýzu, a až v dlouhém období institucionální ekonomové. Následující obrázek 5 ukazuje vývoj jednotlivých složek souhrnného indexu pro Českou republiku, kde kromě dlouhodobě známého a kritizovaného korupčního prostředí s nehorším možným hodnocením ze všech složek je zarážející skutečnost, že vývoj i ostatních složek indexu institucionální kvality v podstatě stagnuje – což by u země snažící se dohnat vyspělé evropské země být nemělo.

OBRÁZEK 5: Složky kvality veřejné správy pro ČR, rok 2012

Průměr	Demokra- cie	Politická stabilita	Efektivita vlády	Regulační kvalita	Právní řád	Kontrola korupce
0,95	0,98	1,12	1,02	1,25	1,01	0,32

PRAMEN: www.worldbank.org.

Otázka zní, zda vůbec a popřípadě jaká řešení a východiska nabízí, nebo může nabídnout, nová institucionální ekonomie. A pokud ano, jak tyto změny v oblasti kvality institucionálního prostředí měřit. V první řadě se tedy pokusme odpovědět na otázku srovnávání, v lepším případě i měřitelnosti kvality institucionálního prostředí. Touto problematikou se zabývá komparativní ekonomie, která je pokládána za součást nové institucionální ekonomie. Je to právě komparativní ekonomie, která pro srovnávání institucionálního rámce jednotlivých ekonomik využívá stále více a více neustále se rozšiřující nabídku ukazatelů institucionální kvality. Měření institucionální kvality je tak v poslední době věnována značná pozornost. Kvalitní instituce, které podporují účast obyvatel na veřejných diskusích a rozhodování, umožňují občanům konat racionální a informovanou volbu v oblastech veřejných služeb jako jsou zdravotnictví, vzdělávání, životní prostředí, práva a občanských povinností a tím zvyšují kvalitu života bez ohledu na to, zda občané svého práva účastnit se využijí či nikoliv. Kvalitní instituce rovněž napomáhají formování nejen hospodářské politiky v celé její šíři, ale působí i na hodnoty, morálku, občanskou společnost v dané zemi. Vyspělost institucí dané země má vliv na vytváření jejich legislativních záruk, implementaci zákonů

či svobodu názoru na politickou situaci. Legislativní záruky stejně jako svoboda projevu mají vnitřní a instrumentální hodnotu, které zvyšují kvalitu života.

Hodnocení institucionální kvality přináší jeden závažný problém do ekonomické analýzy a tou je rostoucí využívání tak zvaných měkkých dat (viz Box 1), které jsou většinou založena na expertních šetřeních, ale nejen to. Při využívání měkkých dat je proto nutno mít na paměti, že expertní hodnocení jsou k měření čestného a adekvátního fungování institucí nedostačující. Efektivní fungování institucí ovlivňuje především občany daného státu, je tedy nutné zjišťovat právě u nich vnímání fungování institucí a provadět průzkumy i mezi nimi. Při měření kvality institucí je zároveň zapotřebí dbát na charakteristiky různých skupin obyvatel, jelikož uplatňování práva a vnímání kvality institucí se systematicky liší v závislosti na těchto charakteristikách. Například mladší, méně vzdělaná skupina obyvatel s nízkými příjmy se dle výzkumů méně účastní voleb. V neposlední řadě je nutné zajistit udržitelnost efektivních institucí pro další generace.

Ještě jedna poznámka ke komparativní ekonomii. Komparativní ekonomie jako součást nové institucionální ekonomie se původně zabývala srovnáním dvou ideově nesmiřitelných systémů – kapitalistické tržní ekonomiky a centrálně plánované ekonomiky socialistické. Po kolapsu komunismu se orientovala nejdříve na srovnávání mezi USA a Japonskem (inspirace pro Lisabonskou strategii) v posledním desetiletí na hodnocení různých typů (modelů) kapitalistické ekonomiky¹⁰, kde nedílnou součástí je právě hodnocení institucionální kvality. V nové komparativní ekonomii se porovnávání institucionálního prostředí opírá o definování institucionálních charakteristik společnosti nejen v oblasti politické a ekonomické, ale také u charakteru vládnutí a tvorby legislativy.

OBRÁZEK 6: Vývoj Dow-Jones Index 2000



PRAMEN: <http://money.cnn.com/data/markets/dow/>, staženo 11. ledna 2014.

¹⁰ V rámci komparativní ekonomie existuje určitá shoda v tom, že existují různé druhy a systémy kapitalismu. Např. Aiginger (2006) vymezuje modely kapitalistické ekonomiky, v evropském kontextu, takto: Tržní ekonomiky (anglosaský model): Irsko, Lucembursko, Velká Británie, Sociálně demokratické ekonomiky: Dánsko, Finsko, Švédsko, Nizozemsko, Evropský kontinentální kapitalismus: Belgie, Francie, Německo, Rakousko, Itálie, Jihoevropský (středo-mořský) kapitalismus: Portugalsko, Řecko, Španělsko, Dohánějící (catching up) země: Česká republika, Maďarsko.

Ptáme-li se po důvodu proč současná krize vznikla hledíme odpověď, jak již bylo uvedeno výše, v neformálních institucích, konkrétně v rozchodu ekonomie s etikou, a je v podstatě jedno, zda tuto krizi způsobilo cokoliv, ať už to nazveme nenasytnou hrabivostí, arogancí, okouzlením z dlouhodobé prosperity, podlehnutí skupinovému myšlení a to jak v příčinách – „nikoho z nás to nenapadlo“ a „příliš jsme uvěřili vlastní dokonalosti“, tak v reakcích – „zbytečná panika“ a „přehnané reakce“, abychom jmenovali alespoň nejfrekventovanější vysvětlení (omluvy?). Následující dva obrázky (6 a 7) poukazují na varovnou skutečnost, že selhání institucí se projevuje mnohem hůře než vnější šok.

Vzpomeňme jen na reakci na teroristické útoky ze září 2001 – media se předháněla v hodnocení dopadů do ekonomiky titulkou typu „Den kdy se změnil svět“, většina analytiků prorokovala, že nic již nebude tak jako dřív a přitom spontánní přizpůsobování ekonomiky proběhlo poměrně rychle a pokles ani nebyl tak výrazný. Obrázek 7, který srovnává teroristický útok s pádem společnosti ENRON, který byl jednoznačně způsobem morálním selháním vypovídá jednoznačně.

OBRÁZEK 6: Dopady šoků na vývoj DJI



PRAMEN: Sedláček T.: PPP z přednášky na VŠEM, www.vsem.cz, staženo 10.12.2009.

Samozřejmě jsme si vědomi, lidově řečeno „že jedna vlašťovka jaro nedělá“ a srovnání může být zavádějící a údaje je nutno chápat jen jako ilustrativní, ale principiální problém morálního selhání to ilustruje podle našeho názoru velmi srozumitelně. V současné krizi neselhávaly trhy, selhávali lidé, ať už v účetních firmách, ratingových agenturách, vládách, bankovním sektoru – jedná se o globální krizi důvěry, důvěryhodnosti, morálky.

INSTITUCIONÁLNÍ KVALITA A JEJÍ HODNOCENÍ

V rámci tvorby Ročenky konkurenceschopnosti České republiky¹¹, sledujeme a zpracováváme v současnosti celkem 21 indexů hodnotících institucionální prostředí v jednotlivých zemích od těchto institucí či projektů: UN DP, The Economist Intelligence Unit's, Legatum Institute, New Economic Foundation, International Living, OECD, The Heritage Foundation, The Frazer Institute, The Freedom Hou-

¹¹ Viz: CES VŠEM, NOZV NVR: Konkurencí schopnost České republiky 2011–2012. Praha: Linde, 2013. 168 s. ISBN 978-80-7201-910-6.

se, Yale Center for Environmental Law and Policy, Transparency International, The Milken Institute, International Budget Partnership, Governance Matters – WB, Global Competitiveness Report, Doing Business – WB, Japan Center for Economic Research a v oblasti regulace i vlastní Index regulační kvality CES VŠEM. Převážná část ukazatelů institucionální kvality v podstatě nezaznamenala „cyklický“ vývoj.

Jedinou oblastí, kde byly zaznamenány cyklické pohyby jsou indexy ekonomické svobody. Při sledování ekonomické svobody jako ukazatele institucionální kvality si klademe otázku : Jaký dopad bude mít právě probíhající krize a s tím související přijímání nových vládních opatření na až dosud stoupající trend v úrovni ekonomické svobody ve světě? Odpověď na tuto otázku v nových datech publikovanými dvěma organizacemi – Fraser Institute a Heritage Foundation, což jsou v současné době známé a používané indexy – přehled je v následující tabulce (obrázek 8):

OBRÁZEK 8: Použité indexy ekonomické svobody

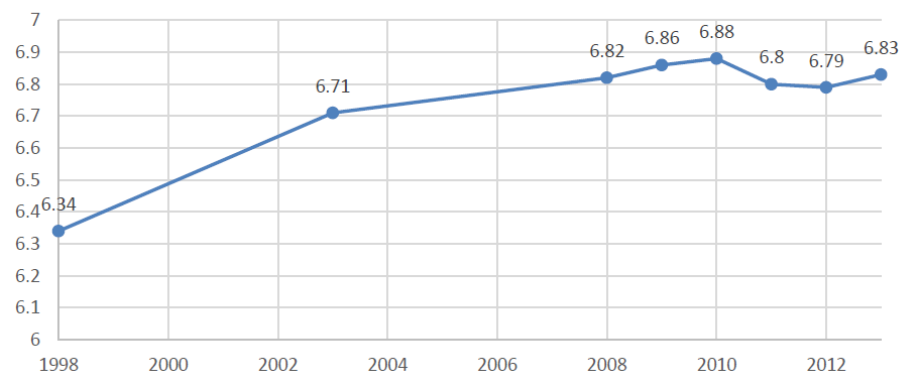
Subjekt	Název	Titul	Odkaz
Frazer Institute	Index ekonomické svobody	Economic Freedom of the World	www.freetheworld
Heritage Foundation	Index ekonomické svobody	Index of Economic Freedom	www.heritage.org

ZDROJ: vlastní zpracování

V posledních publikovaných zprávách o vývoji ekonomické svobody ve světě se obě instituce shodují v tom, že jimi sledované indexy zaznamenaly pokles ekonomické svobody v období krize, ale že v současné době je společnost zpět na růstové trajektorii. Metodologii sestavování indexů lze najít nejen v každoročně publikovaných zprávách – k dosažení na výše uvedených webových stránkách, ale také v češtině, v pravidelně vydávaných Ročenkách konkurenceschopnosti¹². Následující obrázky 9 a 10 tuto situaci dostatečně demonstrují.

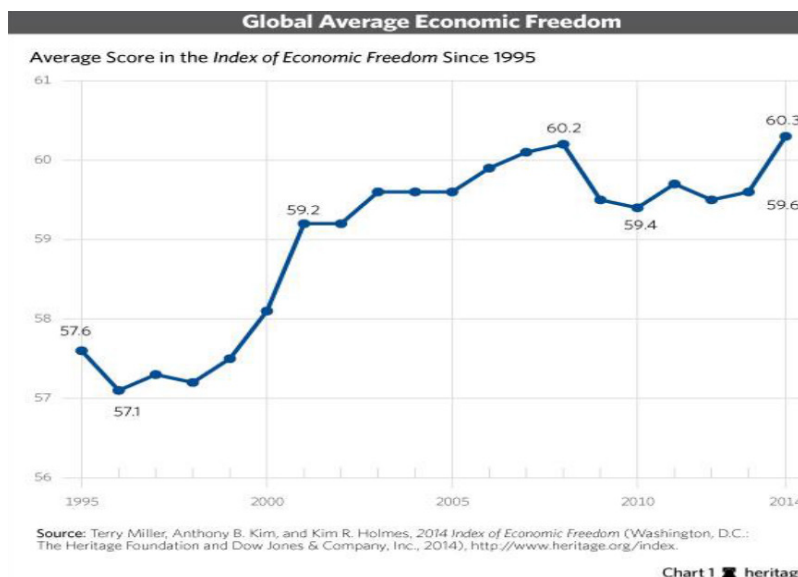
OBRÁZEK 9: Vývoj indexu ekonomické svobody v letech 1998–2012, Frazer Institute

Average Chain-linked EFW Rating for the 102 countries with ratings since 1980



ZDROJ: www.freetheworld.com

¹² Ročenky konkurenceschopnosti České republiky 2007 - 2012. Dostupné na www.cesvsem.cz.



OBRÁZEK 10: Vývoj indexu ekonomické svobody v letech 1995–2014, Heritage Foundation

ZDROJ: www.heritage.org.

Obě instituce, Fraser Institute i Heritage Foundation shodně ještě v roce 2011 uvádějí, že rok 2008 byl pravděpodobně vrcholem ekonomické svobody a zamýšlely se nad důvody poklesu hodnoty sledovaných indexů. Frazer Institute uvádí jako hlavní důvody následující:

- Obecně sdílené pochybnosti o fungování volného trhu
- Rostoucí míra vládních intervencí
- „Praktické“ znárodnění hypotečního trhu v USA

a varuje: hlavní příčiny spočívají v selhání vlád. Selhání je způsobenou špatnou a neefektivní regulací nikoli nedostatkem regulace.

Rovněž Heritage Foundation konstatovala, že pohoršení¹³ jde na vrub zásahů do přirozených trhů a zamýšlí se nad problémem ekonomické svobody a morálky. V textu se konstatuje, že země s vysokou mírou ekonomické svobody výrazně překonávají ostatní v ekonomickém růstu, důchodu na hlavu, zdravotní péči, vzdělání, ochraně životního prostředí a odstraňování chudoby. V úvodu letošní zprávy (2013 Index of Economic Freedom) pak konstatuje, že prostřednictvím ochrany ekonomické svobody přispíváme k rozvoji trhů, které samy o sobě nejsou nemorální, nemorální může být jen chování na trzích, které však rozvojem svobody je lépe rozpoznatelné. Což je možné chápat jako určité memento a zároveň jako reakci na zlepšující se výsledky v současné době.

Při podrobnější analýze můžeme využít i srovnání vývoje jednotlivých složek indexu ekonomické svobody v letech 1995–2011 v ČR jak ilustruje obrázek 11, kde jediným subindexem, který zaznamenal cyklický pokles je, a to zcela logicky, obchodní omezení. Důvodem je skutečnost, že tento ukazatel jako jediný reaguje nejsilněji na vnější podněty.

¹³ „pohoršení“ dokládá údaj IES 2010 (data 2009) – ze 179 zemí si 90 pohoršilo, a jen 82 zlepšilo.

OBRAZEK 11: ČR – vývoj indexu ekonomické svobody (Frazer Institute) 1995–2011

	1995	2000	2005	2010	2011
SOUHRNNÝ INDEX	5,84	6,53	6,92	7,13	7,17
Kvalita vlády	2,81	3,13	3,30	3,87	3,91
Právní řád a ochrana práv	6,55	6,89	6,61	6,74	6,76
Měna	5,95	8,13	9,05	9,45	9,48
Obchodní omezení	8,05	8,28	8,00	7,77	7,70
Regulace	5,85	6,22	7,69	7,70	7,87

ZDROJ: http://freetheworld.com/datasets_efw.html.

V souvislosti s využíváním indexů ekonomické svobody ve smyslu hodnocení institucionální kvality se však v literatuře objevuje i řada otazníků. Na jedné straně jsou to diskuze o konstrukci ukazatelů, založených na měkkých datech (viz box 1), na druhé straně jde o to, že „nemusí být pravda, že nejsvobodnější trh a nejsilnější ochrana soukromých vlastnických práv jsou nejlepší pro hospodářský rozvoj“, kde se oponuje tím, že teorie nebere na zřetel stupeň ekonomického vývoje jednotlivých zemí a ani kulturní odlišnosti. Znamená to, že méně rozvinuté země jsou vlastně „tlačeny“ do Institucionálního prostředí, které neodpovídá stupni jejich rozvoje. Dalším problémem je fakt, že samotná diskuze je vedená „anglo-saskými“ institucemi a think – tanky, což vede k určité nadřazenosti celého pojetí ekonomické svobody. Tím se dostáváme k velmi závažné otázce: Chápeme dobře „institucionální změny“? A jsou tyto změny způsobeny růstem, nebo růst podporuje, vyvolává tyto změny? Jisté je, že ekonomický vývoj působí na poptávku po transparentnějších, výkonnějších a zodpovědnějších institucích, které jsou dosažitelné a má vliv na „kultivaci“ institucí současných.

HOSPODÁŘSKO-POLITICKÁ DOPORUČENÍ

Základem následné diskuze k jednotlivým krokům hospodářské politiky je rozšiřující pohled na realitu, který zprostředkovává nová institucionální ekonomie v podobě, kterou ilustruje obrázek 8. Pro začátek můžeme zjednodušeně konstatovat dvě východiska. To první spočívá v rozšíření pohledu o občanský sektor. Toto rozšíření umožňuje stanovit (nebo lépe vymezit) hranice nejen mezi ziskovým a neziskovým sektorem, ale i hranice mezi veřejným a soukromým sektorem a zejména odlišit formální a neformální sektor s tím, že jednotlivé naznačené hranice nejsou nehybné, naopak, v závislosti na modelu společnosti se posouvají. Tím druhým, z prvního vyplývající je konstatování, že dosavadní diskuze o modelech společnosti se soustředila převážně na vztah státu a trhu, zaměřila se na poměr mezi ziskovým a neziskovým sektorem, kde liberální řešení prosazovala méně zásahů státu do tržních struktur a koncept „státu blahobytu“ naopak. Na straně občanů tak existují dvoje omezení – rostoucí velikost veřejného sektoru omezuje soukromé aktivity v konečných důsledcích až ke komunistické společnosti, nedostatečný formální sek-

tor vede k anarchii. Shrňeme-li problémy vznikající posunem hranic, můžeme konstatovat, že nedostatek formálních pravidel vytváří prostor pro šedou i černou ekonomiku, nedostatečný ziskový sektor vytváří panství byrokratického aparátu a vede k vydírání veřejných rozpočtů a konečně hranice mezi veřejným a soukromým sektorem je hranicí nejen státního paternalismu, ale i prostorem pro klientelismus, úplatkářství a korupci, přičemž platí, že za nastavení všech tří hranic je odpovědný stát.



OBRÁZEK 12: Vztah trhu, státu a občanské společnosti

POZNÁMKA: Potůček M., Mašková M. eds.: Trendy, příležitosti a ohrožení ČR, Karolinum 2008, část C4, str.1, vlastní úprava.

Konkrétní hospodářská politika je závislá na institucionálním prostředí a jen v souladu s ním může být účinná. Při tomto konstatování vycházíme z jednoduchého výše uvedeného tvrzení, že „instituce za něco mohou“. Realizace však naráží na nejméně dva stěžejní problémy – tím prvním jsou časové možnosti změn s ohledem na politický cyklus a schopnost politiků¹⁴ a byrokracie rozpoznat nutnost změny (informační asymetrie), tím druhým je role občanských institucí působících na zlepšení produktivních schopností občanů – změny v modernizaci technologií nestačí.

V diskuzi na toto doporučení se nelze vyhnout širším institucionálním souvislostem¹⁵. Jakákoliv institucionální změna by totiž měla být v souladu s kolektivním vědomím či společností vnímanými hodnotami, z čehož vyplývá, že se změnou institucí by se měla měnit i organizační struktura. Současná politika však nabízí takovou škálu možných ovlivňování a možností prosazování vlastních zájmů zájmovými skupinami, že každá diskuze o změně institucí vždy vyvolává otázku „Komu to slouží?“. Pro ekonomy politiky není opravdu problém změnit pouze instituce, bez ohledu na kolektivní vědomí či společenské hodnoty. Role občanského sektoru tkví v tom, že umožňují, přihlášením se ke změnám, vytvářet pozitivní očekávání a tím odstraňují prvky nejistoty, které každá změna logicky přináší. Vlády by měly zavádět jen takovou institucionální změnu, k níž se mohou věrohodně zavázat. Výchozím bodem rozhodování o institucionálních změnách jsou v nové institucionální ekonomii transakční náklady, jejich výše. Jakákoliv institucionální změna tyto náklady zvyšuje již při její přípravě, bez ohledu na to, zda změna přispěje ke zlepšení podmínek ve společnosti. Tyto náklady porostou, pokud externí

¹⁴ V této souvislosti trefně poznamenává ve svém blogu komentátor Respektu Jan Macháček: Změna kultury je ale věc citlivá a jemná a člověk si dovede představit, že většina lídrů G-20 jsou lidé žijící v permanentním politickém boji a vůbec nepochopí, o co jde. Viz www.respekt.cz.

¹⁵ Podrobněji v: VOIGT S. 2008. Institucionální ekonomie, ALFA a LI, 2008.

instituce nejsou obecně přijímány institucemi interními. Z toho pak v zájmu uvažovaných institucionálních změn hovoříme o požadavku kompatibility interních a externích institucí a to buď okamžitě (není mezi nimi rozpor), nebo dlouhodobě, kde neřešitelný nesoulad může vést až politické neprůchodnosti, nestabilitě či nenávratnému selhání – příkladem za všechny může být nesoulad (nebo reformulace) cílů tzv. Washingtonského konsensu I. a II. Neznamená to ovšem, že by se vlády neměly snažit o změnu interních institucí. Zde se dostáváme k problematice velikosti a rozsahu institucionální změny. Jiná bude situace při revolučních změnách typu kolapsu komunismu počátkem devadesátých let, kdy stávající politické instituce nebylo možno zachovat, ale některé ekonomické, sociální a legislativní změny nebyly ani nastartovány a nebo ani dokončeny dodnes (důchodová reforma, pravidla pro fiskální konsolidaci apod.) .

V současné době řešíme, v souvislosti s krizovým vývojem, problém míry regulace, tedy vlastně „regulační rovnováhu“. Vycházíme z předpokladu, že institucionální změny jsou spojeny s transakčními náklady a nejsou realizovatelné v krátkém období (za které v této souvislosti můžeme považovat i délku jednoho volebního cyklu.) . Navíc by připravované změny měli zohlednit i možnosti selhání státu a projevy očekávání soukromého sektoru. Existence očekávání by měla vést tvůrce ekonomické politiky k poznání, že soukromý sektor podniká kroky v souladu se svými očekáváními. Jsou-li dnes přijatá regulační opatření v mnoha případech převážně politickým a méně již ryze ekonomickým rozhodnutím, jsou a tím nutně krátkodobá. Těžko se v současné době podaří vymyslet a politicky prosadit lepší regulaci, nehledě na fakt, že příští krize se zrodí s velkou pravděpodobností ze zcela jiných příčin a podmínek. Požadavek na zvýšení státní regulace se jeví jako příprava na válku již prohranou a naráží rovněž na existenci tzv. regulačního cyklu, který můžeme formulovat asi takto: politická poptávka po regulaci trhů je nejsilnější v době hospodářské krize a nejslabší v době konjunktury. Z čehož plyne, že regulace paradoxně zesiluje projevy hospodářského cyklu namísto toho, aby je tlumila. Navíc pouhé přesunutí fungujícího nástroje hospodářské politiky z jedné země do jiné se díky odlišným institucionálním podmínkám může ukázat jako kontraproduktivní. A v oblasti regulací to vzhledem uvedeným faktům platí dvojnásob. Doporučení vychází z poznání, že neexistují žádné dokonalé alokační a koordinační mechanismy a postupy, že sice existuje jistá setrvačnost institucí v závislosti na minulosti (path dependency), ale také selhání státu a zejména selhání předpovědí. To vede v konečných důsledcích k důraznému varování – transakční náklady nelze přehlížet – jejich existence je takřka jedinou jistotou při pohledu do budoucnosti.

Z každé krize je třeba se poučit. Tato současná (a snad již minulá) nastavila nemilosrdné zrcadlo našemu chování, morálce. Základní výhrou je skutečnost, že poukázala na zásadní příčinu - morální selhání. Je nemorální pro banky aby se řídily heslem „Svět chce být klamán, tak ho klamme“¹⁶ a ani se nevyplácí „zlevňovat“ sledování vlastní obezřetnosti přenášením na ratingové agentury - rating zde slouží jako „náhražka“ za vlastní analýzu rizika. Pro ratingové agentury by mělo do budoucna platit, že poctivost se dlouhodobě vyplácí a nevyplácí se chovat podle hesla „koho chleba jíš, toho píseň zpíváš“. A pro vlády- ty jsou sice málo použitelné a zbrojí převážně na války minulé, ale jsou garantem sociální spravedlnosti

16 Výrok Mundus vult decipi, ergo decipiatur je připisován Petroniovi.

a politický cyklus jim naštěstí nedopřává dost prostoru pro výrazné institucionální změny. Není v této souvislosti nezajímavé, že žádný z dosavadních pokusů o rekonstrukci státu nebyl zdařilý, ať už se jednalo o „NEW PUBLIC MANAGEMENT“, „GOOD GOVERNANCE“, apod., což vede ke zjištění o chronicky sehlávajícímu státu. Cesta ven asi přece jenom vede přes morálku a laissez – faire.

ZÁVĚRY

1. Základní příčinou vzniku současné krize je rozchod mezi etikou a ekonomikou.
2. Vlády by měly být obezřetné při výběru nástrojů řešení krize, zejména v oblasti regulace.
3. Odeznění krize by mělo přinést návrat důvěry v trhy, větší ekonomickou sobědobu, obnovení sepectí etiky s ekonomikou a doufejme i zvýšení obezřetnosti ve vládních výdajích.
4. Ekonomie by se měla čím dál tím víc obracet k příbuzným vědeckým disciplinám.

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Peter Strapáč
Marian Ďurana

Matej Bel University in Banská Bystrica

Odpowiedzialność za szkodę wyrządzoną przez osoby, które nie są wpisane na listę biegłych podczas wykonywania czynności biegłego

Abstrakt

The article is about the necessity of restriction of disposal of ownership right in the view of the principal of proportionality.

Key words: proportionality, restrictions of ownership, ownership, acquisition of ownership, agricultural land

Celem porządku prawnego jest uregulowanie praw i obowiązków podmiotów prawa oraz stworzenie mechanizmów do ich przestrzegania, wraz z mechanizmami rekompensaty za naruszone lub zagrożone prawa. Jednym z tych mechanizmów, i to pod warunkiem spełnienia pozostałych przesłanek, jest również obowiązek naprawienia szkody wyrządzonej wskutek bezprawnego działania (naruszenie zobowiązania umownego lub pozaumownego). Określenie warunków poniesienia konsekwencji niekorzystnych skutków, które są następstwem naruszenia zobowiązania umownego lub pozaumownego, w sferze osobistej lub majątkowej poszkodowanego, zawarte jest w systemie odpowiedzialności.

„Odpowiedzialność prawna jest instytucją, którą prawo obiektywne reaguje na takie zachowanie podmiotu prawa, które działa *contra legem*. Jej właściwym celem jest naprawienie i usunięcie następstw powstałych wskutek bezprawnego działania i doprowadzenie do stanu zgodnego z prawem.”¹ Pojęcie odpowiedzialności prawnej można również rozumieć jako określoną przepisami prawa zdolność (umiejętność) podmiotu prawa do poniesienia konsekwencji prawnych takiego swojego zachowania, które jest sprzeczne z prawem”² Mówiąc w uproszczeniu odpowiedzialność prawna w państwach prawa oznacza obowiązek przyjęcia i poniesienia ciężaru sankcji za naruszenie norm prawa. Chodzi o obowiązek respek-

1 Břejcha, A., Odpowiedzialność w prawie publicznym i prywatnym, Codex Bohemia, 2000, s.25
2 Bröstl, A., Dobrovičová, G, Kanárik, I., Teoria prawa, UPJŠ Koszyce, 2002, s. 149

towania norm prawnych, przy przestrzeganiu których ustawodawca upiera się a nieprzestrzeganie ich jest zagrożone sankcjami i w większości im podlega. „Inaczej mówiąc, odpowiedzialność prawna jest szczególną formą stosunku prawnego, w którym na podstawie naruszenia obowiązków prawnych dochodzi do powstania nowego zobowiązania prawnego w postaci sankcji”³

W myśl teorii prawa prywatnego, obowiązującego w Republice Słowackiej, jak i Republice Czeskiej, pojęcie odpowiedzialności zawiera z jednej strony odpowiedzialność za wyrządzoną szkodę (odpowiedzialność w węższym tego słowa znaczeniu) oraz odpowiedzialność za wady oraz za zaniechanie (odpowiedzialność w szerszym tego słowa znaczeniu). Oczywiście, że Kodeks Cywilny używa pojęcia odpowiedzialności i w innym, niż wyżej wymienione, znaczeniu. Jednak w niniejszym opracowaniu będziemy się zajmować pojęciem odpowiedzialności tylko w węższym tego słowa znaczeniu, zawierającym odpowiedzialność za wyrządzoną szkodę.

Przepisy prawa formułują odpowiedzialność prawną jako odpowiedzialność obiektywną oraz odpowiedzialność subiektywną. Przesłanką odpowiedzialności subiektywnej jest zawinione działanie zobowiązanego podmiotu, przy odpowiedzialności obiektywnej zawinione działanie nie jest wymagane. Koncepcja odpowiedzialności za działanie zawinione przedstawia odpowiedzialność tradycyjną za naruszenie zobowiązania prawnego, jest to tak zwana odpowiedzialność za zawinienie. Ta wiodąca zasada odpowiedzialności rozwijała się wraz z zasadą odpowiedzialności karnej i stanowi w prawie cywilnym tzw. odpowiedzialność ogólną za szkodę , jak również we współczesnych kodeksach cywilnych. W tym systemie osoba, której działanie lub zaniechanie spowodowały naruszenie podstawowego obowiązku, powinna ponieść odpowiedzialność w prawnym znaczeniu tego słowa. Z powyższego w sposób oczywisty wynika, że podstawą prawną zaistnienia odpowiedzialności ogólnej w prawie cywilnym jest czynność bezprawna przejawiająca się w bezprawnym zachowaniu sprawcy szkody, które jest sprzeczne z podstawowym obowiązkiem prawnym. Przesłanką prawną powstania odpowiedzialności ogólnej w prawie cywilnym jest czynność bezprawna przejawiająca się w bezprawnym zachowaniu sprawcy szkody, które jest sprzeczne z podstawowym obowiązkiem prawnym, uszczerbek, związek przyczynowy i zawinione działanie. Dla odpowiedzialności subiektywnej o wiele bardziej jest wzmocniona funkcja prewencyjno-wychowawcza jako środek regulacji prawnej, ponieważ odpowiedzialność ta uzależniona jest od zawinionego działania zobowiązanego podmiotu, który pod rygorem sankcji może uniknąć bezprawnego działania.

Rozwój przemysłu i wzrost czynników ryzyka spowodował, że pierwotna koncepcja odpowiedzialności za działanie zawinione okazała się niedostateczną. Powstanie odpowiedzialności należało powiązać nie tylko z naruszeniem podstawowego obowiązku prawnego (czynność bezprawna), ale również z konkretnym (kwalifikowanym) zdarzeniem, którego następstwem jest wywołanie stanu, na które prawo nie zezwala (stan bezprawny). Powyższe w konsekwencji spowodowało, że obok pierwotnej, ogólnej odpowiedzialności za działanie zawinione (czynność

3 Gerloch, A., Teoria prawa, Wydanie II, Euro Kodex, 2008, s. 233

bezprawna), rozwinął się paralelny system odpowiedzialności za ryzyko, tzw. odpowiedzialność obiektywna. W wymienionych przypadkach odpowiedzialności obiektywnej pod pojęciem stan bezprawny rozumiana jest nie tylko czynność bezprawna naruszająca obowiązek prawny, ale również spowodowanie zdarzenia, lub rezultat zgodnego z prawem zachowania, które w ostatecznym wyniku jest sprzeczne z porządkiem prawnym. Zdarzenie, które w konsekwencji powoduje zaistnienie odpowiedzialności obiektywnej jest odpowiedzialnością z tytułu niedozwolonego skutku. Dlatego niektórzy autorzy przyjmują, że w przypadku odpowiedzialności obiektywnej chodzi o powstanie zobowiązania podobnego do obowiązku odpowiedzialności. Przesłanką prawną powstania odpowiedzialności obiektywnej w prawie prywatnym jest stan niedozwolony, który jest sprzeczny z prawem (odpowiedzialność za niedozwolony wynik), uszczerbek, związek przyczynowy.

Z punktu widzenia systemów odpowiedzialności zatem w sytuacji, w której prawo cywilne wymaga do zaistnienia odpowiedzialności spełnienia wszystkich przesłanek, czy to o charakterze subiektywnym czy też obiektywnym, chodzi o odpowiedzialność subiektywną na podstawie zawinienia sprawcy szkody.

Zawinienie jako kategoria subiektywna wyraża wewnętrzny psychiczny stosunek sprawcy względem swojego zachowania i jest domniemana bądź w postaci nieświadomego niedbalstwa (§ 420 Kodeksu Cywilnego), lub w postaci umyślnej (§§ 423, 424 Kodeksu Cywilnego). W wyniku domniemania zawinienia regulacje dotyczące odpowiedzialności na zasadzie subiektywnej umożliwiają sprawcy szkody uwolnienie się od odpowiedzialności na zasadzie pozbycia się winy (ekskulpacji) w ten sposób, że udowodni, że nie jest sprawcą szkody. Natomiast o odpowiedzialności obiektywnej za szkodę mówimy wtedy, jeżeli w prawie cywilnym powstanie odpowiedzialności połączone jest z zaistnieniem tylko pierwszych trzech przesłanek. W przypadku odpowiedzialności obiektywnej kwestia zawinienia nie ma znaczenia prawnego. Zatem odpowiedzialność obiektywna jest odpowiedzialnością za niedozwolony stan, na który prawo nie zezwala. Ten stan może powstać w następstwie przypadku lub ryzyka, które związane jest z określonym działaniem. Niczym nie ograniczona odpowiedzialność obiektywna jednak w niektórych sytuacjach prowadziłaby do niesprawiedliwego powstania odpowiedzialności, np. jako wynik obiektywnego zdarzenia, które przydarzyło się poszkodowanemu bez względu na to, gdzie rzecz się znajduje. W konsekwencji tego, w związku z brakiem możliwości ekskulpacji porządek prawny w sytuacjach odpowiedzialności obiektywnej zazwyczaj daje możliwość liberacji (pozbycia się odpowiedzialności obiektywnej na warunkach określonych przepisami). W niektórych sytuacjach możliwość liberacji jest wykluczona i wtedy mówimy o tzw. absolutnej odpowiedzialności obiektywnej.⁴

Różnicę pomiędzy odpowiedzialnością subiektywną i obiektywną można również zauważyć pomiędzy poszczególnymi dziedzinami prawa prywatnego. O ile w prawodawstwie cywilnym pojmowanym jako ogólne prawo prywatne odpowiedzial-

4 Ćurana, M.: Niektóre problemy odpowiedzialności ogólnej za szkodę w prawie cywilnym, in Notitae Novae Facultatis Iuridicae, rocznik XVII, Wydział Prawa Uniwersytetu Mateja Bela 2012. S. 51 i nast.

ność ogólna występuje na zasadzie odpowiedzialności subiektywnej a zasady odpowiedzialności obiektywnej są wykorzystywane tylko wyjątkowo jako szczególne przypadki odpowiedzialności za szkodę, to w prawie handlowym odpowiedzialność ogólna za szkodę występuje na zasadzie obiektywnej odpowiedzialności za szkodę.

Jak podaje Csach, odpowiedzialność biegłych podlega pod kategorię odpowiedzialności za szkodę spowodowaną przez błędną informację.⁵ W ustawie nie znajdziemy bezpośredniej wzmianki o odpowiedzialności biegłych, w odróżnieniu od innych regulacji prawnych dotyczących wolnych zawodów (np. ustawa o zarządcach – Dz.U. nr 8/2005, ustawa o adwokaturze – Dz.U. nr 586/2003).

Z punktu widzenia uregulowania odpowiedzialności ustawa wspomina wymienione pojęcie tylko w związku z warunkami wykonywania czynności biegłego lub tłumacza, zgodnie z którymi ubezpieczenie od odpowiedzialności za szkodę spowodowaną wykonywaniem czynności biegłego (tłumacza) jest warunkiem wykonywania czynności biegłego (tłumacza) wpisanego na listę biegłych lub tłumaczy. Spełnienie powyższego warunku nie jest jednak wymagane w przypadku biegłego powołanego ad hoc. Jedynym przepisem, z punktu widzenia odpowiedzialności za szkodę, jest przepis zawarty w ostatnim zdaniu § 16 ust. 3 ustawy – Dz.U. nr 382/2004. W myśl tego przepisu:

Biegły w trakcie wykonywania czynności biegłego jest uprawniony do konsultacji pojedynczych kwestii ze specjalistą w danej dziedzinie; biegły musi uzasadnić w swojej opinii konsultacje ze specjalistą. Korzystając z usług konsultanta biegły nie zostaje zwolniony z odpowiedzialności za treść opinii wynikającej z czynności biegłego.

Z powyższego można wydedukować, że przy wykonywaniu czynności biegłego, ustawa przewiduje możliwość powstania stosunku zobowiązaniowego z tytułu szkody.

Rozważając, którą z podanych koncepcji systemu odpowiedzialności należy zastosować napotykaemy właśnie na brak regulacji prawnych. Jak już wspomniano ustawa, za wyjątkiem przepisu zawartego w ostatnim zdaniu § 16 ust. 3 ustawy, pomija milczeniem zasady odpowiedzialności biegłego. Językowe wyrażenie ostatniego zdania przepisu z § 16 ust. 3 ustawy „odpowiedzialność biegłego za treść opinii wynikającej z jego czynności” wywołuje wrażenie, że w danym przypadku powinna mieć zastosowanie szczególna forma odpowiedzialności obiektywnej na zasadzie odpowiedzialności za wynik. Jednak, ponieważ chodzi o stosunek prywatnoprawny na zasadzie *lex specialis* do legi generalis wynika z niego, że jeżeli konkretny przypadek nie podlega pod specjalne uregulowania prawne, to zostaną zastosowane przepisy Kodeksu Cywilnego, który wykorzystuje w stosunku do odpowiedzialności ogólnej, koncepcję odpowiedzialności subiektywnej. Odpowiedzialność biegłych, ze względu na brak szczególnych uregulowań prawnych, jest odpowiedzialnością obiektywną. Do zaistnienia odpowiedzialności prawnej wymagane jest łączne spełnienie czterech podstawowych atrybutów.

⁵ Csach, K in Csach K, Doležal, T., Husár, J., Suchoža, J., Širicová, L.: Odpowiedzialność zawodowa. UPJŠ Koszyce, 2011, str. 266.

Przesłankami wymaganymi przez prawo są:

- Czynność bezprawna (ewentualnie stan bezprawny)
- Skutek czynności bezprawnej
- Związek przyczynowy pomiędzy czynnością bezprawną i jej skutkiem
- Zawinienie

CZYNNOŚĆ BEZPRAWNA

Pod pojęciem czynności bezprawnej teoria prawa rozumie takie działania lub zaniechanie działania, które są sprzeczne z unormowaniami prawnymi, ew. z treścią czynności prawnej (na przykład w sprzeczności z treścią umowy jako czynności dwustronnej lub wielostronnej).⁶

Inaczej mówiąc czynność bezprawna stanowi przejaw ludzkiej woli sprzeczny z prawem obiektywnym.⁷ Bezprawność jako sprzeczność z prawem obiektywnym występuje nie tylko w przypadku czynności naruszającej prawo obiektywne (contra legem) lub w przypadku kiedy to obiektywne prawo omija (in fraudem legis), ale również w przypadku nadużycia prawa, lub działania sprzecznego z dobrymi obyczajami, przy założeniu określonym w przepisie § 424 Kodeksu Cywilnego. Jako prawo obiektywne uznaje się nie tylko obowiązek wynikający z normy prawnej (ex lege), czy to wynikający z przepisów prawa cywilnego, administracyjnego, karnego lub innego, ale również ze stosunku zobowiązaniowego (ex contractu). Naruszenie obydwu w konsekwencji powoduje sprzeczność z prawem obiektywnym. Bezprawność czynności jest kategorią obiektywną i może wystąpić niezależnie od zawinienia działającego. Bezprawność występuje bez względu na świadomość działającego i polega na naruszeniu chronionego stosunku prawnego.

W konkretnym przypadku naruszenie obowiązku biegłego będzie polegało na wydaniu nieprawdziwej opinii lub naruszeniu ogólnie obowiązujących przepisów podczas jej sporządzania. Chodzi o przypadki tzw. nieprawdziwej, niekompletnej lub błędnej opinii, która stanowiła podstawę do wystąpienia z roszczeniem, przyznania prawa lub wykonania czynności.

Za błędną, niekompletną lub nieprawdziwą opinię można uznać taką opinię biegłego, która zawiera metodologiczne błędy polegające w szczególności na tym, że biegły:

- a) opiera się na materiałach źródłowych niekompletnych lub technicznie nie do przyjęcia;
- b) nie uwzględnił stopnia rozwoju dziedziny naukowej;
- c) sposób i warunki badania podczas sporządzania opinii nie odpowiadają wymogom koniecznym do uzyskania obiektywnych wyników;
- d) odpowiedzi na zadane pytania są niepełne a opinia nie wyjaśnia wszystkich okoliczności, co do których biegły miał zająć stanowisko;

6 Zob. na przykład Bröstl, A., Dobrovičová, G., Kanárik, I., Teoria prawa, UPJŠ Koszyce, 2002, s.156 lub Gerloch, A. Teoria prawa Wydanie II, Euro Kodex, 2008, s.228

7 Zob. np. : Knappová, M., Švestka, J. Dvořák, J.: Materialne prawo cywilne, drugi tom, wydanie czwarte, Praga, ASPI, 2006 s.425

- e) w sposób nieuprawniony zajmuje się również problematyką prawną;
- f) podczas sporządzania opinii opierał się na niewłaściwych, lub w okresie podlegającym opinii, nieważnych przepisach; lub
- g) do opiniowanej problematyki przystąpił niekompleksowo, bez znajomości wszystkich okoliczności

Oceniając opinię biegłego w przypadku doszukiwania się w niej błędów należy zbadać czy biegły miał do dyspozycji wszelkie niezbędne materiały źródłowe i w jaki sposób je wykorzystał, czy uzasadnienie opinii jest zgodne z dotychczas uzyskanymi doświadczeniami i wiedzą w danej dziedzinie, oraz czy wnioski końcowe opinii są zgodne z zasadami logiki.

NASTĘPSTWO BEZPRAWNEJ CZYNNOŚCI

Pod pojęciem następstwa czynności bezprawnej należy rozumieć powstanie uszczerbku. Uszczerbek, który powstał w następstwie czynności bezprawnej, może wystąpić w sferze majątkowej (w rzeczy lub w mieniu) lub w sferze niemajątkowej poszkodowanego (życiu, zdrowiu lub prawach).

Uszczerbek, który powstał w sferze majątkowej stanowi szkodę – stratę majątkową dla poszkodowanego, którą obiektywnie można wyrazić w pieniądzu, jako ekwiwalencie ogólnym. Naprawienie tego uszczerbku jest ukierunkowane na odszkodowania priorytetowo w formie finansowej (pieniężnej), lub przy spełnieniu obowiązujących warunków może przyjąć formę naturalnej restytucji (przywrócenia do stanu pierwotnego). Jeżeli odszkodowanie ma spełniać funkcję naprawczą (restytucyjną) musi poszkodowanemu zabezpieczyć pełną kompensatę wyrządzonego uszczerbku, ale nie więcej.

Rozróżniane są dwa rodzaje szkody, a mianowicie szkoda rzeczywista i utracony zysk. Powstanie prawa do uzyskania odszkodowania za utracony zysk nie jest uwarunkowane powstaniem roszczenia z tytułu rzeczywistej szkody i odwrotnie. Przez szkodę rzeczywistą jest rozumiany uszczerbek polegający na pomniejszeniu stanu majątkowego poszkodowanego i przedstawiający wartości majątkowe, które należało koniecznie ponieść, aby doprowadzić rzecz do stanu pierwotnego. W ustawie szkoda rzeczywista nie jest zdefiniowana. Sądowa praktyka i teoria określa pojęcie szkody rzeczywistej jako uszczerbek majątkowy wyrażony w pieniądzu, polegający na pomniejszeniu (ubytku) majątku poszkodowanego, przedstawiający koszty (wartości majątkowe), które:

- a) były lub będą konieczne do poniesienia celem doprowadzenia tego co zostało uszkodzone do stanu pierwotnego,
- b) poniesione celowo na wyrównanie następstw uszkodzenia w przypadku, gdy doprowadzenie do stanu pierwotnego nie nastąpiło, ponieważ nie jest to możliwe lub celowe,
- c) celowo poniesione na usunięcie szkodliwego następstwa (odwrócenie szkody), lub
- d) celowo poniesione koszty z uzasadnionym oczekiwaniem, że druga strona zachowa się zgodnie z prawem.

To co poszkodowany utracił (utracony zysk), jest uszczerbkiem polegającym na tym, że w wyniku wyrządzonej mu szkody nie doszło do pomnożenia dóbr majątkowych, chociaż biorąc pod uwagę normalny bieg rzeczy należało tego oczekiwać.⁸

Utracony zysk nie polega na pomniejszeniu majątku poszkodowanego, ale na stracie oczekiwanego przychodu. Dla określenia utraconego zysku nie wystarczy tylko zwykłe prawdopodobieństwo. Prawdopodobieństwo utraconego zysku musi być kwalifikowane, co oznacza, że z pewnością można uznać, że poszkodowany w normalnych okolicznościach (regularnych) zasadnie mógł oczekiwać pomnożenia swojego majątku a główną i bezpośrednią przyczyną jego nieosiągnięcia była wyrządzona szkoda.⁹

Z punktu widzenia określenia wysokości szkody z tytułu odpowiedzialności bieglego koniecznym będzie zbadanie w jakim zakresie błędna czynność bieglego wpłynęła na sferę majątkową poszkodowanego. Będzie potrzebna ocena i ustalenie różnicy pomiędzy stanem rzeczywistym i obiektywnym. Tylko wspomniana różnica będzie stanowiła szkodę, która wystąpiła w sferze majątkowej poszkodowanego.

Natomiast uszczerbek, który powstał w sferze niemajątkowej, przejawia się w szczególności w uszczerbku w osobistych prawach poszkodowanego, na przykład w postaci odczuwanych cierpień. Uszczerbek w sferze niemajątkowej poszkodowanego stanowi szkodę tylko w przypadku jeżeli przewiduje to ustawa. Odbudowanie stanu pierwotnego w formie udzielenia pieniężnego odszkodowania lub przywrócenie stanu pierwotnego nie jest możliwe a naprawienie uszczerbku ukierunkowane jest tylko na złagodzenie niekorzystnych następstw poprzez udzielenie satysfakcji zazwyczaj w formie odpowiedniego zadośćuczynienia. Oczywiście, biegle może naruszyć i inne prawa niemajątkowe poszkodowanego takie, które Kodeks Cywilny definiuje jako szkodę (np. prawa chronione wg § 11 i następ. Kodeksu Cywilnego). W takim przypadku jednak przedmiotowe roszczenia muszą być realizowane w szczególny sposób, w myśl stosownych przepisów Kodeksu Cywilnego (§ 11 i następ. Kodeksu Cywilnego). Wyrok udostępniony na www.supcourt.gov.sk

ZWIĄZEK PRZYCZYNOWY

Pomiędzy bezprawnym działaniem i jego skutkiem koniecznym musi istnieć określony związek przyczynowy, co oznacza, że skutek (np. powstanie określonego uszczerbku) jest bezpośrednim następstwem bezprawnego działania. Atrybutem

8 Wyrok Sądu Najwyższego RS sygn. akt 4 M Cdo 23/2008, z dnia 21 grudnia 2009r., dostępny na www.supcourt.gov.sk.

9 Problematyka utraconego zysku podobnie również w wyroku Sądu Najwyższego, sygn, akt 4 Cdo 318/2008, z dnia 28 kwietnia 2010r., zgodnie z którym „ utracony zysk jest uszczerbkiem polegającym na tym, że poszkodowany w następstwie szkody nie pomnożył swoich dóbr majątkowych, chociaż ze względu na normalny bieg rzeczy należało tego oczekiwać. Utracony zysk nie przejawia się w pomniejszeniu majątku poszkodowanego (zmniejszeniem aktywów jak to jest w przypadku szkody rzeczywistej), ale w utracie oczekiwanych korzyści (przychodu). Nie wystarczy przy tym tylko prawdopodobieństwo pomnożenia majątku, ale musi istnieć pewność, że przy normalnym biegu rzeczy (gdyby nie bezprawne działanie sprawcy szkody lub wystąpienie zdarzenia wywołującego szkodę), mógł poszkodowany zasadnie oczekiwać powiększenia swojego majątku, do czego jednak nie doszło w konsekwencji działania sprawcy szkody lub zdarzenia wywołującego szkodę).”

związku przyczynowego jest zatem „bezpośredniość” oddziaływania przyczyny na skutek, która bezpośrednio poprzedza ten skutek i go wywołuje. Związek przyczyny i następstwa musi być prosty, bezpośredni, nie może być przerwany; niewystarczające jak jest tylko pośredni. Obowiązek wykazania związku przyczynowego leży po stronie poszkodowanego, który przy ewentualnym sporze ma z jednej strony obowiązek przedstawienia twierdzeń jak i obowiązek przedłożenia dowodów.

Związek przyczynowy (causal nexus) zachodzi wtedy, jeżeli pomiędzy bezprawnym zachowaniem a powstaniem szkody występuje stosunek przyczyny i skutku. Jeżeli przyczyną powstania szkody był inny fakt, odpowiedzialność za szkodę nie powstanie. Zagadnienie związku przyczynowego nie jest zagadnieniem prawnym, chodzi o kwestie czynu, która może być rozstrzygnięta tylko w konkretnych powiązaniach. Podczas ustalania związku przyczynowego szkodę należy wyodrębnić z ogólnych związków i zbadać, która przyczyna ją wywołała a rozstrzygający jest tylko związek rzeczowy przyczyny i skutku.^{10*} W teorii prawa związek przyczynowy (causal nexus) oznacza bezpośrednio powiązanie zdarzeń (związków obiektywnych), w ramach którego jedno zdarzenie (przyczyna) wywołuje drugie zdarzenie (skutek). Jeżeli przyczyną powstania szkody był inny fakt, nie występuje odpowiedzialność za szkodę. Zagadnienie związku przyczynowego nie jest zagadnieniem prawnym, chodzi o kwestie czynu, która może być rozstrzygnięta wyłącznie w konkretnych powiązaniach; dlatego rozstrzygnięcie tej kwestii nie można przypisać biegłemu (ten może dostarczyć wyłącznie dokumenty źródłowe, na podstawie których sąd ustala stan faktyczny sprawy). Ocena prawna ma za zadanie zdefiniowanie, pomiędzy jakim uszczerbkiem (jako skutkiem) i jakim faktem (jako przyczyną) tego uszczerbku, ma być ustalony związek przyczynowy. Do oceny powstania odpowiedzialności za szkodę zasadnicze zatem znaczenie ma odpowiedź na pytanie na czym konkretnie polega szkoda (uszczerbek majątkowy), która powinna zostać naprawiona. Właśnie na podstawie stosunku pomiędzy konkretnym uszczerbkiem poszkodowanego (jeżeli powstał) i konkretnym zachowaniem sprawcy szkody (jeżeli jest bezprawne) ustala się związek przyczynowy. Podczas ustalania związku przyczynowego szkodę należy wyodrębnić z ogólnych związków i zbadać, która przyczyna ją wywołała. Przy tym rozstrzygający nie jest czasowy punkt widzenia, ale rzeczowy związek przyczyny i skutku; związek czasowy jest elementem wspomagającym ocenę związku rzeczowego. W następującym ciągu zdarzeń każda przyczyna czymś wywołana (sama jest skutkiem czegoś) i każdy przez nią wywołany skutek staje się przyczyną kolejnego zdarzenia. Odpowiedzialność jednak nie może być uzależniona od nieograniczonego związku przyczynowego.

Atrybutem związku przyczynowego jest mianowicie „bezpośredniość” wpływu przyczyny na skutek, w którym przyczyna wprost (bezpośrednio) poprzedza skutek i wywołuje go. Związek przyczyny i następstwa musi być prosty, bezpośredni, nie może być przerwany; nie wystarczy jeżeli jest tylko pośredni. Przy ustalaniu związku przyczynowego należy zbadać czy w całym szeregu faktów branych pod

10 Wyrok Sądu Najwyższego RS z dnia 28.10.2010r., sygn. akt 3 Cdo 130/2010, dostępny na www.najprawo.sk

uwagę jako bezpośrednia przyczyna szkody istnieje fakt, w związku z którym prawo przewiduje odpowiedzialność za szkodę.¹¹

Atrybutem związku przyczynowego jest mianowicie „bezpośredniość” wpływu przyczyny na skutek, w którym przyczyna wprost (bezpośrednio) poprzedza skutek i wywołuje go. Związek przyczyny i następstwa musi być prosty, bezpośredni, nie może być przerwany; nie wystarczy jeżeli jest tylko pośredni. Jeżeli powstanie skutku zostało wywołane w sposób bezpośredni i zasadniczy przez więcej czynników spowodowanych przez różne podmioty prawa, czy to skumulowanych czy też konkurujących, to w grę wchodzi ewentualne zastosowanie przepisu z § 438 lub § 441 Kodeksu Cywilnego. W tym sensie wystarczy, że czynność bezprawna stanowi jedną z przyczyn powstania skutku w postaci szkody, i to przyczyną ważną, zasadniczą i znaczącą. Podczas badania związku przyczynowego koniecznym będzie określenie w jakim stopniu miały wpływ na powstanie uszczerbku. Rozstrzygająca zatem będzie ocena czy w sytuacji gdyby nie zaistniała czynność bezprawna nie doszłoby do powstania szkody, lub przeciwnie czy uszczerbek powstałby niezależnie od tego faktu. W sytuacji gdy obok przyczyny wywołującej skutek wystąpiły inne fakty, należy wykazać, że w myśl orzeczenia R 21/1992, nie można wyłączyć odpowiedzialności i związku przyczynowego tylko z tego powodu, że działanie bezprawne sprawcy szkody dopełniło już istniejący niekorzystny stan.

Sąd ustala istnienie związku przyczynowego pomiędzy czynnością bezprawną i szkodą na podstawie założeń logicznych, posiadanego doświadczenia i oceny konkretnych okoliczności przypadku. Rozwiązanie tego zagadnienia nie można nałożyć na biegłego, a ewentualna opinia stanowi tylko materiał źródłowy, którą sąd bierze pod uwagę analizując wymienioną kwestię.

Przy badaniu związku przyczynowego w przypadku odpowiedzialności biegłego należy opierać się na teorii adekwatności. W postępowaniu opinia biegłego stanowi tylko jeden ze środków dowodowych, i jako środek dowodowy podlega swobodnej ocenie dowodów. Powyższe samo w sobie jednak nie oznacza, że nie istnieje związek przyczynowy pomiędzy szkodą i nieprawdą lub błędną opinią biegłego. Zatem nie jest wykluczona zależność związku przyczynowego od tego, że w danym postępowaniu sama opinia nie wywołuje skutku w postaci szkody, ale wywołuje go dopiero orzeczenie właściwego organu, które na podstawie tej opinii zostało wydane.

Jest oczywiste, że gdy opinia biegłego stanowiła przede wszystkim dokument będący podstawą do wydania orzeczenia, to związek przyczynowy pomiędzy naruszeniem zobowiązania prawnego i szkodą występuje, jeżeli treść opinii stanowiła ważną, zasadniczą i znaczącą (choć nie jedyną) przyczynę powstania szkody. Przy czym orzeczenie opiera się na opinii biegłego, jeżeli z jego uzasadnienia wynika, że właściwy organ wydając orzeczenie kierował się opinią biegłego (np. ustalenie wysokości szkody) lub w przypadku jeżeli nie można wykluczyć, że orzeczenie byłoby inne gdyby opinia biegłego zawierała inną treść i wnioski końcowe.

¹¹ Wyrok Sądu Najwyższego RS z dnia 30.06.2010r., sygn.. akt 5 Cdo 126/2009, dostępny na www.najprawo.sk

Uważamy, że zależność przyczyny i skutku wystąpi wyłącznie w przypadku, jeżeli treść czynności biegłego (opinii biegłego) będzie stanowiła zasadniczą okoliczność dla powstania stosunku prawnego lub dla wydania orzeczenia (np. przyznanie roszczenia lub określenie jego wysokości). Jeżeli powyższa zależność nie będzie miała miejsca, związek przyczynowy pomiędzy błędną czynnością biegłego i szkodą dla poszkodowanego nie wystąpi.

ZAWINIENIE

Ostatnią przesłanką subiektywnej odpowiedzialności za szkodę jest zawinienie. Pojęcie zawinienia można określić jako wewnętrzny stosunek psychiczny odpowiedzialnego podmiotu do jego zachowania i skutku tego zachowania.¹² W sytuacji powstania szkody, której zawinienia nie można przypisać określonemu, konkretnemu podmiotowi prawa, chodzi o zdarzenie przypadkowe (casus). Teoria prawa rozróżnia dwie postacie przypadku, to jest zwyczajny przypadek (zwykły) i przypadek kwalifikowany (nieodwracalny). Przypadek nieodwracalny obejmuje zazwyczaj siłę wyższą (vis major) i oznacza przypadek, któremu nawet przy dołożeniu wszelkich starań (obiektywnie), nie można było zapobiec. Przypadek kwalifikowany można dalej podzielić na przypadek wewnętrzny lub zewnętrzny. Zgodnie z rzymską zasadą casum sentit dominus obowiązuje reguła, że przypadek dotyka tego, komu się przydarzył (temu, dla którego powstała szkoda w majątku lub na osobie). W pojedynczych przypadkach odpowiedzialności obiektywnej ponoszona jest odpowiedzialność również za przypadek (§ 421a Kodeksu Cywilnego, który określa odpowiedzialność z tytułu zewnętrznego przypadku kwalifikowanego lub § 428 Kodeksu Cywilnego, który określa odpowiedzialność z tytułu wewnętrznego przypadku kwalifikowanego).

Zawinienie jest subiektywną przesłanką zaistnienia odpowiedzialności. Prawo cywilne samodzielnie nie definiuje kategorii zawinienia i przy badaniu zawinienia opiera się na definicji określonej w prawie karnym (Kodeks Karny). Zawinienie zawiera element rozumowy (świadomości) oraz element woli (wyrażenie woli). W zależności od obecności powyższych elementów rozróżnia się różne formy zawinienia i stopnie zawinienia:

a) zawinienia umyślne w postaci:

- I. zamiaru bezpośredniego (sprawca szkody wiedział, że działa bezprawnie i chciał wyrządzić szkodę)
- II. zamiaru pośredniego (sprawca szkody wiedział, że może wyrządzić szkodę i w przypadku, że szkodę wyrządzi zgodził się na to)

b) niedbalstwo w postaci:

- I. świadomego niedbalstwa (sprawca szkody wiedział, że może wyrządzić szkodę, ale bezpodstawnie sądził, że jej nie wyrządzi)
- II. nieświadomego niedbalstwa (sprawca szkody nie wiedział, że może wyrządzić szkodę, ale ze względu na okoliczności i swoją sytuację osobistą powinien i mógł to przewidzieć).

¹² Brejcha, A. Odpowiedzialność w prawie prywatnym i publicznym, Codex Bohemia, 2000, s.28

Dla zaistnienia odpowiedzialności ogólnej za szkodę wystarczającym jest zawinienie z niedbalstwa w jakiegokolwiek postaci. W prawie cywilnym, w myśl przepisu z § 420 Kodeksu Cywilnego, zawinienia się domniemywa w postaci nieświadomego niedbalstwa. Badając stopień zawinienia opierać się należy na kryterium zakładającym, że dorosły człowiek, nie cierpiący na chorobę psychiczną, posiada zdolność rozpoznania bezprawności swojego działania i jego skutki, które są jego konsekwencją i potrafi zapanować nad swoim zachowaniem lub ewentualnie odstąpić od niego. Punktem wyjścia jest zatem działanie normalnej i rozsądnej osoby w danej sytuacji i w konkretnym przypadku. Zatem w postępowaniu o naprawienie szkody nie wykazuje się nieświadomego niedbalstwa, ale jeżeli sprawca szkody uważa, że nie przyczynił się do powstania szkody, ma obowiązek to w postępowaniu udowodnić. Wyższy stopień zawinienia (umyślność) musi poszkodowany w postępowaniu udowodnić.

Rozróżnienie różnych postaci zawinienia ma znaczenie z punktu widzenia powstania odpowiedzialności (niektóre stany faktyczne łączą powstanie odpowiedzialności tylko z określonym stopniem winy § 424 Kodeksu Cywilnego), dla ewentualnego zastosowania przez sąd prawa do modyfikacji zakresu odszkodowania (§ 450 Kodeksu Cywilnego), lub z punktu widzenia obiektywnego okresu przedawnienia, który dla szkody wyrządzonej umyślnie, w myśl przepisu § 106 ust. 2 Kodeksu Cywilnego, wynosi 10 lat.

PODSUMOWANIE

Należy zatem zaznaczyć, że biegły powinien ponosić konsekwencje wydania błędnej opinii. Braki w prawnych regulacjach w ustawie sprawiają, że zdefiniowanie obowiązku biegłych przy sporządzaniu przez nich opinii postrzegam jako niewystarczające. Prawo w sposób niewystarczający zajmuje się problematyką zawodowej lub należytej staranności. Inspirację mógłby tutaj stanowić Kodeks Handlowy, oraz regulacje ustawowe zawarte w § 194 ust. 5 Kodeksu Handlowego dotyczące działania członków zarządu. Tak samo jak i regulacje dotyczące zarządców w ustawie o zarządcach oraz o zmianie i uzupełnieniu niektórych ustaw – Dz.U. nr 8/2005, a konkretnie przepis z § 12 i 13 ustawy, jak również odpowiedzialność adwokatów w myśl ustawy – Dz. U. nr 586/2003, konkretnie przepis z § 26 ustawy.

Nie wystarcza wskazanie w przyrzeczeniu biegłego na obowiązek korzystania z wiedzy specjalistycznej. Prawo co prawda wymaga fachowej wiedzy i zdania egzaminu specjalistycznego, przed dokonaniem wpisu na listę biegłych, jednak naszym zdaniem właściwym i celowym byłoby uwzględnienie obiektywnej odpowiedzialności biegłych z możliwością pozbycia się odpowiedzialności i przy tym zwrócenie również uwagi na obowiązek postępowania z należytą starannością przy przygotowaniu i sporządzaniu opinii biegłego lub opinii specjalisty. Prawne uregulowania krajów ościennych, w zakresie prawa prywatnego, ujmują w sposób bezpośredni regulacje dotyczące odpowiedzialności za szkodę spowodowaną błędną lub niekompletną informacją lub radą przynoszącą szkodę a udzieloną za opłatą (§ 2950 czeskiego Kodeksu Cywilnego lub § 1299 i 1300 austriackiego ABGB). Wymogi powyższe miałyby odpowiednio dotyczyć również biegłych bez

względu na to czy jest się biegłym wpisanym na listę biegłych czy też biegłym ad hoc, lub też innych osób wykonujących określony zawód, pełniących funkcję lub zajmujących określone stanowisko w związku z ich wiedzą specjalistyczną.

W nawiązaniu do tematu artykułu, to jest odpowiedzialności za szkodę, należy wspomnieć również o odpowiedzialności z poziomu prawa karnego, uregulowanej w § 347 Kodeksu Karnego. Znamion czynu zabronionego w postaci nieprawdziwej opinii biegłego, czynności tłumacza ustnego i pisemnego dopuszcza się ten biegły, który przed sądem, prokuratorem lub policjantem w postępowaniu karnym, lub przed sądem w postępowaniu cywilnym, lub w postępowaniu egzekucyjnym, lub w postępowaniu przed organami administracji publicznej, lub przed sądem arbitrażowym, poda nieprawdę o okolicznościach, które mają zasadnicze znaczenie dla wydania orzeczenia, lub taką okoliczność zatai, albo wydając opinię, jako biegły na podstawie umowy, wyrządzi innej osobie małą szkodę w ten sposób, że poda nieprawdę o okoliczności, która ma zasadnicze znaczenie dla osoby, której opinia dotyczy lub ma zasadnicze znaczenie dla wydania orzeczenia, dla którego opinia biegłego stanowi podstawę, lub jeżeli taką okoliczność zatai.



Paweł Czarnecki
ISM Slovakia Presov
E-mail: pawel@czarnecki.co

Social pedagogy and the system of care and social assistance

Abstract

The following article analyzes the relationship between social pedagogy, social policy and the system of care and social assistance. The term “system of care and social assistance” should be understood here as widely as possible. It is therefore not only of direct support and assistance in the form of social work, social care homes, etc., but with all the services provided by the state forms of support, ranging from different types of activation in areas of poverty and exclusion, by solving the problems of addiction, to the organization of assistance to the sick or old. Therefore it is not only to reduce this system to social assistance. Thus understood, the welfare system is an area of practical activity, intended to produce specific social change.

Key words: social work, social pedagogy.

The following article analyzes the relationship between social pedagogy, social policy and the system of care and social assistance. The term “system of care and social assistance” should be understood here as widely as possible. It is therefore not only of direct support and assistance in the form of social work, social care homes, etc., but with all the services provided by the state forms of support, ranging from different types of activation in areas of poverty and exclusion, by solving the problems of addiction, to the organization of assistance to the sick or old. Therefore it is not only to reduce this system to social assistance¹. Thus understood, the welfare system is an area of practical activity, intended to produce specific social change.

On the other hand, it would be wrong to equate the care and welfare system with the state social policy, as this policy should cover all the tangible and intangible benefits to society. In addition to government aid institutions the social policy should therefore also implement to some extent, non-governmental organizations. However, it is the system of care and welfare that is one of the main instruments for implementing social policy of the state.

1 By the social welfare system, among others, should be understood material support for a particular category of people, assistance in finding employment, access to health services, support single parents etc. The help is primarily concerned with social risk groups (people who are excluded, the long-term unemployed, the sick, the poor, the old, addicts, etc.). Cf.: Polityka społeczna – polityka socjalna (w poszukiwaniu definicji, związków, zależności), „Zeszyty Naukowe Wyższej Szkoły Humanistyczno-ekonomicznej we Włocławku – Nauki Pedagogiczne” 1998, vol. III, p. 35.

In turn, the term “social policy,” we shall mean in this chapter (article) as the specific set of objectives and methods developed and implemented at the state level and covering in addition to healthcare the range of other actions to satisfy the needs of society, eg. the system of education, health, environmental protection, etc. It should be noted, however, that the social policy literature is said to sometimes narrower the sense and the term refers only to the policy, which aims to ensure social security, while in relation to other areas uses terms such as “educational policy”; “migration policy”, “employment policy”, “family policy” and so on. in a broad sense of the word social policy includes *de facto* most of the actions taken by the state in relation to society and absorbs most of the funds from the various types of social levies².

Social pedagogy can be both a source of the purposes of the care and support, as well as to pursue the objectives defined independently by that system, ie. to respond to specific needs. It can also be a source of specific institutional arrangements or develop under the influence of these solutions³. In contrast to social work, it is not involved directly in the solution, however, individual problems, and if he is involved in the system of care and social assistance, it does so primarily at the level of institutions and procedures. Of course, social work also uses the achievements of social pedagogy, pedagogy therefore have some impact on the way in which changes are made in the social functioning of individuals, but this is not its primary task.

Social policy of each country is shaped by two major groups of factors that significantly distort the final results. The first is the state of society and the type of relationship between state and society (demographics, level of wealth, work culture, individualism vs. collectivism, etc.), while other is the existing system of care and welfare, and thus its size, the degree of bureaucracy and hierarchy, ability to respond to changes in society, the attitude of managers and employees to social problems⁴. Both of these groups of factors are dynamic, which undoubtedly makes it difficult on the one hand to assess the effectiveness of individual assistance programs, on the other hand it forces the constant changes in different segments of social policy.

2 Social policy is also identified as the science of social policy, hence the theory of social policy. In Poland, the social policy problems is raised by one of the science magazine “Social Policy” issued by the Ministry of Labour and Social Policy.

3 The same can be said for the theory of social work. Cf.: B Szatur-Jarowska, Praca socjalna, in: Leksykon polityki społecznej, red. B. Rysz-Kowalczyk, Warszawa 2001, p. 154.

4 Each bureaucratic system can, however, be made less bureaucratic by giving substantial autonomy to individual links in the system and the release of executives from the obligation to supervise the implementation of centrally planned tasks. In the system of care and welfare that would mean leaving much freedom as to the extent and forms of assistance to executives of the welfare centers. Obviously, this in turn raises a number of new problems. Cf.: D. Antonovich, Funkcjonowanie sektora publicznego. Perspektywa brytyjska, Toruń 2004 and: Kolečák, J.; Pokorný, V.; Ambrozová, E. Connatural management approach to preparation and development of individuals in the business environment. Prosopon, 2013, č. 1, s: 93-104. ISSN 1730-0266.

Designing the models of social policy should take into account not only the fact of the existence of these objective constraints, but also the current situation, to which a social policy is to be the antidote. This in turn means that without conducting research and making continual reflection on the roles and status of implementation of social policy, it cannot be a permanent solution to any weighty social problems. Social pedagogy is therefore primarily to fulfill the function of research and control. Its task is to monitor the extent to which social policy objectives are fulfilled in terms of changes in the functioning of the various social environments, identify emerging problems, formulate proposals and develop ways of correcting measures, which have proven to be ineffective.

An important element of social policy is, therefore, critical discussion on the state of implementation of the objectives of this policy and the factors that hinder the achievement of these goals. This discussion is important, *inter alia*, for the reason that the implementation of a particular social policy implies the secondary effects, including those in conflict with its basic assumptions. Example is the policy of the welfare state, which proved to be inefficient, not only because it consumed too much resources and even the most affluent society cannot afford to sustain, but also due to the fact that it contributed to perpetuate negative social phenomena, only masking their most visible manifestations of deep social problems.

Social policy can also be one of the tools of knowledge of social reality in terms of educational problems caused by phenomena taking place in society. It is possible, on the one hand, thanks to the daily experience of practical social workers, educators, animators, organizers and managers who, as the contractors of social policy, are an invaluable source of empirical data, on the other hand, due to the fact that every social change resulting from the practical implementation of the social policy involves some unpredictable consequences, which in turn are the object of knowledge of social pedagogy. In other words, social policy is a tool for social change, and the changes are in turn studied by social pedagogy. Regardless of whether the results of such studies are then utilized in planning assistance programs or not, they are expanding our understanding of the educational impact of the environment on the individual.

It is worth noting that the ultimate goals of social pedagogy turn out to be synonymous with social policy objectives. The purpose of both these areas is the impact on society and improvement of the quality of life of individuals. Social policy exists as long as there are institutions that implement this policy. In practice, this means that social policy implementers are the employees of these institutions at different positions, including social pedagogues. Since their activity (or its lack) depends on the effectiveness of social policy. The actions that care and social assistance employees take, depends both on their personal relationship to the social problems they face, and the proposed state of how to solve them, as well as theoretical preparation, during which they acquire the specific system of beliefs and values relating to the relationship between the individual, society and the state.

Another important function of social pedagogy is therefore an indirect effect on

the manner in which the social policy is fulfilled through preparation of personnel making up the social system. Social pedagogy therefore has a role to play as a kind of liaison between the state social policy and the system of care and support that policy in practice performs, as one of its tasks is to prepare future employees of the system of care and welfare. Although, as mentioned, in Poland there is no profession of social pedagogue, this does not mean, however, that the knowledge of the educational impact of the environment on the unit is not necessary for the implementation of social policy objectives. Understanding these interactions is a prerequisite to manage them, as it is currently the more important that the main objective of social policy is activating the individuals and learning social skills that allow for independent functioning in the environment, not only providing material support to allow the biological survival. Educational function is combined with the function of research, since it is impossible to develop the set of essential skills necessary for the social employee, if one does not know the challenges that the system currently faces.

In addition to diagnosing the current state of the system of aid and care a priority of social pedagogy should be to strive to understand the long term effects of the system of care and welfare for society. There is no doubt that social problems that were to be definitively resolved by implementing the numerous assistance programs, not only have not been resolved, but even in the most developed and wealthy countries have become a regular feature of social life. Until recently, there was therefore inefficient system of care and welfare, implementing social policies aimed to meet the material and immaterial needs of individuals, which for various reasons were not able to meet the needs on their own, while at the same time grew the problems which this system was not able to solve. Rising costs of this system along with the deteriorating economic situation in many countries have made it necessary to develop new models of social policy, tailored to economic opportunities of particular countries, while giving hope that the social problems generated by the previous model (including in particular the dependence of whole groups of state aid) will finally be solved⁵.

So far, the main task of this system was to support individuals and groups in meeting the basic needs of living. The scope of the aid depended on the one hand from the accepted ideas in different countries relating to the obligations of the state towards society, on the other hand on the level of economic development. And so at one end were eg. the Nordic countries, where it was assumed that every individual has the right not only to meet the basic biological needs, but to live in prosperity and a high level of wealth of the Scandinavian societies allowed realization of these goals, at the second end is the United States, where the system of social assistance offered to people much less. Regardless of the scope of the assistance provided, the primary objective of the social policy pursued by this system was to provide assistance (material, psychological, organizational, legal, etc.)⁶.

5 On the legislation governing the operation of systems of care and welfare in each country cf. S. Nitecki, System prawny pomocy społecznej w wybranych państwach ze szczególnym uwzględnieniem państw Unii Europejskiej, in: Praca socjalna wobec współczesnych problemów..., p. 105 and following.

6 On the various forms of social aid cf. eg. M. Adamiec, Pomaganie: problemy i uwagi. Psychologia

At the end of the seventies it began to realize about the failure of the system whose main element was giving out funds⁷. The main disadvantage of this system was making the people dependent on the support of state aid, thereby consolidating the foundation of passivity and helplessness. It became necessary, therefore, to develop and implement a system that would allow on one side to alleviate major social problems and deliver effective rescue of persons in distress, on the other side the system that does not cause such adverse effects.

Due to changes in social policy that has taken place in developed countries in recent years, arises the need to rethink the goals and objectives of the system of care and welfare in society. One of the challenges facing social pedagogy in developed countries, including Poland, is to change the existing social policy and the model based on wealth redistribution with the model of active social policy. The model has been implemented in the nineties in the United States, then in Western Europe, and after 2000 it was partially introduced in Poland.

The phrase “active social policy” does not seem to fully give the essence of things, in fact suggests that the previous model assumed passivity of the social policy of the state towards certain issues. Meanwhile, the model of active social policy does not concern about the activities of institutions and social assistance, but on the activity of individuals and groups covered by the support of the state. Therefore, the more appropriate term would be “activation policy”. The basic premise of this policy is the idea according to which every citizen has the right to actively participate in society, and the duty of the state is to allow the participation of all citizens. The state does not, therefore, seeks to provide social security to the citizens, but provides a set of tools which every citizen is able to take care of their own safety. In this model, the activation of the individual and shifting responsibility for its own situation gets primacy over the provision of basic household safety of that individual.

In the model of active social policy the central concept is, obviously, the concept of activation of the individual. But what should be understood by this activation? After all, one can activate the individual, which on certain grounds remains passive, ie. does not use the opportunities in order to overcome life's difficulties and improve their quality of life. Activating somehow intrinsically is directed towards overcoming passivity, hence causing a certain change of attitude and behavior of the individual. Activation is therefore in fact strictly educational action, because in the state system of social assistance it covers both the individual as well as the social environment, it is just the domain of social pedagogy.

It should, however, be noted that the concept of activation as an educational activity has some limitations. Activation in social policy programs is addressed by assumption to people socially excluded and marginalized, and it is assumed that this exclusion and marginalizing was the fault of the individual. Probably for the part of the excluded, this approach is right, the more that the research shows that

pomocy, w: *Psychologia pomocy. Wybrane zagadnienia*, pod red. K. Popiołka, Katowice 1996.

7 The welfare state has become the subject of widespread criticism in connection with the oil crisis of the mid-seventies. Then criticized both his excessive costs and lack of results. Cf. J. Wiśniewski, *W poszukiwaniu państwa opiekuńczo – efektywnego. Od tradycyjnego welfare state do The Third Way*, „*Studia Socjologiczne*” 2002, no. 2.

the longer one maintain in a state of social exclusion, the more difficult it is to overcome this. There is a certain group of people who take their own initiative and actions to improve their situation, yet they are not able to get out of poverty and exclusion. Attempts to “activation” of these people are tantamount to a waste of resources that could be used with greater benefit in other ways.

As noted by M. Rymśza, active social policy model has been implemented mainly due to lower costs compared with the previous model⁸. This means that social pedagogy and social work⁹ were, in a sense put to *fait accompli*, when in fact a major role in changing social policy model played the financial considerations rather than theoretical evidence demonstrating the advantages of the new model over the previous one. Note, however, that the effects of the implementation of this model can only be assessed in the long term, it may therefore be possible that this model does not produce the desired results, not so much because of its ineffectiveness, but because of the much smaller financial resources for its implementation in compared with the previous model.

This does not mean, however, that social pedagogy does not have to play any role in active development of active social policy. Social pedagogy is one of the areas particularly qualified to assess the effectiveness of active social policy, long-term goal of this policy is not an elimination of the negative effects of social problems, but getting to the causes of these problems and make lasting changes in the levels of these reasons.

Given that the active social policy is to activate the individuals, change their attitude to their own situation and equip them in the right set of competencies, which is a kind of “education”, and so the proper assessment of the effectiveness of this type of interaction in the whole society can make only the science concerned with the education. Moreover, it does not seem possible to activate individuals belonging to social environments dependent on state aid and learned helplessness so it became specific social “values” that define the way the individuals operate and perceive the social reality. Without changing the environmental impacts activation the individuals within the activation programs offered by employment offices seem to be doomed to failure. Participation in these programs is always limited in time, while membership in the environment in which the wrong patterns prevail is something permanent.

8 Cf. M. Rymśza, *Praca socjalna i pracownicy socjalni w modelu aktywnej polityki społecznej*, w: *Socjologia i polityka społeczna a aktualne problemy pracy socjalnej...*, p. 120

9 On the relationship between social work and social policy cf. eg. *Praca socjalna i polityka społeczna. Obszary współdziałania wobec wykluczenia społecznego*, red. K. Marzec-Holi, M. Joachimowska, Bydgoszcz 2008.

One can therefore formulate the demand of involving in the activation of various social groups (the unemployed, the disabled, seniors, persons addicted etc.) also the social pedagogues. Social pedagogy offers a slightly different perspective in social work than related disciplines¹⁰, taking into account the specificities of active social policy and objectives, the prospects offered by pedagogy seems to be particularly useful. It is worth to emphasize the way that social work, at least in some areas, also to some extent is an educational action intended to produce changes in the functioning of the individual in a social environment and the transformation of the environment. According to the definition formulated by the International Federation of Social Workers “social work is a profession that supports social change, problem solving emerging in human relationships and strengthening (empowerment) and trigger people to enrich their welfare. Utilizing theories of human behavior and social systems, social work intervenes in places where people interact with their environment. “

One of the shortcomings of the Polish system of care and welfare is the fact that the role of social workers is often reduced to a diagnostic functions, while as the support centers deal with allocating of material assistance to persons recognized on the basis of formal criteria as entitled to receive it. Moreover the additional obstacle in the implementation of an integrated model of social policy is the double funding of assistance and care system: the funds from the state budget and European Union funds. This resulted in the need to adopt two types of regulation: ordering the disbursement of EU funds and regulating the disbursement of funds from public contributions. This fact, in turn, became the reason why the social welfare system in Poland currently consists of two operating independently, or even competing subsystems: employment agencies whose job is activating the unemployed, and social assistance centers, providing direct support material and immaterial.¹¹

This situation seems to be impeding an active social policy, in practice this policy is limited to a group of unemployed. Activation is undoubtedly advisable in the case of long-term unemployed or people from certain backgrounds, but the cause of unemployment as a social phenomenon is not the passivity of the unemployed, but the fact that the economy does not produce enough jobs. This, in turn, makes the financial resources that could be directed to work with people socially excluded because of their own helplessness and lack of sufficient social skills, are spent on activities that in the social scale may not produce the desired results due to the overall economic situation.

Thus, although the prospect of social pedagogy in social work and functioning of the care and welfare seems to create opportunities for the effective implementation of the objectives of active social policy, the currently operating system, the way of

¹⁰ Cf. E. Marynowicz-Hetka, *Pedagogika społeczna...*, p. 357; and: Koleňák, J.; Pokorný, V.; Am-brozová, E. *Connatural management jako nový přístup v posilování konkurenceschopnosti lidí na trhu práce*. Scientia&Societas. 2013. 9(1). p. 144 - 151. ISSN 1801-7118

¹¹ Cf. M. Rymza, *Praca socjalna...*, p. 125.

financing and the related legal solutions significantly hinder or even prevent the implementation of this perspective as one of the primary determinants of the system.

The tendency to a certain inertia of the system and repetition of settled procedure despite the change in social policy priorities is not only in Poland. Thus, in countries where there is a tradition of strong state intervention, it can be noted a tendency to persist depending on help from state aid even if the objective is to break this dependency. France for example, which established state-funded social workplaces, in an effort to activate the unemployed and prevent the conditionality of the whole groups from the benefits. As a result, developed a new form of dependence on state support, this time from employment in establishments of social work¹². In this case, the impact of the manner in which the social policy model is implemented also had the kind of relationship between the government and society, and consent to a wide range of social intervention as from society and from employees and executives of the welfare system.

Some authors points out that the system of care and welfare as an instrument of social policy implementation proves to be ineffective, not so much because of the incorrect assumption of social policy, but because of the essence of the problems that the system is trying to solve, and also due to some intrinsic features of this system, without which it would not be able to function and which therefore cannot be eliminated with this system. In the latter case it is the matter of size and complexity, which is simply due to the fact that it is a centralized system, managed by the state, with powerful administration, aimed at solving social problems on a mass scale. In an era of increasing globalization and the technicality of societies, in the wake of the continuing decline in employment of any integrated support system controlled by the state is not to meet all the needs and expectations of society.

Because of these disadvantages of centralized systems of care and welfare one seeks for new methods of solving social problems. One such method is the cooperation of the aid centers with NGOs. Therefore, to overcome the difficulties generated by the system itself, it is proposed for some of the tasks carried out by the local government policy on NGOs¹³. The point here is not so much about the inclusion of support and care by non-governmental organizations, rather to define rules that allow NGOs to delegate tasks to as they are able to achieve better results and at lower cost in comparison with state system, as well as identify areas within which the support of non-governmental organizations would be possible and sufficient.

Opinions on the importance of the non-governmental sector for social policy are divided. On the one hand, there are numerous authors maintaining that NGOs are the inevitable complement to help and care state systems, while others indicate, however, that these organizations can only be a complement to the assistance efforts undertaken by the State and are effective only in those areas where there

12 J. Bourgeois, *Przeciwdziałanie ekskluzji – powrót do zatrudnienia przez aktywność ekonomiczną. Sukcesy, granice i perspektywy w świetle 20 lat francuskich doświadczeń*, in: *Przeciw wykluczeniu społecznemu (materiały pokonferencyjne)*, Fundacja „Pro Caritate”, Warszawa 2003.

13 As noted by M. Załuska, NGO sector can be a kind of “connective tissue” cohesive system of care and welfare of the public. Cf. M. Załuska, *Organizacje pozarządowe w społeczeństwie obywatelskim*, Katowice 1998, p. 97.

are problems for a relatively small number of people. Non-governmental sector in Poland is still much weaker than in more developed countries, and there is no legal obligation to cooperate social help centers with NGOs. It seems, however, that the importance of this sector will grow well in Poland, which will be connected with the currently rapid change in the system of socio - economic development. "Weak non-governmental sector - writes K. Piątek - reduces the chances of effectively solving social problems existing and waiting for us in the age of IT revolution and globalization."¹⁴

Although the non-governmental sector in Poland is much weaker than in the countries of the so-called old EU, in addition to the state institutions of social welfare there operate thousands of non-governmental organizations, non-profit organizations, that each carries out its own goals in the same areas in which operate state institutions of education, health care and social assistance. These organizations, as noted by K. Piątek, constitute as an increasingly important subject of social policy and play an increasingly important role in meeting the needs of society¹⁵. Therefore, it seems appropriate to coordinate the activities of state institutions and NGOs in such a way that the performance of the tasks does not duplicate itself and, secondly, to ensure the consistency of the state social policy. The second objective is all the more important that organizations benefit from government financial support of the state (or European funds), the question arises, therefore, about the rationalization of spending funds.¹⁶

From the point of view of social pedagogy it is essential that these organizations can freely determine their own goals and methods of operation. The strength of NGOs is undoubtedly an individual approach to the recipient and the ease of adjusting the offer to the needs of local communities. Furthermore, these organizations typically have limited budgets, so that in contrast to the state system of assistance and care no tendency to excessive bureaucratization. Because they are created from the bottom up in response to emerging issues, they can be a source of learning about these new problems. Because the possibility of practical application of theories and methods formulated by social pedagogy in the context of state institutions of above-mentioned reasons, seem limited, non-governmental organizations may constitute an excellent field for experimental kind of application of theoretical solutions in practice. Although these organizations are independent of the state social policy, but the conclusions to formulate social pedagogues in cooperation with these organizations, can be successfully used on a larger scale system-level state institutions.

But one must not forget that NGOs are not able to perform all the tasks of social policy, and it seems necessary that a centralized system of care and welfare exists. The fact that they are not able to take the brunt of the whole state social policy in terms of assistance and care prejudice the same factors that make these organiza-

14 K. Piątek, *Polityka społeczna – praca socjalna...*, p. 116.

15 K. Piątek, *Polityka społeczna – praca socjalna (skomplikowany charakter zależności)*, w: *Socjologia i polityka społeczna a aktualne problemy pracy socjalnej...*, p. 116.

16 Cf. *Ibidem*, p. 117

tions in certain areas gain advantage over the state system¹⁷. The multiplicity of objectives pursued by the non-governmental sector makes it more likely to satisfy the specific needs of certain small groups, but the problems that take on a mass scale, can be effectively solved only under a system targeted at the whole of society and not on the specific local elements. There are also a whole range of problems that solving entails costs so high that NGOs would not be able to bare (eg. the problems related to health care), as well as problems requiring separate legal and institutional frameworks (eg. rehabilitation of convicted).

Besides the fact that the implementation of social policy objectives would not be fully possible without the support of the NGO sector proves without doubt a certain system failure of the state aid institutions. After all the system should be meeting all the purposes for which it was established, and if certain goals are not able to be realized, then the system should be reformed. The thesis that without the non-governmental sector it would not be possible to deal with problems from the area of interest in social policy, is probably empirically accurate, but one must realize that it involves the possibility of a negative diagnosis of the state institutions in meeting social needs for which they have been established.

It is difficult to decide whether it is for non-governmental organizations in the future that will lie with the main burden of implementation in practice demands put forward by social pedagogy based on the analysis of the impact of social policy on society. However, regardless the significant role they will play as a complement to a state system of assistance and care, the scope of their activities and the ability to solve various social problems will depend on the state of civil society, as well as what in the social sciences sometimes referred to as social capital. Effectiveness of non-governmental organizations undoubtedly depends on the existence of a network of social contacts, the level of trust between individuals, civic engagement etc., which of course means that one of the objectives of social pedagogy and social work should be to strengthen social capital.

The concept of “social capital” is often overused so it is worth an attempt to clarify its meaning. This concept stems from the assumption that the existence of a complex interaction of networks of social relations affects the quality of the community life. So next to physical capital in the form of a physical object (or funds) and human capital in the form of a set of competencies, education, skills, personal qualities and so on, there is the capital of social contacts between individuals. Unjustified would be the considered opinion that in civil society, with high levels of social capital, social problems would be solved thanks to the involvement of local communities and other assistance provided by the members of those communities. This is because each joint has a certain objectively measurable amount of resources that could be used to help the most vulnerable members. The individual being a member of the social environment laden high levels of poverty and social exclusion, falls within the social contacts mainly with people belonging to the

¹⁷ The basic problem of the non-governmental sector in Poland seems to be his poor financial condition. The Income of the most organizations do not exceed a few thousand dollars per year, wherien the government funds is used about 60% of them. Cf. A. Niesporek, Trzeci sektor w Polsce. Organizacje pozarządowe w sektorze socjalnym, w: *Praca socjalna wobec współczesnych problemów społecznych*, red. S. Pawlas-Czyż, Toruń 2007, p. 96.

same environment. Even so high levels of social capital is not useful for long-term and sustainable problem solving in social functioning of individuals belonging to the communities affected by poverty and exclusion.

Another way to counter the decline in employment in developed countries may be developing so. non-market social economy. The main goal of social enterprises is not the capital gain of the owner, but to meet the needs of the participants of the economy, and therefore, strictly speaking, providing the means to meet basic living needs. Operation of social enterprises is based on the provision of personal work by individuals within companies, which have certain special powers from the state (eg. tax exemptions or various forms of funding)¹⁸.

Non-market activity of social enterprises is certainly an effective mean of mobilizing individuals excluded from the labor market and restore them on the market, it must be remembered that the employment opportunities in the social dimension not only depend on the activity and competence of individuals, but also on the characteristics of the labor market. If the market does not generate enough jobs, then no form of activation of excluded persons proves effective in combating unemployment. Proponents of non-market social economy, however, indicate that even under conditions of persistent unemployment the existence of social enterprises is intentional, because they allow the unemployed to retain the ability to take up employment, are also associated with lower expenditures than benefits in the form of support or training for the unemployed. Above all, these cooperatives are designed for people suffering from social exclusion, for which participation in the transition of the labor market is the only chance for a way out of a difficult situation.

The activity of social enterprises is an interesting subject of study for social pedagogy, as their aim, at least in the Polish legal system¹⁹ is activating social marginalized people. The question of the long-term effectiveness of social cooperatives in activating people who are excluded is to be addressed, the degree of dependence of persons excluded from membership in a social cooperative, their impact on the local environment, etc. If it would appear that for the majority of the members the cooperatives are targeted workplace, rather than an intermediate step on the road to return to work, then it would mean the need to develop new methods of activating directed to this group of cooperative members who have a chance of finding employment outside the social sector.

Like the NGOs, social cooperatives are not perfect panacea for the problem of unemployment, poverty and marginalization. As companies subject to the laws of the market they bear the consequences of their financial decisions, and thus become susceptible to changes in economic conditions²⁰. Designed as a kind of

18 It is worth noting that this form of support can be combined with the activities of non-governmental organizations, allowing the creation of social enterprises.

19 According to the act on social cooperatives members of the cooperative may be mainly socially excluded people, and the proportion of people not affected by the exclusion shall not exceed 20%. Moreover, cooperatives are businesses and subject to the same laws as all the companies in Poland.

20 In the Summary of a report prepared for the European Economic and Social Committee by the International Centre for Research and Information on the Public, Social and Cooperative (CIRIEC) of 2012. states that social enterprises fared better during the economic crisis in comparison to the market sector, have been shown to be more effective in areas such as "scattered

transitional employment, so that it would be possible to restore people marginalized in the labor market, often turn out to be the target workplace. This raises another problem, because the amount of social cooperatives that can operate on the market at the same time is limited, if cooperatives will become a place of permanent employment for its members, it will cease to function as activation and their members remain excluded individuals with normal functioning in society, with the only difference being that this exclusion in their case will take a different form than in the case of people using the benefits. One should also expect that the ability to create social cooperatives (unless they are subsidized by the state) will be in the future more and more difficult, due to the fact that, in connection with the development of modern technologies in developed countries that gradually decreases the demand for wage labor²¹.

The concept of social non-market economy should be distinguished from the concept of the social market economy. The latter term refers to a type of economic system that has the ability to solve all social problems to which uprising it contributes. The term "market" indicates that we are dealing with an economic system based on a free competition, and this inevitably leads to the exclusion of a certain number of participants of the market game, generating the need for social security. Therefore the element of the market is the existence of national legislation to enforce social solutions in the workplace, a partnership between employees and employers, excessive reduction of social inequalities, etc.

The social market economy operates in many developed countries of the old European Union. Unfortunately, in Poland, its principles have never been implemented, although at the beginning of the transition, there was such a chance²². The reforms liberalizing the economy, combined with a lack of relevant social security meant that large groups were permanently excluded from participating in the game market. As a result, many social ills with which it was relatively easy to deal with, if at the beginning of the transition period ensured the introduction of legislation forcing implementing corporate social responsibility and economic justice, has become a permanent feature of social life.

This means that the present system of care and welfare must deal with the consequences of mistakes that were made in the early nineties. Therefore, a simple transfer of the goals and methods of the social policy of the countries with a long-standing social market economy to Polish conditions does not seem possible. Activation of the unemployed and excluded can bring the desired effect only

and not used to allocate resources for economic activities, encouraging the use of resources at the local level, the development of a culture of entrepreneurship, elimination of barriers to market, increasing labor market flexibility, promotion of locating production in many places," etc. http://www.eesc.europa.eu/resources/docs/a_ces5925-2012_00_00_tra_etu_pl.pdf.

21 This process is started in the 70s and continues to date. Eg. In the United States in the years 1979 - 1992 productivity in the manufacturing sector increased by 35%, while employment decreased in the same period by 15%. Cf. J. Marykin, *Koniec pracy. Schyłek siły roboczej na świecie i początek ery postrykowej*, Wrocław 2003, p. 23 and next.

22 In Poland, the principle of a social market economy, which is based on a socio - economic development of the country, is written into the constitution. The idea of the social economy is not as yet realized in practice. "Almost no one has ever - notes T. Kowalik - does not raise the matter of our actually existing socio - economic system being unconstitutional". Cf. T. Kowalik, *Społeczne aspekty transformacji a rola państwa, „Gospodarka Narodowa” 2001, no. 9.*

in the system, which in itself does not generate the polarization of society and does not lead to the formation of large social groups partly or totally unable to participate in economic life.

A serious mistake made by some social scientists in Poland seems to be uncritical acceptance of the thesis, according to which the process of globalization leads to different parts of the world, in fact, similar social problems, and therefore the solution to these problems is possible by using similar methods. This thesis implies several other beliefs, eg. the view that globalization is inevitable and that we have no influence on its course, that in addition to certain negative consequences it entails a number of positive consequences that eventually outweigh these negative effects, or also, on the contrary, positive consequences felt only a small group of political and business elites, while the costs of globalization assume broad social circles, globalization leads to a weakening of the nation-state and the strengthening of supranational organizations as decision makers, leading to the destruction of local autonomy and cultural traditions and so on.

The concept of globalization is undoubtedly a factor initializing various political projects²³, including activities in the area of social policy, it should also be remembered that it can contribute to refrain from certain political activities. This second phenomenon we are dealing with when the state does not take sufficient action of a social nature, relying on the supposedly objective and inevitable processes taking place in the economy, for which it has no influence and which are a kind of sign of the times. One can refer the impression that in Poland there is often just dealing with the arguments of this kind.

It should be noted, however, that globalization from the perspective of social policy has also proven to be positive. Due to the fact that in different societies similar processes occur, it is possible to exchange experiences, hypotheses and theories. This process of exchange is now much more intense than in the past²⁴. On the other hand in countries such as Poland nature and scale of the problem is quite different than in Western Europe or the US, so uncritical transfer of models of social policy checks in those countries on Polish soil can cause additional difficulties rather than solving existing problems.

Following the literature in the field of sociology, social work theory, social pedagogy and social policy theory it is easy to see that the issue of globalization and its impact on the functioning of the system of care and welfare in Poland is almost absent. Although there are numerous publications on the relations between the processes of globalization and the welfare state, but they relate to the phenomena occurring in the countries of the so-called old European Union and the Anglo-Saxon countries. These considerations, however, from a theoretical point of view, appropriate and useful, are applicable to the realities of Poland to a very limited extent, with the obvious reason that in our country has never existed

23 As noted by P. Foreman, globalization "is not only a fundamental theoretical concept, but also ideological, mobilizing supporters and opponents to specific political action." P. Foreman, Globalization and new communitarianism, "Culture and Society" 2000, No. 3.

24 Cf. J. Szmagliński, Teoria pracy socjalna a ideologia i polityka społeczna – przykład amerykański, Warszawa 1996, p. 122.

a welfare state. Mindless attempts to introduce solutions developed in countries with the economic system based on the principles of the social market economy, contributed to the collapse of the above-mentioned system of care and welfare for two independently working areas, hence to the formation of the phenomenon not occurring in countries with social market economy.

Both in Poland and in other countries, one of the main planes of dispute proceed in relation to current social policy is a matter of moral powers of the state to intervene in the economic life of society and the issue of redistribution of national income. In recent years, it seems to overcome the idea that the state should intervene only as long as it is necessary to preserve social peace²⁵, giving up the idea of bringing the widespread prosperity. It leads sometimes to unauthorized conclusion that we are witnessing the bankruptcy of the welfare state as such, and that attempts to broaden the scope of social assistance in Poland are therefore doomed to failure.

In Poland anyway social assistance is still mostly brought to the allocation of funding, which makes social problems mitigated to some extent, however, are not resolved. Due to the scarcity of the resources state interference does not extend too deeply into social life, although undoubtedly due to new legal solutions that range of interference becomes more significant (eg. the law against domestic violence, the law on social cooperatives, the law on the prevention of alcoholism and so on).

Nevertheless social pedagogy as well in Poland is now facing the task of developing new methods of solving social problems. These methods must be possible to implement in conditions of limited material resources, while at the same time should be an effective tool to assist individuals and groups who have found themselves in a difficult situation no fault of their own. This is not a rejection and replacement of the existing types of care and welfare, but on the contrary, the improvement based on the experience and lessons from the mistakes made in the past. Due to changes in the model of social policy and a gradual implementation in Poland active policy model, the role of social pedagogy, both in the state system of assistance and care, as well as non-governmental sector should gradually increase.

Already, social pedagogy can fulfill the function of a specific link between non-governmental organizations and institutions implementing the social policy of the state. This is primarily to develop a coherent set of rules of access for specific social groups to the various forms of institutional support, and to identify the criteria to differentiate the individual forms of support depending on the characteristics and needs of particular recipients. It should however be borne in mind that the system of care and welfare, problems and challenges that it faces, as well as successive governments after 1989 social policy provide arguments for the thesis that even now social pedagogy and related sciences are in a different situation compared with the problematic social pedagogy in countries with long democratic tradition. Different problems are being faced by our country²⁶, as well as the scheme itself

25 E. Mączyńska, P. Pysz, *Spółeczna gospodarka rynkowa. Idee i możliwości praktycznego wykorzystania w Polsce*, Warszawa 2003, p. 131.

26 An example is the problem of migration of the population. In Poland there is a problem of excessive emigration, while in wealthier countries the issue of immigration. Cf. K. Szymbalska, *Migracje jako problem polityki społecznej (na przykładzie Polski)*, w: *Socjologia i polityka*

and social care, which also generates some specific problems. In Poland, on the one hand there is a series of global events, which the Polish system of social assistance tries to respond, as exemplified by trying to pursue an active social policy, on the other hand, we face still problems which arose in the early period of political transformation, and the resultant due to the "shock" nature of the economic reforms, which at that time were introduced.

Social pedagogy could play an important role in the active social policy, but the specificity of the Polish system of assistance and care seems to make its possible effects on the social life largely unused. Nevertheless social pedagogy undoubtedly has a significant role to play as a field of diagnosing the effective implementation of social policy objectives, identifying undesirable effects both at the level of care and welfare system, as well as at the level of institutions established to carry out the purposes of this policy.

Social pedagogy is not only a theoretical social policy, it is therefore difficult to talk about social policy based on social pedagogy. As I mentioned, between social pedagogy and social policies and system support and care which is executor of this policy, there are dependencies on both sides. Social pedagogy can be a source of theoretical and practical inspiration for social policy, on the other hand the system of aid institutions is the object of study for social pedagogues, thus projecting the state of theoretical discussions.

Social policy with the system of care and social assistance is obviously not the only area of practical interest in social pedagogy, on the other hand, it must be remembered that the ability to pursue theoretical models of social pedagogy depends on the policy pursued by the state. Final decisions as to the meaning and place of social pedagogy in the whole system of social welfare does not depend on the social pedagogues, but the designers of social policy models. If social assistance in Poland will be treated primarily as a mitigating factor to social problems, which are not only a source of ongoing objective economic and social processes, but certain political decisions²⁷, rather than as a system whose purpose is to maintain and, where possible improving the standard of living in society. It is worth to remember that, as I mentioned, due to the significant shortcomings of the current system of social assistance and the possibility of practical application of social pedagogy perspective within this system appear to be very limited, however, the increasing role of non-governmental sector makes social pedagogy may still be a significant impact on the process of solving social problems and improve the quality of life of individuals.

społeczna a aktualne problemy pracy socjalnej..., p. 337 and the following.

27 B. Szatur-Jaworska in the early 90s "It is assumed in advance - wrote the author - that - is by no means due to unforeseen perturbations, and certainly - situations arise requiring the intervention of social welfare." Cf. B. Szatur-Jaworska, Znaczenie pracy socjalnej w polityce społecznej, w: Zagrożenia i szanse polityki społecznej Polsce w okresie transformacji, red. M. Książkopouloski i J. Supińskiej, Warszawa 1993, p. 130.



Małgorzata Dobrowolska

Uniwersytet Śląski
E-mail: małgorzata.dobrowoska@us.edu.pl

Autonomy of the choice of employment as a category differentiating peripheral employees – report from own studies

Abstrakt

The article presents a brief overview of the research so far and theoretical considerations on the differences that make an individual choose a non-traditional form of work. Some people deliberately choose alternative employment due to its flexibility, freedom and variety of tasks offered. Individuals preferring this type of employment mainly due to the said characteristics are referred to as voluntary employees. A coercive flexible employee is someone who perceives his/her employment as unattractive and undesirable, and it is only inability and lack of chances to find a permanent or a different type of employment that makes them choose this type of employment for a specified period of time or on short-term basis. Given the choice between a flexible form of employment and “permanent” job, assuming that conditions offered are acceptable, they do not hesitate to choose the latter.

Key words: autonomy of employment, flexible forms of employment, peripheral employees

INTRODUCTION.

Attitude to work depends on the personality of an individual Bańka divided personalities with respect to attitudes to duties performed (1996). He described two types: professional personality and compelled personality. A professional personality is a personality of individuals for whom work has an important psychological meaning and is an integral part of their personality. Work is a part of one's life, an individual identifies and integrates with it strongly. The second type of personality is people bored with their jobs, who treat their work as a necessary duty, a monotonous part of life allowing to earn one's living. An attitude to work creates a division of a personality. One can speak of a work time producers (like for example workaholics) and work time consumers (individuals alienated from work). This translates very often into an attitude to perception of employment itself - one's own choice or coercion.

The research conducted so far point at significant differences that characterise

reasons for choosing a non-traditional form of work. Some people deliberately choose alternative employment due to its flexibility, freedom and variety of tasks offered. Individuals preferring this type of employment mainly due to the said characteristics are referred to as voluntary employees. A coercive flexible employee is someone who perceives his/her employment as unattractive and undesirable, and it is only inability and lack of chances to find permanent or a different type of employment makes them choose this type of employment for a specified period of time or on short-term basis. Given the possibility to choose between the flexible and "permanent" job, assuming that conditions offered are acceptable, they do not hesitate to choose the latter.

The aim of the research carried out by the author on the turn of 2005/2006 on a population of 300 employees of the Temporary Work Agency was a psychological comparative analysis of two groups of temporary employees (as understood by the Act of 9 July 2003 on the temporary employees employment) differentiated by the choice of the temporary job. The second goal was to extend knowledge on the reasons which make an individual choose a temporary job, which may at the same time refer to these two categories, acting as a kind of a explanatory background for the answer to the question on the declared choice. The results of the research allowed to categorise the reasons for choosing a temporary employment among individuals declaring their own choice and coercion of a temporary job and a conclusion on a potential switch of a permanent job for temporary employment (being only a supportive one) on a job market that is not worse form of employment and earning one's living that is related to a new style of work and mode of operations by employees (cf. Dobrowolska, 2007, 2008). Only 17 % among the responders represented a group of temporary employees who declare their own choice in this form of employment. The rest were individuals believed that they were forced by their life circumstances to take up this form of work. An interesting explanatory argument may be reasons for the choice of temporary forms of employment, where among the temporary employees who chose their form of work by coercion the biggest group are those who emphasized lack of other job offers. On the other hand, individuals who voluntarily decided to to work under temporary employment contracts pointed at the possibility to reconcile work with their studies and acquire professional experience. The above phenomenon is understandable, if you take into account the already mentioned description of an average flexible employee by Nollen (1996), who in Europe is rather a young individual, with small work experience (less than 5 years), mostly female. Demographic data (which does not constitute a selection criterion in the sample) of the analysed population fully reflect Nollen's description of a temporary employee in Poland.

The notions – voluntary and coercive ones – can be easily challenged, since the latter one may suggest lack of choice of a desired form of employment. However, it has been found out that at a certain point everybody has a choice of a type of employment, even if offered alternatives seem to be rather unattractive (e.g. atypical work or lack of employment). Therefore, it has been decided to continue to use these terms because of their widespread use in the literature. Therefore, in this work the term coercive employee shall be understood in the context of a less satisfactory choice with respect to one's professional function, and not its absence.

The results of the survey indicate various levels of satisfaction between voluntary and coercive employees. Feldman and others (1994) noticed that employees more

willing to accept offers of temporary work were more satisfied with their wages, their employment agency and life of a temporary employee in comparison with individuals rather reluctant to accept this form of employment. Krausz, Brandwein and Fox (1995) were the first, who have applied the distinction of voluntary and coercive flexible employees. A voluntary type exhibits much higher overall satisfaction level, inherent satisfaction (e.g. satisfaction related to diverse tasks, new challenges) and satisfaction with one's post and authority related to it (e.g. status, prestige). However, non-traditional employees reluctant to accept this form of work demonstrate higher levels of satisfaction conditioned by external factors (such as salaries, additional benefits).

In the research conducted, see: J. E. Ellington, M. L. Gruys, P. R. Sackett (1998), Koleňák (2006, 2010, 2012, 2013) from managers personality point of view tried to emphasize individual reactions and behaviour in the context of the links with reasons for selecting flexible forms of employment. This is how it is possible to refer to voluntary and compulsory reasons at the same time. In order to measure the degree of willingness or reluctance, which affects an employee in his selection of a non-traditional form of employment, the authors enumerated eight reasons that can have an impact on the choice the form of earning money and examined the degree of the impact of each of the eight reasons for the decision, in a scale from 1 to 3, where 1 meant no effect, a 3 meant a significant impact. Eight themes were analysed with respect to factors according to "major components" approach with varimax rotation. The results indicated two factors. The first one consisted of four components representing the causes associated with a voluntary choice of a flexible employment (such as, for example, sense of independence, flexible working time, diversity, possibility of a shorter employment time). The second one contained four other components associated with the compulsory choice of this forms of work (e.g. loss of employment, difficulties in finding permanent job, collective redundancies, "shrinking" labour market).

The authors have shown that the reasons for choosing flexible forms of employment do not affect the assessment of non-traditional work by an employee, regardless the application of a complex or preferential factor. A similar lack of a link with respect to assessment of work has been identified with respect to a character of the reasons that affect an employee in his decision-making. So the fact of a voluntary or compulsory choice of a flexible form of employment does not have any impact on the quality of work whatsoever. In this way they were able to refute one of stereotype according to which an employee who is reluctant to accept an alternative form of employment does his duties carelessly. The data shows that the nature of the decision concerning a flexible form of employment (voluntary or compulsory ones) is unrelated to the quality of task execution. Therefore one should not perceive employees reluctant to accept temporary jobs as "worse" ones.

The most intriguing result of the research the link between satisfaction and the quality of work done. The correlation between overall satisfaction and evaluation of work has proved to be significantly higher (0.30) than the one obtained earlier during research carried out on a group of permanent employees (Iaffaldano, Muchinsky, 1985). The observed correlation between overall satisfaction drawn from the executed order and quality of its implementation was clearly bigger. It is worth remembering, however, that that this is the result obtained in the course of only one research. In the light of the observed correlation, the both types of overall satisfaction drawn from a performed task and a temporary form of em-

ployment were linked directly with quality of work done. Individuals satisfied with a received order and a temporary nature of employment usually performed their duties in a better way.

PRESENTATION OF THE AUTHOR'S RESEARCH

A group of analysed variables, which affect the functioning of an individual in flexible forms of employment are personal characteristics. One of them is *autonomy of the choice of employment*. This is the willingness or reluctance that guides an employee in his choice of employment, a sense that he is employed with a certain form of employment by his own choice (voluntarily) or compulsorily (due to certain circumstances), in accordance with the research by J. E. Ellington, M. L. Gruys, P. R. Sackett, (1998). In this study it has been diagnosed with the set of 3 questions.

The results of the test for $n=2118$ peripheral employees show that the vast majority of flexible employees treat their form of employment as their conscious choice. 80.1% of all the respondents claim that are currently employed, because they want to work this way and they would not change their work for anything else. Only one out of every five respondents treats his work as coercion and claims that he was forced by circumstances to choose it and therefore he would be willing to change it. The vast majority of patients (90.4 %) also argues that the present form of employment suits them. Only 9.6% of the respondents is of the opposite opinion. Analysed flexible employees are also overwhelmingly satisfied with their employment conditions. 89.2% of the respondents claims that they are generally satisfied with the terms and conditions of employment, whereas 10.8% of the respondents is of the opposite opinion.

Analysis of the answers to the questions (I am currently employed, because this is the way I want to work/because I was forced to by the circumstances; I am satisfied with the form of employment/I am not satisfied with this form of employment; I am/ I am not satisfied with the terms and conditions of my employment) with respect to the forms of employment showed that there is a statistically significant relationship between a form of employment and a sense of autonomy of employment. Dependency analysis was based on χ^2 - square statistics using Kramer's V: for the first question: Kramer's V = 0.132; $p < 0.001$.

The highest percentage of individuals declaring their present employment was a conscious choice has been identified in the group of employees working in the social economy (88.1 %) and among part-time employees (85.3 %). Whereas the biggest number of individuals for whom work in flexible forms of employment is coercion has occurred in the group of seasonal workers (29.4 %) and among those working for a specified period of time (27.4 %). In case of the latter it may be the case because the work for a specified period of time is the form of employment the most similar to work for an indefinite period of time (permanent job) - a traditional form of employment, and accompanying longing for certainty of employment undoubtedly contributes to the sense of coercion. Seasonal workers are the group that can easily be interpreted by temporariness of employment, due to an undefined period of employment with lack of a possibility to extend a job contract due to characteristics of seasonal employment.

Also the answers to the second question, if the form of employment is satisfactory, are significantly correlated with the form of employment. Kramer's V = 0.143;

$p < 0.001$. The value of the ratio indicates that the relationship is weak. The most satisfied with the existing forms of employment are businessmen working part-time, while the least satisfied are seasonal workers. The results are the same as in the case of the first question concerning coercion or choice of employment.

Also in the case of the third question concerning the terms and conditions of employment, when it comes to individuals with flexible forms of employment a statistically significant correlation with the form of employment has been observed. Kramer's $V U = 0.165$; $p < 0.001$. The value of the ratio indicates that the relationship is weak. In this case also the most satisfied group are the respondents working part-time, and the least satisfied are seasonal workers.

For the record: the variable *autonomy of the employment* was diagnosed using a set of three questions: = 1. I am currently employed, a) because I want to work like this and I would not change this work for any other; (b) because circumstances force me to choose it and I would like to change it for some other work; 2. I am satisfied with the form of employment: (a) yes, (b) no; 3. My employment terms and conditions: (a) I am generally satisfied with them; (b) generally I am not satisfied with them. Correlations with social-and-demographic variables are presented in the following paragraphs.

In the case of the first question: I am currently employed, a) because I want to work like this and I would not change this work for any other; (b) because circumstances force me to choose it and I would like to change it for some other work; a significant correlation with the the following variables: education, occupation, sector, industry, has been identified. There is no relation with the other social-and-demographic variables.

Education significantly differentiates responses of the respondents to the analysed question, Kramer's $V = 0.136$; $p < 0.001$. The higher education, the higher the rate of responders who declare that the work in flexible forms employment was their deliberate choice. In the group of the respondents with education below secondary school the percentage of individuals claiming that this was the case is 64.0%. In the group of the respondents with secondary education the percentage is 79.1%, and in group of people with a university degree = 83.2%.

A correlation of the responses of the respondents with an occupation has been identified: Kramer's $V = 0.121$; $p < 0.001$. The highest percentage of individual who claim that they want to work under flexible forms of employment and would not change it has been identified among professionals and freelancers (84 %). The same response has been obtained among 80.5% of individuals in the group of trade and services employees. In the group of managers autonomy is declared by 78.9 % of the respondents, whereas in the group of technicians and civil service officers the rate is 75.6 %. The smallest group of individuals who chose their form of employment consciously are workers - 71.6 %. The responses to the questions concerning autonomy of the choice is affected by a sector in which individuals operate: Kramer's $V = 0.082$; $p < 0.01$. In the group of the respondents working in a social sector 86.6% made a conscious choice concerning their form of employment. Among those working in the public sector the ratio is 81.8 %, and in the group working in the private sector the ratio is 77.2 %.

Correlations between the second question concerning satisfaction with the form

of employment has been identified with the following variables: sex, education, number of employers, number of children. there has been no other correlation with the other analysed variables.

Sex of the respondents affects the assessment of the form of employment - Kramer's $V = 0.095$; $p < 0.05$. Men (93 %) more often than women (87.4 %) declare that the present form of employment suits them well. Education significantly differentiates responses of the respondents to the analysed question, Kramer's $V = 0.139$; $p < 0.001$. People with secondary school education (91.8 %) and a university degree (91.6 %) declare more frequently that their present form of employment suits them well, than people with primary school education (77.7 %). The response to the test is also affected by the number of former employers: Kramer's $V = 0.102$; $p < 0.01$. The more employers, the less individuals satisfied with the current form of employment. In the group of the respondents with only one employer so far 93.2% declares that the current form of employment suits them well. In the remaining groups the result is as follows: 93.1% in the group of the respondents who already had 2 employers; 90.7% among the responders who had 3 employers and 86.3 %, among the responders who had 4 or more employers. A correlation between the number of children and satisfaction with a form of employment has been identified as well. Flexible forms of employment are more likely to be preferred by individuals with children (94.4% in the group with 2 or more children and 89.4% in the group with 1 child) than by childless couples (87.6 %).

When it comes to the third question, whether the terms and conditions of employment are satisfactory for the respondents, a significant correlations have been identified between this variable and age, education, occupation, sector, number of employers, and duration of contracts.

Assessment of the terms and conditions of employment is correlated with the age of the respondents: Kramer's $V = 0.075$; $p < 0.05$. Older employees are more satisfied with the terms and conditions of employment than the younger ones: In the age group 41-65 years the percentage of the satisfied is 92.5%; in the age group 31-40 years = 88.8%, and in the age group 18-65 years = 86.4%. Education significantly differentiates responses of the respondents to the analysed question, Kramer's $V = 0.115$; $p < 0.001$. In the group of the respondents with education below secondary school the percentage of individuals claiming that this was the case is 78.0%. In the group of the respondents with secondary education the percentage is 90.0%, and in group of people with a university degree = 90.4%. A correlation of the responses of the respondents with an occupation has been identified: Kramer's $V = 0.119$; $p < 0.001$. The more prestigious occupation, the more positive evaluations of flexible employment. The responses to the questions concerning autonomy of the choice is affected by a sector in which individuals operate: Kramer's $V = 0.126$; $p < 0.001$. In the group of the responders working in the public sector, 93.7% said that the terms and conditions are generally satisfactory for them. Among those working in the social sector the ratio is 92.1 %. In the group of individuals working in the private sector the ratio was 85.5 %. Assessment of the conditions of employment depends also on the number of employers so far: Kramer's $V = 0.100$; $p < 0.001$. The lowest percentage of the respondents who are satisfied with employment terms and conditions occurred in the group of individuals who had already worked in at least 4 places (84.6 %). In the remaining groups these ratios are 91 - 92 %. Duration of employment contracts affects the assessment as well, Kramer's $V = 0.109$; $p < 0.001$. The longer one works for a current employer, the more satisfied with the terms and conditions one is.

CONCLUSION

Summing up, more educated employees declare that their choice of a form of their employment was their informed decision, individuals with lower education are experiencing coercion with respect to execution of flexible works. Similarly, when it comes to their posts, the further down the organisational hierarchy, the more coercion and lack of other options is experienced. The most conscious and informed choice of this form of employment was declared by individuals working in the social sector. When it comes to individuals who are the most satisfied with this form of employment, they are mainly males, persons with primary and secondary education, relatively small number of former employers and bigger number of children (more than two).

The terms and conditions of a flexible form of employment are more satisfactory for older employees, individuals with university degree, employed in the public sector, with a relatively big number of former employers, with longer validity periods of employment contracts.

The research carried out has had an exploratory character. It regarded a new domain of knowledge concerning functioning of an individual in new working conditions, where a characteristic feature is temporariness affecting all aspects of the work, namely "temporary" occupation, "temporary" professional relations, "temporary" parties of a work contract, status of a "temporary" worker, etc. This changes completely the perspective of looking at one's professional future and his further existence, quite different from a permanent employment. A temporary form of employment is becoming increasingly popular in present times. This is due to significant changes in requirements of the labour market and changes in the character of work itself. However, in my opinion, it shall never replace and eliminate the longing for a permanent job. Temporary work is its complement, a different, not necessarily worse form of employment and making ones living for selected groups of employees. It is related to a new style of work and the functioning on the market. While remaining one of the tools in the fight with unemployment, it is still only an alternative for a permanent job.

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Ivica Gulášová

St. Elizabeth University of Health & Social Sciences,
Bratislava, Slovakia

Lenka Gornerová

College of Polytechnics, Jihlava, Czech Republic

Ján Breza jr.

Urology Clinic and Centre for kidney transplantations, L. Denér
Faculty Hospital, Kramáre, Bratislava, Slovakia

Ján Breza

Urology Clinic and Centre for kidney transplantations, L. Denér
Faculty Hospital, Kramáre, Bratislava, Slovakia, Faculty of
Medicine of Comenius University, Bratislava, Slovakia
Slovak Medical University, Bratislava, Slovakia

Incidence of tuberculosis in the Tatras region

Abstrakt

The authors point out that tuberculosis is the oldest infectious killer of humans and today it is such a serious threat to health that the World Health Organization (WHO) equates it to a time bomb. The most common source of infection by mycobacteria tuberculosis to a man is a sick person. Epidemiologically greatest danger is sick person with untreated decay pulmonary tuberculosis whose sputum may spread billions of tuberculosis bacilli every day. The overall situation in the incidence of tuberculosis (TB) in Slovakia is generally favorable, although in the eastern parts of Slovakia incidence is growing rapidly. Slovakia has compared with all Europe small to moderate incidence of this disease and its incidence has downward trend. East Slovakia so far has not won combat this disease yet. It is therefore necessary to continue effective intervention and prevention to combat the spread of this disease.

Key words: pulmonary tuberculosis, extrapulmonary tuberculosis, epidemiological situation, region, vaccination

INTRODUCTION

If the importance of disease is measured by the number of victims, the most feared infectious diseases like plague, cholera and others would stay far behind the tuberculosis.

Robert Koch: Die Aethiologie der tuberculose (1882).

Tuberculosis is the oldest infectious killer of humanity and even today remains such serious threat to health that the World Health Organization (WHO) equates it to a time bomb. If humanity fails to defuse this „bomb” it may happen that one day we will have to fight the disease which is resistant to drugs and can be spread by air and is virtually incurable as well as AIDS is today (Bajan, 1996).

HISTORY OF TUBERCULOSIS

Tuberculosis is a disease known since beginning of time, we can say that it is as old as mankind itself. The first reports of it were found at a time when people began to create greater social units (10). As the oldest evidence of the existence of tuberculosis may be considered findings of K. Pfaff from r. 1904 in Heidelberg – finding of skeletons from the Neolithic age (6000 - 2000 BC), which showed pathological changes in the upper thoracic spine, the fourth and fifth thoracic vertebra were destroyed by pathological process, which is described by Bartels as spondylitis tuberculosis. As the first comprehensive picture of ftisis from which drew all physicians many centuries, should be considered Hippocrates's (466-370 BC) Corpus Hippocraticum. Hippocrates described symptoms of this illness such as cough, coughing up blood, fever, sweating, and explains the genesis of tuberculosis by humoral concept. His work did not yet notice the contagiousness of this disease. Based on other similar descriptions of the symptoms of tuberculosis by other authors can be concluded that this disease must have been widespread at that time (Bajan, 2000). Robert Koch (1843 - 1910) became thanks to his work on infectious diseases one of the greatest explorers of humanity. At the Berlin meeting of physiological society on 24 March 1882 in famous speech „Über Tuberkulose” he reported on his discovery of the bacillus tuberculosis and thus proved parasitic nature of this infectious disease.

BASIC CHARACTERISTICS OF DISEASE

Tuberculosis is infectious disease caused primarily by *Mycobacterium tuberculosis*, rarely by *Mycobacterium bovis* and by *Mycobacterium avium*. It mainly affects lungs, but mycobacteria can cause disease process in extrapulmonary structures. In connection with immunocompromised states increase the occurrence of mycobacterioses that are caused by other mycobacteria and by so called atypical mycobacteria (*Mycobacterium avium* complex, *Mycobacterium xenopi*, *kansasii*, *fortuitum*). According to WHO criteria, the TBC is according to stricken organ divided into:

- a) pulmonary TB
- b) extrapulmonary TB

SOURCE OF INFECTION

The most common source of infection by mycobacteria tuberculosis to man is a sick person. Epidemiologically greatest danger is sick with untreated decay pulmonary tuberculosis whose sputum may every day spread billions of tuberculosis bacilli. Very often it is spread as droplet infection, which is caused by the direct transfer of small droplets with bronchial or oral content that is spread into surrounding when is sick person coughing, sneezing or speaking. Much more serious is infection with dust. Dust penetrates deeper into the respiratory tract than droplets. The infection is remains in the dust for several hours. Tuberculosis can be transmitted also by food (digestive transmission), for example from non-boiled

milk from tuberculous cows, which is today virtually absent because of veterinary controls. There is possible also hematogenous transmission from mother to fetus. The most common gateway is the respiratory tract, as evidenced by the high proportion of pulmonary tuberculosis, which constitutes 80 to 90 % of all forms of this disease. The clinical picture of tuberculosis is largely affected by various pathologically-anatomical forms. Tuberculosis can be divided to primary and postprimary.

SYMPTOMS OF TUBERCULOSIS

In the early stage tuberculosis does not cause any significant or characteristic problems, about 20% of patients do not show any difficulties (asymptomatic form). That is actually its deceit. The vast majority those diseases are, however, found only after difficulties occur. Clinical signs can be divided into general and organ-related problems which are connected with their dysfunctions (Winthrop, 2006). The general symptoms include feeling of constant fatigue, which occur initially in the afternoon and in later stage already in morning after awakening, fatigue, weight loss and loss of appetite. Most common is a fever or subfebrility (up to 38 ° C) lasting 2-3 weeks, which usually increase after physical or mental exertion. There are also other symptoms such as excessive sweating, especially early in the morning, pain in the joints, sleep disturbances, impaired ability to concentrate and neurotic disorders (Pacovský, 1993).

Organ or functional symptoms manifest themselves depending on which organ was affected by tuberculosis. In the pulmonary form is in the forefront coughing. It may be dry, nonproductive or productive coughing with mucus or septic sputum, sometimes with blood. Furthermore it can also be vaguely localized chest pain. **Extrapulmonary forms of tuberculosis arise most often from hematogenous dissemination of the primary process. For example, in the affected kidney is at the forefront hematuria (microscopic or macroscopic), pollakiuria, bacilury of mycobacteria and renal dysfunction.** In case of damage of nervous system (such as basilar meningitis) are manifested neurological symptoms - headaches, vomiting, double vision, sensitivity to light and noise, disorientation or fainting and later unconsciousness, convulsions, and so on (Bajan, 1990).

DIAGNOSIS OF TUBERCULOSIS

Pulmonary tuberculosis has diverse X-ray images, which become typical in the advanced stages of disease. Images must be repeated after in defined time periods to monitor the progress of disease. Among other examinations belongs tuberculin reaction. It is performed using the tuberculin test. Tuberculin test with intracutaneous application of tuberculin (pure mycobacterial protein) is called Mantoux (by inventor Charles Mantoux). According to used concentration is distinguished Mantoux I, II and III, but most used is Mantoux II. (Solovič et al., 2008). The diagnosis of tuberculosis can be absolutely proven if the originator (tubercular bacteria) is proven. For this is used microscopic examination of sputum or other biological material.

The incidence of infectious diseases in population significantly increases. National register of Tuberculosis in the Czech Republic recorded in the year 2010 680 new cases of TB (Komárek, Provazník, 2011).

TREATMENT OF TUBERCULOSIS

Treatment of tuberculosis has two stages. The first is very intense and include administering up to five drugs. In our conditions is this phase almost always performed in inpatient care or in medical institutions. In the second phase are administered two or three drugs (Horsburgh, 2004). This treatment is usually done at home and should be supervised specialists from clinics. The above-described situation is ideal. If there is compliance with this regime, virtually all patients are healed and spread of tuberculosis is limited. As we see in recent years, Slovakia is successful. Omitting of any of these procedures can lead to the spread of so-called. polyresistant tuberculosis, which globally represents a great danger for the future.

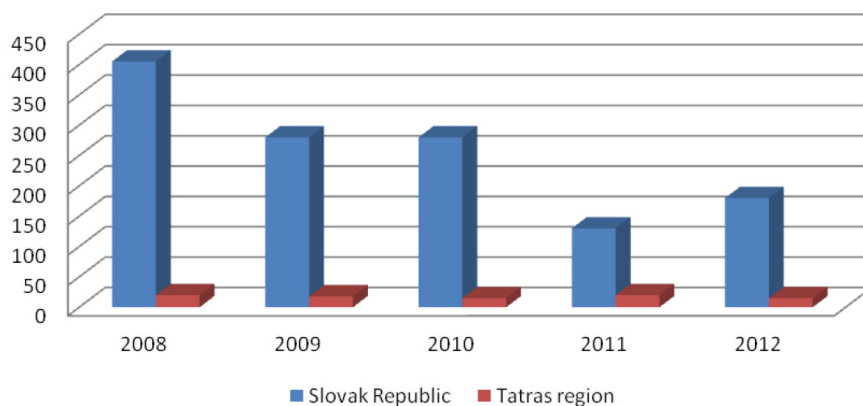
Possibilities of prevention of tuberculosis:

- reporting cases of TB
- screening of risk groups
- diet

EPIDEMIOLOGICAL SITUATION OF TB IN SLOVAKIA

Occurrence of tuberculosis in Slovak Republic and in Tatras region in last 5 years

GRAPH # 1



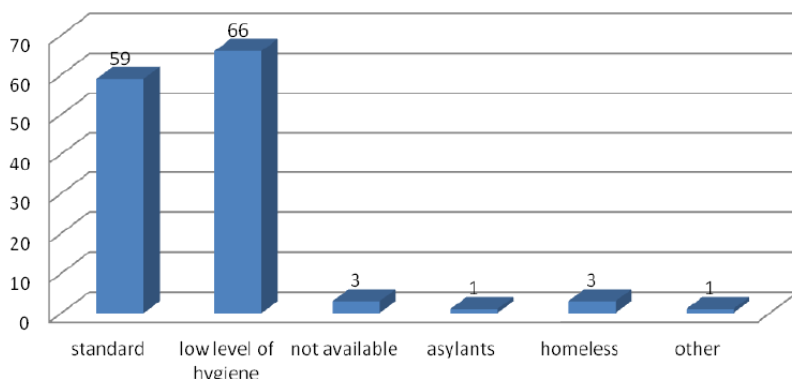
The overall situation in the incidence of tuberculosis (TB) in SR is favorable, although the eastern parts of Slovakia it is growing rapidly. Slovakia is compared with all Europe country with a small, respectively moderate incidence of this disease and its incidence has downward trend. According to the National Register of tuberculosis, while in Trnava, Nitra, Bratislava, Trenčín, Žilina and Banská Bystrica regions morbidity ranged from 4.01 to 6.13 / 100 000 inhabitants, in eastern Slovakia – in the Prešov (13.96 / 100,000 pop.) and Košice (10.51 / 100 000 inhabitants) regions morbidity was significantly higher. From an epidemiological point

of view it is especially important to systematically smear and culture also carry out bacteriological screening of newly identified TB suspects, as well as bacteriological examination of recorded tuberculosis cases. Since the source of infection may not only be a sick human but also a sick animal, it shall not be forgotten in preventing tuberculosis suspects to search animals for TB, which belong into the job description of veterinarians (Gulášová, Görnerová, Bačíková, Švecová, 2012).

ANALYSIS OF EPIDEMIOLOGICAL SITUATION IN THE TATRAS REGION FOR THE PAST 5 YEARS

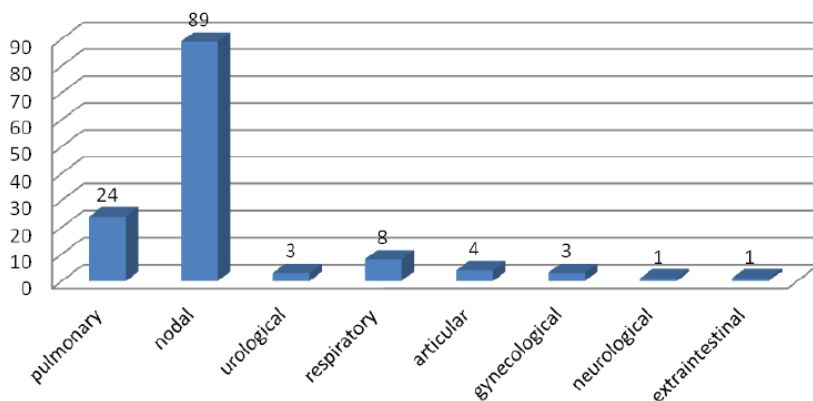
This analysis includes districts of Poprad, Kežmarok and Levoča, what is the region belonging to the catchment area RÚVZ Poprad. Data were drawn from the epidemiological information system EPIS, to which are reported all infectious diseases, including tuberculosis. It should be noted that the report given by doctors and laboratories is still not complete and the data may not match the data from the NRC for tuberculosis in NÚTPCHaHCH Vyšné Hágy. The number 133 of cases in last 5-year period shows that tuberculosis in the region is still current problem (Solovič, 2008).

Division of tuberculosis cases in Tatras region in last 5 years according to the social environment



GRAPH #2

Division of tuberculosis cases in Tatras region in last 5 years according to the clinical form



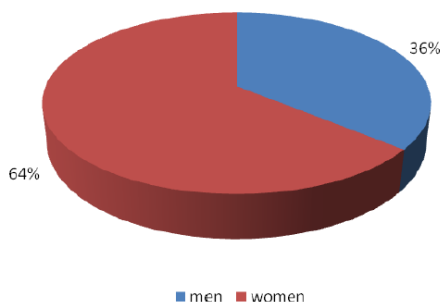
GRAPH # 3

High Tatras region as well as the rest of eastern Slovakia is specific by a high proportion of minority population. Roma ethnic has group in comparison with the majority society some specifics that apply in the process of contagion and affect the evolution of the epidemiological situation, resulting in the occurrence of the epidemic (6 cases), tuberculosis reported in 2011 in Podtatranská Hranovnica settlement (Solovič, 2008). Among the specificities of this minority population belong particularly high unemployment, poor socio-economic conditions, often multigenerational living together in settlements without basic hygiene standard, non-cooperation, often illiteracy, inability to complete the examination of contacts. The data in the graph show the increased incidence of this disease in persons with low hygienic standards, i.e. in the Roma population. Graph No 3 divides the disease according to clinical forms of tuberculosis. The most common clinical form of tuberculosis was nodal form that accompanies pulmonary form of this disease.

From Graph No 4 is clear that the most affected group of tuberculosis are men.

Division of tuberculosis cases in Tatras region in last 5 years according to the gender

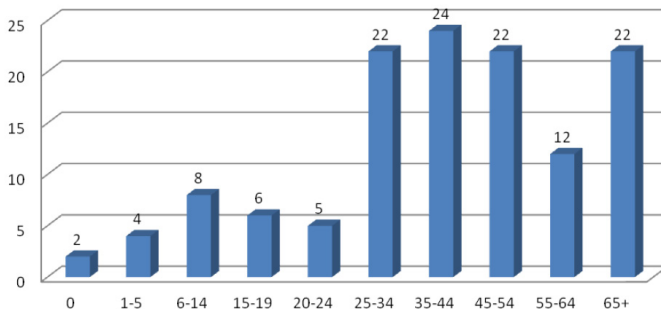
GRAPH # 4



Graph No 5 shows that the most affected group are persons of working age, although also childhood tuberculosis cases were recorded.

Division of tuberculosis cases in Tatras region in last 5 years according to the age

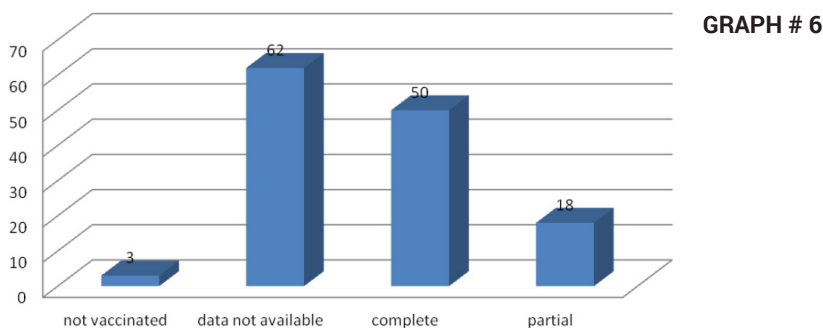
GRAPH # 5



INOCULATION

Regular vaccination against tuberculosis was in Slovak Republic mandatory till 31 December 2011. To this day, its meaning all over the world is widely debated. We can say that that vaccination of children significantly reduces the number of complex forms of tuberculosis. In some countries, where the incidence of tuberculosis is very low, are vaccinated against tuberculosis only certain groups. However, it is important to know that a vaccinated person can become ill with tuberculosis, but its course is usually less severe than in unvaccinated. As in many other countries, Slovak government finally made a decision and amended this Act, which came into force on 1 January 2012 and compulsory vaccination against tuberculosis in Slovakia is canceled.

Data about vaccination of tuberculosis patients in Tatras region in last 5 years



Graph No 6 shows that only less than 38% of patients were fully immunized against tuberculosis, in other cases vaccination was incomplete or vaccination data are not recorded properly.

CONCLUSION

In this article we analyzed the epidemiological situation of TB in Slovakia in Tatras region. Although it can be said that Slovakia is a country with a low incidence of tuberculosis in recent years, Eastern Slovakia region so far has not won combat with this disease yet. It is therefore necessary to continue with effective intervention and prevention to combat the spread of this disease. It would be interesting to perform a study, which would deal with extrapulmonary TB.

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Stanislava Lištiak Mandzáková
Dagmar Marková

Katedra špeciálnej pedagogiky PF PU v Prešove, Katedra
všeobecnej a aplikovanej etiky FF UKF v Nitre stanislava
E-mail: mandzakova@unipo.sk; dmarkova@mati.sk

Riziká sexuálneho správania v kontexte zdravia */ Risks of sexual behavior in the context of health*

Abstrakt

The intention of this paper is to examine the scientific studies that assess needs and support people with intellectual disabilities, regarding their sexual health. In connection with the theme of the author analyzes the selected folders risk sexual behavior with a focus on people with intellectual disabilities and specific group, which in this respect are Roma with intellectual disabilities. Attention to the particular issue of early sexual life, promiscuity and consequences of unsafe sexual behavior, such as the unplanned / unwanted pregnancy and sexually transmitted diseases. In the end of the article represent a praxeological methodological recommendations in the context of health.

Key words: sexuality, sexual behavior, sexual health, risk, mental disability

ÚVOD

Zámerom nasledujúceho textu je preskúmať vedecké štúdie, ktoré hodnotia potreby a podporu osôb s mentálnym postihnutím, pokiaľ ide o ich sexuálne zdravie. Tieto potreby sa veľmi líšia od jednej osoby k druhej, podľa životného prostredia, stupňa mentálneho postihnutia a potencionalnej komorbidity.

Pojem riziko v kontexte sexuálneho správania vysvetľuje Bianchi (In: Marková, 2012) v rámci troch historicky odlišných konceptualizácii toho, čo sa v sexualite môže považovať za „nebezpečné“, vrátane ich prieniku do súčasnosti. Ide o koncepty tabu, hriechu a rizika. Konceptu rizika čelí človek, ktorý racionálne spracováva pravdepodobnosť, s akou môžu nastať nežiaduce dôsledky jeho konania. *Aká je pravdepodobnosť prenosu HIV pri nechránenom pohlavnom styku? Aká je pravdepodobnosť otehotnenia pri používaní rôznych foriem antikoncepcie?* Bežná aplikácia rizikového diskurzu je, keď otec dáva synovi, ktorý ide so spolužiakmi prvýkrát na chatu, do tašky škatuľku prezervatívov. Nevyjadruje sa k hodnote sexuality, ktorá tam na syna azda čaká. Vyjadruje svoj názor na riziko a na možnosť predchádzania tomuto riziku (Bianchi, In: Marková, 2012). Len čo je jednotlivec v „riziku“ alebo zapadá do vysoko rizikovej kategórie, činnosť tejto osoby je spochybnená. Označenie „v riziku“ smeruje k nazeraniu na členov tejto skupiny ako na zraniteľných, pasívnych, bezmocných alebo slabých, ale hlavne nebezpečných pre seba samých alebo ostatných.

SEXUÁLNE SPRÁVANIE Z HL'ADISKA SEXUÁLNEHO A REPRODUKČNÉHO ZDRAVIA

Zdravie, ktoré Svetová zdravotnícka organizácia v roku 1946 definovala ako stav úplnej telesnej, psychickej a sociálnej pohody, implicitne zahŕňa aj oblasť sexuality. V roku 1974 Svetová zdravotnícka organizácia prichádza s definíciou sexuálneho zdravia, ktoré *predstavuje taký súhrn telesných, citových, rozumových a spoločenských stránok človeka ako sexuálnej bytosti, ktorý obohacuje osobnosť, zlepšuje jej vzťahy k ľuďom a rozvíja schopnosť lásky* (In: Raboch, 1988). Druhú definíciu vypracovala Medzinárodná federácia pre plánované rodičovstvo (IPPF) v roku 1995 (In: Bianchi, 2001) a sexuálne zdravie je v nej súčasťou širšej definície reprodukčného zdravia: Reprodukčné zdravie zahŕňa aj sexuálne zdravie, ktorého cieľom je obohatenie života a osobných vzťahov a nie iba poradenstvo a starostlivosť v oblasti reprodukcie a pohlavne prenosných chorôb. Pri hodnotení sexuálneho zdravia je potrebné mať na zreteli (Supeková, Bianchi, 1999):

1. Prvoplánové aspekty sexuálneho zdravia ako infekciu HIV/AIDS, pohlavne prenosné ochorenia, neželané tehotenstvo.
2. Druhoplánové aspekty sexuálneho zdravia, ktoré predstavujú napríklad sexuálnu spokojnosť, citovú bilanciu, celkovú pohodu (well-being) a rozvoj osobnosti, sociálnu a partnerskú sebarealizáciu.

Otázky sexuálneho a reprodukčného zdravia sa stali predmetom diskusie aj na konferencii Organizácie spojených národov o populácii a rozvoji, ktorá sa konala v septembri 1994 v Káhire. Jej akčný program prijalo všetkých 170 zúčastnených krajín a toto sexuálne a reprodukčné zdravie bolo označené za základné ľudské právo. Akčný program sa síce nezmieňuje o populáciu s mentálnym postihnutím, je však možné jednoznačne vyčítať deklaráciu rovných práv pre všetkých ľudí bez rozdielu pohlavia, národnosti rasy, sexuálnej orientácie či náboženského vyznania (Uzel, 2004). Na tejto konferencii vznikla, na základe filozofie plánovaného rodičovstva, nasledujúca širokokoncipovaná definícia reprodukčného zdravia a reprodukčných práv ľudí:

Reprodukčné zdravie je stav úplnej fyzickej, mentálnej a sociálnej pohody a nielen chýbanie ochorenia alebo poruchy, vo všetkých prípadoch vzťahujúcich sa k reprodukčnému systému, k jeho funkciám a procesom. Reprodukčné zdravie zahŕňa aj ľudskú schopnosť mať uspokojenie prinášajúci sexuálny život, schopnosť reprodukovať sa, ako aj slobodu rozhodnúť sa, kedy a ako často tak činiť. Vychádzajúc z tejto podmienky zahŕňa aj právo muža a ženy byť informovaný, mať prístup k bezpečným, efektívnym a akceptovateľným metódam plánovaného rodičovstva podľa vlastného výberu, tak ako aj metód regulácie fertility podľa vlastného výberu, ktoré nie sú proti zákonom a právo na prístup k primeraným službám plánovaného rodičovstva, ktoré umožnia ženám prekonať bezpečne tehotenstvo, materstvo a zabezpečiť párom najlepšie možnosti ako mať zdravé deti.

V zmysle vyššie uvedenej definície je zdravotnícka starostlivosť o reprodukčné zdravie definovaná ako súhrn metód, techník a služieb zabezpečujúcich reprodukčné zdravie a pohodu prostredníctvom prevencie a liečby problémov v oblasti reprodukčného zdravia. Reprodukčné zdravie znamená tiež podporu života

a osobných vzťahov a nie iba poradenstvo a starostlivosť, vzťahujúce sa na reprodukciu a sexuálne prenosné ochorenie.

Na Slovensku sa však, i napriek odporúčaniam Organizácie spojených národov, reprodukčné zdravie nepokladá za jednu zo štátnych priorit. Podľa Višnovského et al. (2007) z úrovne nášho štátu neboli vykonané takmer žiadne opatrenia, ktoré by v duchu tejto konferencie pripravili plán na komplexné riešenie problémov u nás (vysoký počet potratov, chýbanie vedomostí o možnostiach kontroly plodnosti, nárast sexuálne prenosných ochorení vrátane nárastu infekcií HIV, nárast sterilných manželstiev, sexuálne násilie v rodinách, na uliciach a pracoviskách, sexuálne zneužívanie detí, absencia vzdelávania profesionálov, chýbanie zberu a hlavne analýz štatistických údajov kompatibilných s údajmi zbieranými na pôde Organizácie spojených národov a pod.).

Reflexiou na daný stav je rok 1991, ktorý sa spája so vznikom Spoločnosti pre plánované rodičovstvo a výchovu k rodičovstvu (v súčasnosti Spoločnosť pre plánované rodičovstvo). Iniciátorom vzniku tejto mimovládnej, nezárobkovej, multidisciplinárnej organizácie boli medzinárodné inštitúcie, a to hlavne IPPF (International Planned Parenthood Federation) a inštitúcie pracujúce v rámci Organizácie spojených národov: UNFPA (United Nation Fund od Population Activity) a WHO (World Health Organization). Dôvodom ich aktivity pri iniciovaní vzniku spoločnosti a podobných organizácií v strednej a východnej Európe, bola nepriaznivá situácia v oblasti reprodukčného zdravia v tejto oblasti, prejavujúca sa vysokým počtom umelých prerušení tehotnosti, využívaných ako metóda prvej voľby na reguláciu pôrodnosti, nárast sexuálne prenosných ochorení vrátane infekcie HIV/AIDS, riziká nárastu sexuálneho zneužívania mládeže a sexuálnej agresivity, pri absencii spoločenského vedomia o existencii základných ľudských práv v oblasti ľudskej reprodukcie, definovaných na pôde Organizácie spojených národov už v 60. rokoch. Dôvodom pre vznik mimovládnej organizácie bol aj nezáujem štátu o definovanie a riešenie nahromadených problémov v oblasti reprodukčného zdravia (Kliment, 1996).

SEXUÁLNE A REPRODUKČNÉ ZDRAVIE OSÔB S MENTÁLNYM POSTIHNUTÍM

V súvislosti s témou hovorí Marková (2007) o rizikových spôsoboch sexuálneho správania, za ktoré považuje také formy sexuálneho styku, pri ktorých je prenos vírusu HIV omnoho pravdepodobnejší. Patrí sem styk bez ochrany, promiskuita, análny styk, sadomasochistické praktiky a nekontrolovaná prostitúcia. V ďalšej časti príspevku sa venujeme niektorým z nich.

Jednou zo zložiek rizikového sexuálneho správania je predčasný sexuálny život, ktorý Poliaková (1996) poníma ako sex bez citového vzťahu, excesívny sex potláčajúci iné záujmy a promiskuitu. Musíme však konštatovať, že mnohé teoretické prístupy k predčasnému sexu reprodukujú rodové stereotypy a odrážajú moralizujúce konštrukcie ich autorov a autoriek. Vzhľadom k uvedenému je potrebné interpretovať aj niektoré prístupy, ktoré uvádzame nižšie kvôli prehľadu, ale nestotožňujeme sa s nimi.

Podľa Hamanovej (2004) sa hlavné riziká týkajú najmä dievčat, ktoré sú viac ohrozené získaním pohlavnej choroby ako chlapci alebo dospelé ženy. Predčasnosť je podľa Hamanovej (2004) daná:

- Psychosociálnymi a socioekonomickými dôvodmi – u oboch pohlaví.
- Biologickými dôvodmi u dievčat.
- Dievča ešte nie je zrelá žena a pohlavným životom v dospievaní je viac ohrozená (než v dospelosti a v porovnaní s chlapcom). Po dosiahnutí základnej zrelosti v pohlavnej oblasti (t. j. po nástupe menštruačných cyklov) zrenie ešte ďalej pokračuje. Mení sa veľkosť a tvar panvy, maternice, stabilizuje sa hormonálna regulácia, ale najmä pokračuje dozrievanie krčka maternice.
- Maternicový krčok dievčaťa je zraniteľný v zmysle zmien, ktoré môžu spôsobiť až rakovinu. Skorý začiatok pohlavného života je jedným z hlavných rizikových faktorov rakoviny krčku maternice.
- Dôvody nevhodnej, nezrelej motivácie na začatie pohlavného života: často z dôvodu emocionálneho distresu (psychosociálnej nespokojnosti – hlavne pri dysfunkčnej rodine) alebo z dôvodu tlaku vrstovníkov (v partnerskom vzťahu alebo vo vrstovníckej skupine, ktorá má falošné normy pre tento vek).
- Tzv. ochrana pred pohlavnými infekciami alebo tehotenstvom (či už bariérová alebo hormonálna antikoncepcia) v tomto veku zlyháva až 10 krát častejšie. Celosvetovo je najnižšia práve tam, kde by bola najviac vhodná: u najmladších, najmenej zodpovedných, najpromiskuitnejších a pod. Hormonálna antikoncepcia potrebuje práve v dospievaní určité špecifické ohľady, ktoré sa často nerešpektujú.

Mladí ľudia majú v súčasnosti prvú skúsenosť s pohlavným stykom v priemere medzi 17. – 18. rokom, teda väčšinou v čase štúdia na strednej škole či učilišti. Niektorí mladí ľudia s mentálnym postihnutím zahajujú sexuálny život ešte skôr. Sú motivovaní napríklad zvedavosťou či nátlakom vrstovníkov, nesprávnym vzorom rodičov i vplyvom médií. Rovnaká a v mnohých prípadoch aj horšia je situácia u Rómov s mentálnym postihnutím. Dlhoročne pozorovaná akcelerácia populačného vývoja rómskej populácie v porovnaní s majoritou súvisí aj so včasnou iniciáciou pohlavných aktivít. Ich životný štýl vedie k skorému partnerskému a sexuálnemu životu, ktorý vzniká predovšetkým v mladšom vekovom období rodičov, najmä matiek. Začiatok pohlavného života Rómov prichádza často vo veku, kedy ani jeden partner ešte na rodičovstvo nie je psychicky ani sociálne zrelý, ale napriek tomu k nemu dochádza. Priemerný vek pri prvom pôrode je u rómskych matiek nižší ako 21,1 rokov, v osadách 19,6 rokov, a u nerómskej populácie 24,6 rokov (Hegyí, 2004).

Dokumentujeme na príklade výpovede rómskeho žiaka s ľahkým mentálnym postihnutím:

Patrik (15 rokov) mi svoj názor na sex porozprával vzájomnou diskusiou a odpoveďami na moje otázky, ktoré som mu dávala, pretože som nevedela o sexuálnych zážitkoch, ktoré rómske deti majú. V našom meste je ulica Dukelských hrdinov, na ktorej v rozbitých panelákoch býva väčšina rómskych žiakov.

„Pani učiteľka, ja som už sex mal, chlapci majú právo na sex. Skoro každý deň nám večer o 18.00 hodine začína diskotéka. Niekedy sa opijeme, ak máme peniaze, niekedy sme triezvi. V pivnici v bytovkách je tma, sú tam posteľe, ktoré už pozhánali starší chlapci a všetci Rómovia tam sexujú, aj mladší, aj starší. Začína sa to tak, že väčšinou príde za mnou rómske dievča, aby som išiel do pivnice. Ja niekedy chcem, a aj keď nechcem, ona ma táhá, aby som išiel do pivnice a ja viem, že ak nepôjdem, tak viac nikdy to dievča za mnou nepríde, tak radšej pôjdem, lebo neviem, kedy sa mi bude chcieť. Keď za mnou príde dievča, tak len povie: Poď, ideme na plán A alebo plán B. Máme tri plány:

plán A znamená všetko – sex, bozkávanie, šteklenie, vyzliekanie, celí sme holí;

plán B znamená iba samotný sex, viac nič;

plán C je len bozkávanie, hladkanie, neznamená sex.

Napríklad teraz v lete, keď sme sa boli kúpať pri vode, prišla k nám Lucia (14 rokov) a povedala, že večer príde ku klubovni. V bytovke máme siedmi chlapci urobenú klubovňu, kde sme si pre sex pozhánali posteľe, gauč, stôl a stoličky. Lucia večer prišla, boli sme všetci v klubovni, povedala, že ideme na plán B, úplne sa vyzliekla, ostal s ňou Tomáš a my sme išli von za dvere. Keď Tomáš vyšiel, dovnútra išiel druhý, vystriedali sme sa všetci. Po všetkom si Lucia zafajčila a odišla. Lucia je také dievča (rómske), ktoré chodí so všetkými chlapcami. Ostatné dievčatá (rómske) také nie sú, ony pristanú len na plán C, ostatné sa len s nami bozkávajú, ale nechcú sex.

Predčasný sexuálny život je takmer zákonite spojený so striedaním partnerov, a tým aj najvyšším výskytom pohlavných chorôb v celej populácii. Vek od 15 do 19 rokov, dokonca až do 24 rokov je vekom najvyššieho striedania partnerov a najvyššieho výskytu pohlavných chorôb (Hamanová, 2002).

SEXUÁLNE A REPRODUKČNÉ ZDRAVIE RÓMOV S MENTÁLNYM POSTIHNUTÍM

Tzv. rómsky problém na Slovensku má svoje historické, kultúrne a sociálne pozadie a presahuje hranice Slovenska. Podľa Novotnej a Pružinskej (2006) sa sociálne znevýhodnenie stáva problémom dnešnej modernej doby. Mnohé rómske deti sa po nociach túľajú po uliciach, spolu s rodičmi trávajú čas pri herných automatoch, zúčastňujú sa zábav, kde im je sprístupnený alkohol a drogy. Nie je ničím výnimočné, že rómske dieťa fajčí a fetuje. V súčasnej dobe je to normálny jav. Tieto deti sú často ohrozované a zanedbávané už pred narodením. Na základe analýz, ktoré boli vykonané na diskusných stretnutiach organizovaných nadáciou Inforoma so sídlom v Bratislave a Dreyfus Health Foundation z USA, so sídlom v New Yorku, sú príčiny tohto stavu komplexné (Národný program ochrany reprodukčného zdravia v SR).

Hegyí (2006) upozorňuje, že reprodukčné správanie Rómov je iné ako u majoritnej populácie. Plodnosť Rómov je asi 2,5 násobne vyššia ako nerómskej populácie. V rómskej populácii pripadajú na jednu ženu v reprodukčnom veku zhruba 3 deti, v rómskych osadách až 4,6 deti (v SR pripadá na 1 ženu v reprodukčnom veku asi 1,2 detí). Podiel detí narodených mimo manželstva je dlhodobo vysoký 37,4%. Dojčenská úmrtnosť je zhruba 1,8 násobná v porovnaní s hodnotou v SR. Pri pôrodoch sa častejšie vyskytuje hypotrofia plodu a predčasný pôrod (82%) (Hegyí, 2006). Podľa Portika (2003) mnohé matky prichádzajú do zdra-

votníckeho zariadenia tesne pred pôrodom, bez akýchkoľvek preventívnych prehliadok, so zlou a pre plod škodlivou životosprávou. Preto majú rómske deti viac zdravotných a zmyslových postihnutí než deti nerómske. Ich horší zdravotný stav súvisí aj s nedostatočnou starostlivosťou niektorých rodičov, ktorí dieťa ohrozujú v telesnom, duševnom, sociálnom i mravnom vývoji.

Vysoká pôrodnosť a mnohodetnosť vytvára situáciu, že deťom nie je zo strany rodičov častokrát venovaná primeraná zdravotná starostlivosť, nezískavajú dostatočné vzdelanie a v neskoršom období sa nedokážu presadiť na trhu práce, ktorý je stále náročnejší. Vzniká začarovaný kruh, ktorý sa prehĺbuje a vyvoláva rast napätia v spoločnosti. Na nízkej úrovni sexuálneho a reprodukčného zdravia rómskej komunity sa podľa Národného programu ochrany reprodukčného zdravia v SR podieľajú najmä tieto faktory:

- nerovnoprávne postavenie rómskych žien v ich rodinnej hierarchii
- nedostatok informácií o možnostiach ako kontrolovať svoju plodnosť, prípadne nedostatočná snaha a nedostatočná podpora zo strany komunity
- nedostatočné informácie a motivácia sledovať svoje zdravie všeobecne a reprodukčné zdravie zvlášť – návštevy v prenatalných poradniach, onkologická prevencia, prevencia sexuálne prenosných infekcií a zápalových ochorení pohlavných orgánov
- nedostatočná motivácia zdravotníckych pracovníkov aktívne pristupovať k riešeniu problémov sexuálneho a reprodukčného zdravia
- zrušenie návštevnej služby pôrodných asistentiek
- chýbanie možnosti zvýhodnenia sociálne slabých vrstiev v prístupe k antikoncepcii.

DÔSLEDKY RIZIKOVÉHO SEXUÁLNEHO SPRÁVANIA

Aj napriek nižšej sexuálnej aktivite sú osoby s mentálnym postihnutím predisponované k pohlavne prenosným chorobám alebo neplánovanému tehotenstvu. Podľa Cambridge et al. (1996) je to tým, že sú potenciálnymi obeťami sexuálneho zneužívania alebo sa môžu tiež dopustiť sexuálnych trestných činov alebo zneužívania.

NEPLÁNOVANÉ/NEHCENÉ TEHOTENSTVO

Jedným z dôsledkov neužívania antikoncepcie je nepochybne neplánované tehotenstvo. Podľa výskumov u všeobecnej populácie patrilo v minulosti vek žien na Slovensku pri narodení prvého dieťaťa k dlhodobo najnižším v Európe (okolo 22 rokov). Aj dnes, napriek jeho miernemu zvýšeniu, patrí Slovensko medzi krajiny, kde je pôrodný vek veľmi nízky. Rozdiel oproti vyspelým západným krajinám je 5 – 7 rokov. Narodenie druhého či ďalšieho dieťaťa prichádza v krátkych intervaloch po prvom pôrode. Absolútna väčšina detí sa narodí matkám mladším ako 30 rokov (zhruba 85%) (Národná správa SR o populácii a rozvoji, 1999).

Výskum Kotekovej, Šimovej, Geckovej (1998) ukázal, že u rómskej populácie zača-

lo spolužitie s partnerom vo veku do 17 rokov až 39% žien a 76% žien začalo partnerské spolužitie do 20 rokov. U mužov začínalo spolužitie o niečo neskôr. Je známe, že medzi principiálne hodnoty rómskych obyvateľov patrí mať deti. Neplodnosť v rómskom spoločenstve znamená koniec partnerstva (Koteková, Šimová, Gecková, 1998).

Diskutovať o potenciálnom riziku neplánovaného tehotenstva osôb s mentálnym postihnutím znamená priznať, že toto riziko existuje, a do značnej miery závisí od pôvodu (vzniku) zdravotného postihnutia, od schopnosti vychovávať dieťa a sociálnej pomoci, ktorú môžu tieto osoby získať pri plnení tejto úlohy. Tehotenstvo, či už plánované alebo neplánované, je vo všeobecnosti u osôb s mentálnym postihnutím nezvyčajné. O tejto oblasti je k dispozícii iba málo informácií. Otázka rodičovstva osôb s mentálnym postihnutím je sporná a kontroverzná. Vo výskume Mandzákovej (2011), ktorý bol realizovaný v domovoch sociálnych služieb pre mentálne postihnutých sa väčšina odborných zamestnancov s neplánovaným tehotenstvom u klientok s ťažším mentálnym postihnutím nestretla (86,49%). Odborní zamestnanci, ktorí sa s týmto problémom stretli (8,49%), ich riešili najčastejšie interrupciou, resp. preložením klienta do iného zariadenia.

Niektorí odborníci tvrdia, že deti rodičov s ľahkým mentálnym postihnutím pravdepodobne nie sú o nič horšie ako deti jednotlivcov, ktorí sú „klasifikovaní ako sociálne zanedbaní“ (Nigro In: Van Dyke et al., 1995). Iní autori sa domnievajú, že rodičia s mentálnym postihnutím môžu častejšie zanedbávať detí v dôsledku opomenutia, pričom účelové zneužitie môže byť časté najmä v procese stanovovania zodpovedajúcej spoločenskej a rodinnej podpory. Až na niektoré genetické syndrómy, etiológia mentálneho postihnutia väčšinou neovplyvňuje plodnosť samu o sebe. Plodnosť sa znižuje u osôb s Downovým syndrómom, pretože otcovstvo je výnimočné a tehotenstvo žien je veľmi zriedkavé (Bovicelli et al., 1982; Elkins et al., 1989; Van Dyke et al., 1995). Autori uvádzajú zníženú plodnosť aj u ďalších syndrómov, vrátane hormonálnych problémov alebo hypogonadizmu, ako je Prader-Willi syndróm, aj keď literatúra uvádza anekdotické prípady tehotenstva aj u týchto osôb.

Výskumné údaje na túto tému sú len zriedkavé. Chamberlain et al. (1984) napr. uvádza 7 tehotenstiev u 6 z 87 amerických žien s mentálnym postihnutím žijúcich v inštitúciách. McCabe a Cummins (1996) hovoria o oveľa vyššej miere tehotenstva (61%) u austrálskych žien žijúcich v komunite. Huovinen (In: Löfgren-Mårtenson, 2008) uvádza, že počet tehotenstiev u 255 inštitucionalizovaných žien s mentálnym postihnutím bol 118 krát nižší v porovnaní s kontrolnou skupinou žien bez mentálneho postihnutia. V ďalšej štúdií z 300 žien s mentálnym postihnutím len 2 dieťa donosili (Elkins et al., 1989). Faktory, ako sú kultúrne rozdiely v reprodukčných právach osôb s mentálnym postihnutím, klasifikácia tehotenstva (je napr. tehotenstvo, ak je neukončené) a prostredie (inštitucionálne, komunitné bývanie a pod.) sťažujú jednotné posúdenie tehotenstva v tejto populácii.

U osôb s mentálnym postihnutím je podľa Löfgren-Mårtenson (2008) najdôležitejším aspektom tohto problému nedostatok vedomostí a schopností potrebných k výkonu reprodukčnej voľby, ktorá zahŕňa prevenciu neplánovaného tehotenstva.

POHLAVNE PRENOSNÉ CHOROBY

Z pohlavne prenosných chorôb (*STD – Sexually Transmissible Diseases*) sa u osôb s mentálnym postihnutím vyskytuje najmä AIDS a hepatitída B. Prevalencia týchto pohlavných chorôb je ovplyvnená jednak sexuálnou aktivitou, ale aj výmenou infikovaných telesných tekutín počas extrémneho správania, ako je agresivita alebo sebapoškodzovanie. Rizikovou skupinou pre vírus hepatitídy B sú najmä ľudia s Downovým syndrómom, pretože imunologické zníženie hodnoty súvisí s ich diagnózou. Preto predstavujú potenciálne riziko pre inštitúciu, kde žijú.

Aj napriek celkovo nižšej sexuálnej aktivite osôb s mentálnym postihnutím, boli identifikované rizikové faktory pohlavne prenosných chorôb aj u tejto populácie (Conod, Servais, 2007). Jedným z rizikových faktorov je, že ľudia s mentálnym postihnutím sú častejšie ako osoby bez postihnutia potencionálnymi obeťami sexuálneho zneužívania.

V prevalencii pohlavne prenosných chorôb u osôb s mentálnym postihnutím zohráva ďalej dôležitú úlohu informovanosť. Výskumy sú v tomto smere pomerne dobre zdokumentované a hovoria o nedostatočných sexuálnych vedomostiach. Napríklad McGillivray (1999) uvádza, že 68% zo 60 opýtaných osôb s ľahkým a stredným stupňom mentálneho postihnutia sa domnievajú, že hormonálna antikoncepcia znižuje riziko nákazy AIDS. McCabe (1993) tiež zistil, že dospelí s mentálnym postihnutím majú veľmi nízku úroveň vedomostí týkajúcich sa bezpečného sexu a pohlavných chorôb.

Profylaxia či používanie kondómov u ľudí s mentálnym postihnutím sú tiež ovplyvnené vedomosťami a sebaurčením. Výskum ukazuje, že osoby s mentálnym postihnutím majú malú alebo žiadnu vedomosť o tom, ako správne používať kondóm (McGillivray, 1999). Gust et al. (2003) hlásili, že 28% obyvateľov inštitúcie používa kondómy niekedy a len 2% často, aj keď tieto produkty boli k dispozícii v 60% zariadení. Pre tento účel boli navrhnuté rôzne vzdelávacie programy. Conod, Servais (2007) však uvádzajú, že je ťažké zistiť, či tieto programy môžu viesť k významným efektívnym zmenám v správaní sa osôb s mentálnym postihnutím v reálnom živote. Lindsay et al. (2004) preukázali, že teoretické pojmy získané počas programu sexuálnej výchovy môžu byť dôsledne chápané a uchovávané u väčšiny dospelých s ľahkým a stredným mentálnym postihnutím. Počas ostatných rokov sa v zariadeniach pre osoby s mentálnym postihnutím dostupnosť týchto programov zvyšuje.

Aj keď prenos HIV/AIDS prostredníctvom heterosexuálneho styku je vysoký, väčšie riziko stále predstavuje homosexualita, ktorá je bežne hlásená aj medzi osobami s mentálnym postihnutím (Thompson, 1994 a i.). Nič však nenasvedčuje tomu, že je častejšia ako v ostatnej populácii. Navyše z prieskumu 19 mužov s mentálnym postihnutím, ktorí boli zapojení do homosexuálneho vzťahu v Anglicku, Thompson (1994) dospel k záveru, že účasť ľudí s mentálnym postihnutím v homosexuálnom vzťahu bola z iných dôvodov, ako je sexuálne uspokojenie. Britské výskumy však potvrdzujú, že jedinci s mentálnym postihnutím (väčšinou muži) majú v skutočnosti rovnaký sexuálny kontakt s rovnakým pohlavím ako ostatní. Ľudia v ich prostredí to však prijímajú ťažko (Thompson, 1994). Ak zamestnanci

či rodičia spozorujú tento druh sexuálnej aktivity, je vykonaná buď marginalizácia, alebo je uvedené správanie koncipované ako sexuálne zneužívanie.

Prevalencia hepatitídy B je u ľudí s mentálnym postihnutím vysoká (Martin, 1997). Výskum ukazuje, že osoby s mentálnym postihnutím žijúci v inštitúciách sú vo väčšom nebezpečenstve pri nákaze hepatitídou B ako tí, ktorí žijú v komunite. Napr. Stehr-Green et al. (1991) vykonali prierezovú štúdiu u ľudí s mentálnym postihnutím v inštitúciách na Novom Zélande a zistili, že riziko infekcie hepatitídou B je zvýšené o 17% za každý rok pobytu v zariadení. Početné štúdie v inštitúciách v Brazílii, Belgicku, Anglicku, Španielsku, Novom Zélande a Južnej Afrike ukazujú širokú škálu prevalencie hepatitídy B (12 – 61%) so zvýšeným výskytom u osôb s Downovým syndrómom (DeVuyst, Maesen-Collard; Stehr-Green et al.; Schoub et al.; Lunding et al.; De Souza et al. In: Servais, 2006). Osoby s mentálnym postihnutím a každý, kto má s nimi pravidelný kontakt (opatrovatelia, učitelia, rodiny a pod.), by preto mali byť očkovaní. Účinnosť imunizácie by mala byť starostlivo kontrolovaná a to najmä u mužov a starších ľudí s Downovým syndrómom.

Na posúdenie prevalencie HIV/AIDS u ľudí s mentálnym postihnutím boli vykonané rôzne štúdie s rôznymi výsledkami. Na začiatku 90. rokov sa rôznymi štúdiami, vykonanými s cieľom posúdenia prevalencie AIDS medzi ľuďmi s mentálnym postihnutím, nepodarilo zistiť žiadne prípady (Pincus et al., 1990; Garcia et al., 1991), zatiaľ čo Marchetti et al. (1990) prostredníctvom národného prieskumu realizovaného elektronicky na oddelenia, ktoré poskytujú služby osobám s mentálnym postihnutím v USA, uvádzajú 45 osôb s mentálnym postihnutím nakazených vírusom HIV a 7, ktorí boli symptomatickí. Väčšina (69%) z týchto prípadov sa vyskytovala u inštitucionálnych obyvateľov, incidencia bola oveľa nižšia u tých, ktorí boli umiestnení v komunite (31%). Títo autori vykonali nadväzne štúdiu o dva roky neskôr a zistili takmer 50% zvýšenie prípadov (98) v rovnakej sledovanej populácii.

Ramos-Ibanez et al. (1996) uvádzajú 84 osôb s mentálnym postihnutím v Španielsku pozitívne testovaných na HIV. Tiež Diederich a Graecen (1996) konštatujú, že v 11% francúzskych inštitúcií je liečená na AIDS aspoň jedna osoba s mentálnym postihnutím. Prekvapivo v inom národnom prieskume, ktorý bol realizovaný v roku 2003 poštovne, sa nepodarilo odhaliť akýkoľvek prípad AIDS u osôb s mentálnym postihnutím v rezidenčných zariadeniach. Uvedené zistenia poukazujú na obmedzenia metodiky, ktorá spočíva v zasielaní dotazníkov, pokiaľ ide o takéto delikátne otázky (Conod, Servais, 2007).

Štúdie v Európe hlásili 84 prípadov AIDS u inštitucionalizovaných pacientov od roku 1996 (Španielsko) s pozitívnou serológiou na HIV.

Z výskumných zistení o pohlavne prenosných chorobách u osôb s mentálnym postihnutím Van Dyke et al. (1995) uvádzajú tieto:

- U osôb s mentálnym postihnutím bolo podľa Stoneho v roku 1994 zdokumentované 50 – 90% riziko prenosu kvapavky. Kastner hovorí dokonca o záznamoch HIV u týchto osôb.
- Rizikové faktory spojené s infekciou HIV u osôb s Downovým syndrómom sú

podľa štúdie Simonsa a Rogersa z roku 1992 rovnaké ako vo všeobecnej populácii a zahŕňajú aktivity heterosexuálne i homosexuálne, zneužívanie drog a kontaminované krvné transfúzie.

Ďalšie pohlavne prenosné choroby, ako je napr. syfilis, kvapavka, genitálny herpes, sú vzhľadom k ich prevalencii u osôb s mentálnym postihnutím, diskutované len zriedka.

METODOLOGICKÉ A PRAXEOLOGICKÉ ODPORÚČANIA V KONTEXTE ZDRAVIA

Sexuálne zdravie ľudí s mentálnym postihnutím je zložitý problém, ovplyvnený rôznymi sociálnymi, etickými, psychologickými, kultúrными, biologickými faktormi a faktormi životného prostredia. Výskumy na túto tému sú skreslené niekoľkými faktormi, vrátane závažnosti diagnózy (od ľahkého mentálneho postihnutia po ťažké mentálne postihnutie), životného prostredia (inštitúcie verzus komunitné bývanie), etiológie (Downov syndróm), malej veľkosti vzorky a zdrojom informácií (opatrovatelia alebo individuálne). Aj v týchto prípadoch vidieť, že nejednotnosť vo výskumných metódach prispieva k rozdielnym výskumným zisteniam. Takto získané údaje je preto možné len ťažko a s opatrnosťou interpretovať a nie je možné z nich odvodiť ani približnú prevalenciu HIV/AIDS u ľudí s mentálnym postihnutím. Aj napriek uvedeným obmedzeniam existujúce dáta ukazujú, že ľudia s mentálnym postihnutím preukazujú nízku úroveň vedomostí o sexuálnom zdraví a postojoch. Ľudia so stredným a ťažkým mentálnym postihnutím sú menej sexuálne aktívni ako ostatná populácia, ale sú veľmi citliví k sexuálnemu zneužívaniu. Údaje týkajúce sa frekvencie výskytu pohlavných chorôb a neplánovaného tehotenstva chýbajú, resp. sú obmedzené na určité podskupiny (napr. inštitucionalizované), ktoré však nie sú reprezentatívne. Vzhľadom na rozdielne služby v oblasti zdravotného postihnutia nie je žiaduce údaje z výskumov z jednotlivých krajín zovšeobecňovať (Servais, 2006).

Je preto treba poskytnúť komplexnejší obraz sexuálneho zdravia ľudí s mentálnym postihnutím z hľadiska pohlavia, stupňa mentálneho postihnutia a životného prostredia a rozvíjať účinné postupy založené na dôkazoch a navrhnuté tak, aby uľahčili individuálnu autonómiu a kontrolu nad sexuálnym zdravím u týchto osôb. Existuje pritom niekoľko špecifických oblastí, v ktorých je ďalší výskum sexuálneho zdravia osôb s mentálnym postihnutím kritický, a to najmä z týchto dôvodov:

1. Trend v rôznych krajinách k prechodu z veľkých zariadení k malým komunitným zariadeniam nariaďuje lepšie pochopiť sexuálne zdravie, nakoľko je v týchto zariadeniach menej obmedzení a dohľadu v každodenných životoch osôb s mentálnym postihnutím.
2. Nedostatok výskumu a z toho vyplývajúca potreba ďalšieho výskumu o sexuálnom zdravotnom stave a praktikách u mužov s mentálnym postihnutím.
3. Aj keď sexuálne vzdelávacie programy pre ľudí s mentálnym postihnutím existujú, je potrebný ďalší výskum na vytvorenie účinnosti týchto programov tak, aby zahŕňali globálne aspekty sexuálneho zdravia a prevencie zneužívania

(Whitehouse a McCabe, 1997).

4. Je potrebné posunúť sa ďalej z deskriptívneho výskumu a použiť experimentálne návrhy na overenie účinnosti niektorých sexuálne zdravotných zásahov v tejto populácii. Osvedčené postupy pre poskytovanie sexuálne zdravotných služieb nemôžu byť stanovené bez dôkazov z experimentálneho výskumu.

Pri poskytovaní komplexnej sexuálnej výchovy a zdravotnej starostlivosti pre osoby s mentálnym postihnutím je potrebný individuálny, na človeka zameraný, multidisciplinárny prístup, ktorý zahŕňa opatrovateľov, zdravotnícky personál, vychovávateľov, psychologov, učiteľov i osoby s mentálnym postihnutím.

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