

6/2011

Vol.2

www.clinicalsocialwork.eu

Clinical Social Work Journal

by International Scientific Group of Applied Preventive Medicine
I - GAP Vienna, Austria

This journal brings authentic experiences of social workers, doctors and teachers working for the International Scientific Group of Applied Preventive Medicine I-GAP Vienna in Austria, where they have been preparing students for the social practise over a number of years. Our goal is to create an appropriate studying programme for social workers. A programme which would help them to fully develop their knowledge, skills and qualification as the quality level in social work studying programmes is increasing along with the growing demand for social workers.

ISSN 2076-9741 / Online

ISSN 2222-386X / Print

CONTENTS No. 6, VOL 2, 2011

Few words from the Editor – in – Chief.....	4
<i>Jana Dundelová</i>	
STYLES OF BRINGING UP IN FAMILIES AND CHILDREN WITH ANTISOCIAL BEHAVIOUR.....	5
<i>Ludovít Hajduk</i>	
ACTUAL TRENDS IN SOCIAL JUSTICE (ETHICAL ASPECT).....	13
<i>Jan Ondřej</i>	
THE (DIS)ADVANTAGES OF ARBITRATION AND CONSUMER LOANS. „USURIOUS“LOANS.....	21
<i>Karel Preuss, Jaroslava Pavelková, Miroslav Doležal, Anna Gordeeva</i>	
THE STRATEGIC ASPECTS OF CORPORATE SOCIAL RESPONSIBILITY FROM THE PERSPECTIVE OF SOCIAL INTEGRATION OF INDIVIDUALS.....	30
<i>Roman Svatoš</i>	
JUVENILES AND CRIMINALITY IN THE CZECH REPUBLIC.....	36
<i>Martina Urbanová</i>	
SYSTEMS OF SOCIAL CONTROL AND LAW AS AN IMPORTANT INSTRUMENT OF SOCIAL CONTROL IN CONTEMPORARY POSTMODERN SOCIETY.....	41
<i>Magda Uxová</i>	
THE INFLUENCE OF THE FAMILY ENVIRONMENT ON SOCIALIZATION OF THE INDIVIDUAL.....	47
<i>Přemysl Voráč</i>	
THE WELFARE STATE VERSUS COMPETITIVENESS.....	53
<i>Andrea Hugáňová, Katarína Chovancová</i>	
SOCIAL WORK FIELDWORK WITH DRUG USERS IN SLOVAKIA.....	55
<i>Janka Kysel'ová</i>	
SOCIAL STARTING POINTS OF ETHICS.....	58
<i>Jaroslava Pavelková, Karel Preuss, Miroslav Doležal</i>	
OEDUCATION IN FINANCIAL LITERACY FOR DISADVANTAGED.....	70
INSTRUCTIONS FOR AUTHORS.....	85

IMPRESSUM
CLINICAL SOCIAL WORK, 2011

EDITOR – IN – CHIEF: *Michal Oláh*
Bratislava, Slovak Republic
michalolah@gmail.com

Peter G. Fedor – Freybergh
Stockholm, Sweden
editor@nel.edu

EDITORIAL BOARD: *Pavel Navrátil* (Brno)
Zlatica Ondrušová (Bratislava)
Marian Bartkovjak (Môle - St. Nicolas)
Dimitrij Sydor (Uzgorod)
Václav Ježek (Olomouc)
Gabi Lezcano (San Francisco)
Susan Njambi (Nairobi)
Thomas Szekeres (Vienna)
Andrea Shahum (Yale)
Beajebel Irad (Beirut)
Lenka Fabianová (Trnava)
Eva Grey (Vienna)
Claus Muss (Augsburg)
Thomas Ender (Vienna)
Michael Maes (Antwerp)
Alžbeta Mrázová (Bratislava)

COMMISSIONING EDITOR: *Alena Kollárová*
kollarova.alena@gmail.com

QUEST EDITOR: *Michal Oláh*
michalolah@gmail.com

PROOFREADER: *Zuzana Mačejová*

Few words from the Editor-in-Chief

This journal brings authentic experiences of our social workers, doctors and teachers working for the International Scientific Group of Applied Preventive Medicine I-GAP Vienna in Austria, where we have been preparing students for the social practise over a number of years. Our goal is to create an appropriate studying programme for social workers, a programme which would help them to fully develop their knowledge, skills and qualification. The quality level in social work studying programme is increasing along with the growing demand for social workers.

Students want to grasp both: theoretical knowledge and also the practical models used in social work. And it is our obligation to present and help students understand the theory of social work as well as showing them how to use these theoretical findings in evaluating the current social situation, setting the right goals and planning their projects. This is a multidimensional process including integration on many levels. Students must respect client's individuality, value the social work and ethics. They must be attentive to their client's problems and do their best in applying their theoretical knowledge into practice.

It is a challenge to deliver all this to our students. That is also why we have decided to start publishing our journal. We prefer to use the term 'clinical social work' rather than social work even though the second term mentioned is more common. There is some tension in the profession of a social worker coming from the incongruity about the aim of the actual social work practice. The question is whether its mission is a global change of society or an individual change within families. What we can agree on, is that our commitment is to help people reducing and solving the problems which result from their unfortunate social conditions. We believe that it is not only our professional but also ethical responsibility to provide therapeutic help to individual and families whose lives have been marked with serious social difficulties.

Finding answers and solutions to these problems should be a part of a free and independent discussion forum within this journal. We would like to encourage you – social workers, students, teachers and all who are interested, to express your opinions and ideas by publishing in our journal. Also, there is an individual category for students' projects. In the past few years there have been a lot of talks about the language suitable for use in the field of the social work. According to Freud, a client may be understood as a patient and a therapist is to be seen as a doctor. Terminology used to describe the relationship between the two also depends on theoretical approach. Different theories use different vocabulary as you can see also on the pages of our journal.

Specialization of clinical social work programmes provides a wide range of education. We are determined to pass our knowledge to the students and train their skills so they can one day become professionals in the field of social work. Lately, we have been witnessing some crisis in the development of theories and methods used in clinical social work. All the contributions in this journal are expressing efforts to improve the current state. This issue of CWS Journal brings articles about social work, psychology and other social sciences.

Michal Oláh

Peter G. Fedor-Freybergh

Edition of journal

STYLES OF BRINGING UP IN FAMILIES AND CHILDREN WITH ANTISOCIAL BEHAVIOUR

Jana Dundelová¹

Fakulty of Business nad Economics, Mendelova Univerzity in Brno,
Czech Republic

ABSTRACT

Bringing up of children in families is closely linked with cultural and social norms, and is part of the process of human socialization. This paper focuses on styles of bringing up that were applied in families where a child/children during their development showed antisocial or delinquent behaviour. Interaction among biological, psychological and social risk factors may lead to personality disorders and to the development of antisocial behaviour. The risk factors within the family are perceived to be: chaotic family life, parents' divorce, lack of supervision and control of child, crime in family, arguments and fights and antisocial behaviour in family. Although the influence of problematic family environment on antisocial development of children is supported by many theories and researches that studied this issue, not all results are fully explicit; these are also the questions discussed in this paper.

Key words: asocial, antisocial, delinquent behaviour, bringing up, family

The main topic of this paper is the relationship between parenting styles in families and asocial/antisocial behaviour of children. This paper discusses chosen researches and theories focused on behavioural disorders which were the cause of children's conflict with ethical and especially legal standards of the society. The literature, in this context, uses the following concepts: antisocial behaviour disorders², antisocial behaviour disorders, delinquent behaviour³, pre-delinquent behaviour⁴, pre-criminality or children delinquency⁵ and juvenile delinquency⁶. This paper deals with problematic behaviour of children that directly led to breaking of legal norms, or that was a cause of it. The terms asocial, antisocial, delinquent, or criminal behaviour are used here according to the usage of these terms by original authors whose theories and researches are mentioned here.

¹ PhDr. Jana Dundelová, Ph.D., Fakulty of Business nad Economics, Mendelova Univerzity in Brno, Zemědělská 1, 613 00 Brno, e-mail: jana.dundelova@seznam.cz, jana.dundelova@mendelu.cz

² Asocial behaviour disorders are serious deviations of behaviour from social, ethical and educational standards, but these deviations still do not have the character of crime.

³ Antisocial behaviour disorders, delinquent behaviour is defined as antisocial and illegal, unlawful behaviour, having the character of serious offences and criminal activity, and is associated with a conscious antisocial motivations, and often with aggression.

⁴ Pre-delinquent behaviour concerns such defects and behavioural disorders of children and adolescents that could without adequate professional help (e.g pedagogical and/or psychological) lead to later delinquency and criminality.

⁵ Pre-criminality or child delinquency is a term used in the professional literature for behavioural disorders of children under 15 years.

⁶ Juvenile delinquency is a term used in the professional literature for behavioural disorders for adolescents from 15 to 18 years.

Since the middle of the twentieth century, psychologists have attempted to systematize the types of parenting styles. Although many typologies of bringing up have been suggested, in all of them we can observe two basic dimensions: emotional support (responsiveness) and control (demandingness) (Durkin, 1995). Emotional response of parents is shown on the bipolar scale range from warm the cold or rejecting. Similarly, the range of parental control includes authoritarian, assertive, indifferent and neglect styles. The ideal is considered appropriate assertive control combined with emotional warmth. For example, according to Wilson and Herrnstein (1998), prosocial behaviour of children is supported by parents who are warm and restrictive, i.e. they are able to maintain a close emotional relationship, and provide clear rules for children as well. The model expressing the importance of emotions and parents' control for bringing up of children developed Maccoby and Martin (1983), who presented a model of parenting styles in which they also distinguished by two basic dimensions: support (responsiveness, warmth), and demandingness.

In light of these two dimensions (parental control and emotional support) in this paper we will discuss researches and theories dealing with the influence of raising styles on anti-social /antisocial child development. Although emotional support and parental control are inseparable, yet in the researches often outweigh one or the other dimension.

Parental Control

Positive parental control is understood as the systematic demanding of (mostly) sensible requirements, tasks for children, and consistent monitoring of the fulfilling of them. Baumrind (1989) identified three different patterns (types) of parental styles: authoritarian, authoritative and permissive.

a) Authoritarian type: For parents of this type very low warmth in their expression is typical. They are cold and often punish children; they are strict, they require obedience and respect of their authority. They are relatively intolerant to "childishness" and they expect from children the adult level of their behaviour. In communication with their children they avoid explaining and reasoning, but they rely only on the regulations and orders. E.g. "No, you can't go to the disco because I said so. And stop swearing."

b) Authoritative type: These parents are affectionate, more supportive of the child's autonomy and interests and they take note of the child's point of view. They also have quite high demands on the child's maturity, but their emphasis is on fostering a sense of independent responsibility in the child. When ordering something to a child, they try to explain the reasons for their actions. E.g. "No, you can go to a disco at night because there is a lot of bad people outside and it is not safe especially for young people like you. I would be very much worried about you."

c) Permissive type: Permissive parents vary on the emotional scale; some are warm and indulgent, others are cooler, more distant, and lack interest in the child. They have a high level of tolerance for children's needs and activities. Permissive parents score low on control/demand. E.g. "Sure, go wherever you like. Take some money from your mom's bag."

Baumrind also examined the relationship between parental style of upbringing and behaviour of preschool children. She found that children of authoritarian parents were less happy, less trusting and more withdrawn. Children of authoritative parents were more mature, more independent, more friendly, more active and more achievement-oriented. Children of permissive parents revealed the lowest levels of self-reliance and self-control.

The practices of bringing up in family and the parent-child interactions are often studied in relation to later delinquency of a child. Theories and researches emphasize that the risks of

delinquency and violence are higher among the youth whose parents ignore bad behaviour and fail to monitor compliance with the discipline because in this case the children cannot create the association between bad behaviour and negative consequences (Patterson, Reid, Dishion, 1997; Wells, Rankin, 1988). Similarly, children and adolescents who are poorly controlled, who do not adequately communicate with their parents and who are less involved in family activities, are more probably to find delinquent friends, and develop delinquent behaviour as well as violent actions (Patterson et al., 1997).

In her research Jean Bottcher (2001) studied different rearing practices parents use in relation to boys and girls. She found out that parents often support, with their bringing up styles, delinquent behaviour of boys and prevent the development of delinquent behaviour of girls. The author examined the mutual relationship between gender and delinquency in everyday life of high-risk youth. For the research she chose 29 Californian families with at least two children, one of which was delinquent. The research was based on a very detailed interview realized primarily with the children.

In everyday life of these families there were different practices that eliminated the delinquency of girls (daughters spend more time with their mothers than sons; girls are more responsible, they have more responsibilities at home; parents do not allow them to go out in the evening; parents are afraid to let them go outside alone with boys, etc.) and vice versa the parents unconsciously allowed and encouraged the delinquency of boys (boys are less responsible and it is tolerated by parents, boys are often outside, parents are not so worried if their sons are not monitored; boys have fewer responsibilities at home, parents do not mind to let them out alone with the girls, etc.). Also in the ideology of the research dialogs (in the evaluation of respondents of themselves and other members of family) the crime was defined as a male activity and the child care as a feminine activity.

The influence of parental support and control of children on the reduction of adolescent delinquency is also supported by Wright and Cullen (2001) in their concept of “parental efficacy”. Their results confirmed that children who were supported and controlled by their parents, committed less delinquent acts in adolescence, as well as in other age periods. Parental support and control constitute an important base for the “parental efficacy” and protect children from troubles. The concept of “parental efficacy” was derived from the concept of “collective efficacy” and “neighborhood efficacy” (Sampson et al., 1999), which were developed for understanding how communities realize control and provide support for the reduction of criminality (i.e. the control of children with the purpose of maintaining public order).

Gottfredson and Hirschi (1990) developed a “general theory” which is in fact a variant of “control theory”. According to this theory the tendency to commit a crime is directly related to self-control and is determined by the level effectiveness of direct parental control, which monitors, detects and punishes the wayward and stubborn behaviour. The control theory also does not ignore the importance of parental closeness; for example, Hirschi (1969) emphasizes the importance of intimate communication and relationships between parents and children.

It is also necessary to mention the opinion of the controversial psychologist Judith Rich Harris (1995); the author of one of the rare statements that parental behaviour has very little, if any, effect on the development of children. On the contrary, Harris thinks the decisive factors in the development of delinquency are genetic influences and the “group socialization”, i.e. playing in a group with other children and later activities in a group of

adolescents. Harris's article was published in "Psychological Bulletin" and she was later rewarded with the American Psychological Association prize.

Emotional support

Emotional support means real interest in/concern about the child and showing love in the circumstances of their successes and failures. Emotional support relates to empathy and emotional intelligence and cannot (cannot) be confused with hysterical manifestations of love, or so called "doting love"⁷.

Rohner and his colleagues (in Matějček, Kadubcová, 1983) developed the theory of parental acceptance and rejection (PART - Parental Acceptance-Rejection Theory) based on the results of cultural and anthropological studies in the anthropology department of University of Connecticut. In this theory they found out relation between negative attitudes of parents (i.e. hostility, aggression, inattention, indifference) and following hostility, aggression, dependency, lowered self-esteem, reduced empathy and helplessness of children. The authors emphasize that subjective experiences of the child are more important than objectively observed behaviour of parents.

The influence of sociability, angry temperament and parental support for prosocial or antisocial behaviour of adolescents examined Carlo, Roesch and Melba (1998). Their research included 80 adolescents, who evaluated their own aggression, antisocial behaviour, compassion and prosocial behaviour. Parents of these adolescents similarly talked about their sociability and asocial, angry acts, as well as their parental support. Low levels of aggression and antisocial behaviour were identified among the adolescents whose parents showed high level of support.

Supportive parents are more accepted by their children and their children evaluate them positively. These children have a sense of emotional support from their parents increased by interpersonal closeness and by expression of emotion within the family. Warm and supportive relationship between parent and child provides a safe and trustworthy base in the needs of the child and allows the child to reflect the needs of other people. Conversely, a hostile or distant parental style leads to rude and ignorant parent-child interactions, and is associated with antisocial and aggressive behaviour of children (Baumrind, 1991). Similarly, Bryant (1987) confirms that the support of mother (but not father) during a specific stressful situations, which the child is exposed to, predicts the development of child's compassion. Other empirical results show that authoritarian upbringing (including the demandingness and warmth) positively affects the sympathy and prosocial behaviour in adolescence (Baumrind, 1991). Similarly, Ge et al. (1997) points out that the lack of a sense of security, lack of attention and warmth are the risk factors conditioning the development of the asocial personality.

Also other studies confirm that the hostile and ignorable parental styles are positively related to aggressive and antisocial behaviour (Haapasalo & Tremblay, 1994; Maccoby & Martin, 1983; Pike, Barrera, & Chassin, 1993; Weiss, Dodge, Bates, & Petit, 1992). Rude and coercive raising techniques can cause deficient of cognitive processes in children, which can lead to aggressive behaviour (Dodge & Crick, 1990). Directive and emotionally cool

⁷ In the Czech Republic deficiencies in upbringing which can lead to deprivation was studied for example by Langmeier and Matějček (e.g. Langmeier and Matějček, 1974).

techniques of upbringing are in positive relation to aggressive and antisocial behaviour of children, and in negative relation to prosocial development (Maccoby & Martin, 1983).

Children with antisocial behaviour in the family and in the detention centre

Effect of upbringing styles and the environment, in which children grow up, on the development of delinquent behaviour as the main topic of research carried out by Cernkovic, Giordano (2001), who in their longitudinal study investigated the development and prognostic aspects of delinquent behaviour from the point of view of the influence of child's environment. These authors examined two groups of respondents who in their teenage period committed various delinquent acts. The respondents of the first group lived at home all the time, the respondents from the second group spent some time in the detention centre. The authors studied their life way up to the period of their early adulthood.

In the discussion of this research the results are interpreted according to "the latent trait model", which emphasizes the stability of characteristics of antisocial behaviour from early childhood, and on the other hand according to "the life-course model", which emphasize not personality traits, but weak positive social bonds that developed in adolescence and that are the cause of antisocial behaviour in adulthood.

The results show that the initial crime is a stable predictor of both groups. Antisocial behaviour is thus the more resistant and the less open to a change, the more serious crimes were committed by the offender. In comparison with the theory of Moffit (1993, 1997) - which distinguishes between "adolescent-limited offenders" who begin their antisocial careers in adolescence and at the end of adolescence they "grow up" from it and "life-coursepersistent offenders", who manifest antisocial behaviour usually in childhood and this behaviour is relatively stable throughout life) - Giordano and Cernkovich conclude that a group of delinquents living at home all the time represents more "adolescent-limited offenders", while the group from the detention centre is formed mostly by "life-coursepersistent offenders". These results support again the importance of emotional positive family environment for the prevention of delinquency.⁸

A child in family with asocial/antisocial behaviour symptoms

A frequent initiation for researches is the fact that the high incidence of antisocial behaviour in family or community where the child is brought up, increases the risk that the child will also be negatively affected. The psychological literature often discusses the theory of "contagion" of delinquent behaviour, which has its supporters and opponents.

Genetic predisposition and early experience affect sensitivity of patterns of behaviour that are very "contagious" and, therefore, some authors speak directly about the contagious of delinquent behaviour (e.g, Jones & Jones, 2000: "The contagious nature of Antisocial Behaviour"). Of course it is not perceived that antisocial behaviour is transmitted by microorganisms, but the "contagious" means to copy the dominance behaviour. Contagious in this context is understood as a social phenomenon. The idea of contagion is based on the assumption that the disease, behaviour, attitude or mood is transmitted from one person to another. The spread of anti-social behaviour in families of authors relate to the spread of

⁸ But we can assume that the criminal acts of adolescents who had to stay in the detention centre, were more serious, and therefore the prediction of prosocial development was less favourable than in the other group. (author's note)

contagious diseases. In other words, a pattern of behaviour is “contagious” when it occurs in the environment of the individual (family, social group).

Also according to Patterson's theory of psychosocial development of antisocial behaviour (1997) the chronic antisocial behaviour of children is in the direct connection with the failure of the function and management of the family. Patterson suggested that parents of antisocial children often come from maladjusted families, which are characterized by increased mobility, financial difficulties, negative changes in social attitudes, divorces, sexual abuses, antisocial behaviour of parents/parents. These parents are often unskilled and live in isolation, and they relationships with their neighbourhood are disorganized. The Patterson's model is also supported by research.

Discussion and conclusion

Many researches and theories focused on the influence of rearing styles on the development of antisocial behaviour of children correlate reasonable parental control and emotional support with the development of prosocial behaviour of children and, conversely, failure in the control and hostile or antisocial behaviour parents correlate with antisocial development of children. Nevertheless, this problem is more complicated because we must also take into account researches which came with different results (e.g. Harris, 1995, see above). Also in our research, studying mental representations of family relationships of adolescents with delinquent and pre-delinquent behaviour (Dundelová, 2003), the strongly directive behaviour of parents showed to be an ambiguous factor in the development of delinquent behaviour of children.

Similarly, the results of researches examining adopted children are not unambiguous. Some of them support “the theory of contagious”, while others emphasize inheritance. E.g. Cadorette (1978) involved into his research 246 adopted children raised separately from their biological parents. One group was made up of adoptive parents, one of which showed antisocial personality traits; in the other (control) group of adoptive parents were no parents with similar personality diagnosis. Percentage of children who developed antisocial behaviour was the same in both groups.

In addition to the styles of upbringing biological disposition of the child should be taken into account; for example, Martens (2000) compared data from various studies and concluded that the beneficial biological dispositions can protect individuals living in socially ill environment against the development of antisocial behaviour, and conversely, a hospitable social environment can protect biologically negatively disposed individuals against the development of antisocial behaviour.

The issue of parenting styles and development of antisocial behaviour is very complex and influenced by many factors that cannot be separated. The biggest contribution could be longitudinal studies involving and examining many factors (heredity, the child's personality, the personality of the parents, parents' upbringing styles, other family members' influence, other people's influence).

REFERENCES

- BAMRIND, D.: Rearing competent children. In W. Damon (Ed.), *Child development today and tomorrow*. San Francisco: Jossey-Bass, 1989, pp. 349-378.
- BAUMRIND, D.: The influence of parenting style on adolescent competence and substance abuse. *Journal of Early Adolescence*, 11, 1991, pp. 56-95.
- BOTTCHER J: Social practices of gender. How gender relates to delinquency in everyday lives of high-risk youth. *Criminology* 39, 2001, pp. 893 – 932.
- BRYANT, B. K.: Mental health, temperament, family, and friends: Perspectives on children's empathy and social perspective taking, 1987. In N. Eisenberg & J. Strayer (Eds.), *Empathy and its development* (pp. 245-270). Cambridge, UK: Cambridge University Press. In Damon, W; Lerner, R.M.: *Handbook of child psychology*. John Wiley and sons, Inc., 2006, ISBN: 0-471-2787-6.
- CADORET, R. J. (1978): Psychopathology in adopted-away offspring of biological parents with antisocial behavior. *Archives of General Psychiatry* 35, 1978, pp. 176-184.
- CARLO, G., ROESCH, S.C., MELBY, J.: The multiplicative relations of parenting and temperament to prosocial and antisocial behaviors in adolescence. *The Journal of Early Adolescence*, 18, 3. Thousand Oaks., 1998, pp. 266 – 290.
- CERNKOVICH, S. A.; GIORDANO, P.C.: Stability and change in antisocial behavior: The transition from adolescence to early adulthood. *Criminology*, 39, 2; Beverly Hills; 2001, pp. 371 – 410.
- DODGE, K. A., & CRICK, N. R.: Social information-processing bases of aggressive behavior in children. *Personality and Social Psychology Bulletin*, 16, 1990, pp. 8-22.
- DUNDELOVÁ, J.: Sebepečetí a mentální reprezentace rodinných vztahů adolescentů s delikventním a predelikventním chováním. Disertační práce. Masarykova universita, Brno, 2003.
- DURKIN, K. (1995): *Developmental Social Psychology*. Blackwell Publishers Inc., Cambridge, 1995, ISBN: 0-631-14829-9.
- GE, X., CONGER, R. D., CADORET, R. J., & NEIDERHISER,1. M.: The developmental interference between nature and nurture: A mutual influence model of child antisocial behavior and parent behaviors: Erratum. *Developmental Psychology*, 33, 2, 1997.
- GOTTFREDSON, M. R., & HIRSCHI, T (1990): *A general theory of crime*. Stanford, CA: Stanford University Press, 1990, ISBN-13: 978-0804717748.
- HAAPASALO, J., & TREMBLAY, R. E.: Physically aggressive boys from ages 6 to 12: Family background, parenting behavior, and prediction of delinquency. *Journal of Consulting and Clinical Psychology*, 62, 1994, pp. 1044-1052.
- HARRIS, J. R.: Where is the child's environment? A group socialization theory of development. *Psychological Review*. 102, 1995, pp. 467 – 478.
- HIRSCHI, T. (1969). *Causes of delinquency*. Berkeley: University of California Press.1969, ISBN 0-7658-0900-1.
- JONES, M.B. JONES, D.R.: The contagious nature of antisocial behavior. *Criminology*. 38, 2000, pp. 25 – 46.
- MACCOBY, E. E., & MARTIN, J. A.: Socialization in the context of the family: Parent-child interaction, 1983. In E. M. Hetherington (Ed.), *Handbook of child psychology: Vol. 4. Socialization, personality, and social development* (pp.1-101). New York: Wiley, 2003, ISBN: 0-471-17669-9.
- MARTENS, W. H. J.: Antisocial and psychopathic personality disorders: Causes, course, and remission. *International Journal of Offender Therapy and Comparative Criminology* 44, 4; London., Aug. 2000, pp. 406 – 430.

- MATĚJČEK, Z., KADUBCOVÁ, B.: Perceived Parental Acceptance-Rejection and Personality Organization among Czech Elementary School Children. *Cross-Cultural Research*, 18, 4, 1983, pp. 259-268.
- MOFFITT, T. E.: Adolescent-limited and life course-persistent antisocial behavior: A developmental taxonomy. *Psychological Review*, 100, 1993, pp. 674-701.
- PATTERSON, G. R., REID, B. J., DISHION T.: *Antisocial Boys*. Eugene, Oreg.: Castalia, 1997, ISBN-13: 978-0916154059.
- SAMPSON, R. et al: Beyond social capital: Spatial dynamics of collective efficacy for children. *American Sociological Review* 64, 1999, pp. 633-660.
- STICE, E., BARRERA, M., & CHASSIN, L.: Relation of parental support and control to adolescents' externalizing symptomatology and substance use: A longitudinal examination of curvilinear effects. *Journal of Abnormal Child Psychology*, 21, 1993, pp. 609-629.
- WEISS, B., DODGE, K. A., BATES, J. E., & PETIT G. S.: Some consequences of early harsh discipline: Child aggression and a maladaptive social information processing style. *Child Development*, 63, 1992, pp. 1321-1335.
- WELLS, L. E.; RANKIN, J. H.: Direct parental controls and delinquency. *Criminology*, 26, 1988, pp. 263-285.
- WILSON, J. Q. , HERRNSTEIN, R.J.: *Crime and Human Nature: The Definitive Study of the Causes of Crime*. New York: Simon and Schuster, 1998, ISBN: 0-684-85266-7.
- WRIGHT, J.P., CULLEN, F.T.: Parental efficacy and delinquent behavior: Do control and support matter? *Criminology*, 39, 3. Beverly Hills., 2001, pp. 677 – 705.

ACTUAL TRENDS IN SOCIAL JUSTICE (ETHICAL ASPECT)

Eudovít Hajduk

**St. Elizabeth University of Health & Social work, Bratislava,
Slovak Republic**

ABSTRACT

Actual trends in addressing social justice are based on discursive-ethical reflection on its principles. Current concepts of social justice are essential to the methodology based on critical analysis of liberal and communitarian theories. Through analytical and comparative methodological approach we assume that the current European theorists conceptualized in terms of ethical justice construed primarily as a basic concept of ethics and social ethics. We analyze the issue from the perspective of justice. Ethical reflections on social justice should take place from the perspective of the theory of action and the theory of institutions. From the perspective of the individual and is therefore not always so, create consistency between the benefits and considerations of justice, i. e. act so that in pursuing its own goals as not to conflict with the postulates of justice.

Key words: Justice. Social justice. Ethics.

Introduction

What differences can, the notion, concept and concepts of justice, still refer to the division of labour, cooperation and exchange on social status of the assets and other characteristics common to people and their relationships within society. The expression of justice includes the historical changes and contexts. Justice is always a relationship to that of people in society and people between them. Ideas of justice also stem from the search for common principles of life, coexistence, the evaluation criteria, patterns of behaviour and laws individually, laws and government acts, the gauges adequacy, proportionality and equal treatment, as well as the goals of creating social, interpersonal and team REALTIONS ALSO.

Discursive-ethical model of justice reasoning

Elementary rules of coexistence have become part of laws and stabilized as at least unquestioned moral imperatives. Many of them automatically adhere to the full course. They are part of our culture reflect the values that we accept. But some of us are not taking for granted, we are not quite clear why we observe them, thinking about them, challenges them, even if they knowingly accept. Automatism linked long filled, life experiences reviewed, often unwritten rules of behaviour. Manifested as stereotypes, conventions and traditions. Moment prudent fulfilment of moral standards is often linked to short-term rules, which tend to be gradually supplemented by certain official regulations, typical for the current stratified society. "Ethics is reflected in everyday human life and therefore we should assist in decision making and action in difficult complex situations. Ethics regulates our behaviour so that it is

morally right. Ethics can thus be seen as a tool to explore what is human in real life is precious and also morally right. " (Facuna, 2010, p. 138)

Really need of moral standards, the activity involves a certain limited area of human activity, are unquestionable. New situations that arise in fields such as genetics OR medicine and many other sections, are moral dilemmas, which require the formation of certain regulative, which takes the form of moral standards and become part of codes of ethics, are often procedures supported by the legislative form. Here, however, involved the creation of moral standards especially conscious rationality. The ethical reflection theory there are essentially three ways of reasoning moral standards:

(1) The descriptive part draws conclusions. Hume drew attention for this theoretical problem. Hume principle says that we can derive the standards of the facts. From what is, we do not have a chance to get what should be, since there is no rational transition from real to the right, which would ensure fair court moral force.

(2) If we can not derive normative descriptive phrases from the courts, which are stating facts, it is possible to derive standards from other standards through deduction. Inference, however, never reach the current standards, if any, compelling and most current standards is not expected. Thus we come to a situation where we are forced to accept and adopt standards deductively derived from already existing, which we recognize. So even in the deductive proof of the fact we have assumed the existence of the applicable standards.

(3) The last option, how can we justify intersubjectively valid norms, the analysis capabilities of human rationality, resulting in the creation and identification of moral standards as a recognizable and acceptable rules. Discursive ethics is moving in this way.

The founder and creator of discursive ethics, as is generally accepted, is Jürgen Habermas. Habermas returns to Kant and analyzes the role of reason in different areas of our world. Its European inspiration, Kantian tradition, embodying the ambition to grasp the evolution of thinking critically, it leads to finding and revealing the relationship between the functioning of the theoretical and practical reason. His efforts in the field of ethics is designed to transform Kant's moral theory through communication and pragmatic means. Habermas bases his approach on the theory of communicative action. It seeks to redefine the categorical imperative of Kant's position of moral principle, character monologue into a form of public dialogue. Habermas sees the main problem of the categorical imperative monologue just in the nature of moral principle, which leaves unanswered questions of the possibility of intersubjective moral courts. Kant's categorical imperative is the moral law, which makes sense of determination to act like moral imperative that obeyed the call. But what sense the moral law commands, are not specific standards. Categorical imperative can be understood as a formal procedure to determine the will. "Act only according to that maxim, which you also want to become a general law ",... respectively. "Act as if the peak of your procedure should be based on your will to become universal law of nature." (Kant, 1976, p. 62)

Categorical imperative required to live up to the role of the legislature for themselves and for others, and act according to such rules, which I want as laws, t. j. generally accepted maxim of action. But how to guarantee that what one person may want to applicable standards, will want another, and that therefore the standard in question actually valid maxim intersubjective procedure? In the case of Kant's theory can rely only on the order of reason. The controversy with Horkheimer and Adorno, who, through their interpretation of Kant's radical challenge real possibility of functionality and universal Kantian categorical standards and interpret the whole of the traditionalist position, which actually dissolves otherness, as a premise where there is a kind of ideal, but this is not demonstrated (Habermas's referred to as a myth), Habermas is back to Kant. Believes that "cleansing" of Kant's ethics metaphysical residue may be justification for the normative assumptions of morality on the basis of theoretical and communicative means. Deontological dimension of moral phenomena is no

longer here is derived from Kant as the functioning of goodwill, but of rational subordinations inherent in the communication process into which all participants as equal partners. In his work Habermas theory of communicative procedure stresses that communicative reason is directly included in the processes of social life, acts as an understanding of mutual coordination mechanism play a role in the proceedings. Habermas sees the specific competence of the human race is not in the capacity of knowledge, but the ability to use language, to participate in communication (Habermas, 1998, p. 156-157). According to T. Machalová "man we have here is not being presented as monologues, blessed with good free will, but as a being whose essence consists in the process of communication. Communication ... ceases to be the only medium of information transmission and becomes the means of interaction that is mediated by the language of the proceedings. Structuring the proceedings as a form of human being. "(Machalová, 1998, p. 117)

One participant is not only speech but also unconditionally accepts the universal validity of its requirements, such as: clarity, accuracy, reliability and accuracy. Habermas attaches to the principles of ethical communication and considers their relevance for the minimum basis of morality (see Habermas, 1984, p. 354, 355). The language is in fact covered by Habermas understanding as "telos" process of the human race as a social human life possible processes, which is always the understanding.

Acceptance and recognition of the principles of communication presupposes the existence of a certain magnitude, which can be seen as a sign of moral obligation. Normative force moment is anchored in the language and there is transmitted to all the structures which reproduce the communication. Communicative action, oriented to communication, takes the form of discourse.

Discourse procedure itself is problematic nature of validating claims of communication statements participants. It is not about exchanging information, as it is inherent in the process of cognition, but the exchange of arguments, which seeks to promote understanding and consensual solutions. Understanding requires the establishment of such a concept, which gives the possibility of eliminating forced consensus. Habermas characterizes the discourse as a form of communication, which is characterized argument thematize validity claims that are problematic and examined their capacity. Habermas points out that if we keep discourse, we need some way to withdraw from the case context and experience, here they do not exchange any information, but arguments that serve to justify (or reject) the problematic validity claims (see Habermas, 1984, p. 138).

Validity and accuracy of claims are secured, where the discourse participants respect the five basic requirements of discursive ethics:

- general requirement: no party, which affects it, what is discussed can not be excluded from discourse;
- autonomy requirement: all participants should have an equal opportunity to submit proposals and criticize the validity of claims that present the other in the process of discourse;
- requiring the adoption of the ideal roles: participants must be willing and able to empathize with all claims hovering over the discourse;
- neutrality requirement of power: power differences existing between the parties must be neutralized, and thus ultimately have no influence on the formation of consensus;
- Transparency requirement: participants must openly explain their goals and objectives and give up the strategic costs.

Moral qualities of man are then Habermas in understanding the result of its ability to be participants in the discourse, it means being able to adopt and apply principles of communication. The basic conditions are equality, mutual respect, credibility and sincerity.

Valid consensual solution, which mature ethical discourse participants must meet the "principle of universalisation. Sufficient condition for any valid norm is that all participants in the discourse will voluntarily accept all the direct and side effects resulting from joint efforts to meet the interests of each individual. (Habermas, 1996, p. 75-76) Habermas introduces the principle of universalisation as a rule of argumentation, which then allows the understanding of practical discourse. Consensual agreement becomes normative human condition of their real costs. At that moment, people explicitly express their moral qualities, and therefore justify the generally applicable principle as follows: "The discursive ethics is attributed to the validity of the standard only if those involved in this standard relates in any way possible as a practical discourse, participants agree to This standard is applied." (Habermas, 1996, p. 76)

Justice as a result of ethical procedures

Discursive ethics is ethics procedures. Habermas rejects the possibility Substance basis of ethics. His theory is based on the possibilities of understanding assumptions. In many work emphasizes the idea that moral courts must have enough ability to find every possible party to the agreement - and not just as ethical courts, but also in terms of our self-understanding and understanding of the world. One is, no matter how the process of reasoning would have to itself, is always part of the universal context.

Many critics accuse Habermas formalistic character of its conception. But the discourse procedure itself prevents absolutization specific content of moral values and uncritical promotion of ideas on just one well. In this context one can only agree with the opinion of T. Machalová that formality and universality of discourse is thus presented as a condition of the preservation of pluralism and the correction of its borders (Machalová, 1998, p. 121).

Reason of ethical standards show to a man why should act morally. The moral dilemma we ask why we have recognized, standard, and we want to hear a decisive reason to really convince us. Substance and traditional justifications have a limited effect. The pursuit of universal justification for example through the Aristotelian notion of virtue and good life in a harmoniously functioning polis in the current situation of people's lives, completely legitimate plural individual life schedules must inevitably fail. Reliance on metaphysical structure also lost in actuality. Metaphysical truth, although mostly positive, but given the currently prevailing pragmatism, as Habermas says, the lack of "good reasons".

Most attractive at first glance see empirical method of ethical justification, and hence moral standards. Empirical grounds, such as happiness, peace, peace, etc., motivate earthly interests that we can explain, and to strive to meet. With such reasoning, however, show problems with a range of standards. If morality is understood, depending on the external interest in which is very difficult to legitimize it in its context as a relevant and ethically correct, then moral action out-moral we set the values that can be easily in perspective and ethics, respectively moral standards are merely a means to achieve them. Classical ethical theory of intersubjectively not guarantee the validity of moral principle, what is claimed by discursive ethics. For example, for many people, peace is a sufficient motive for moral action, but not necessarily the general theme for each. There will always be people motivated by the prospect of profit from the sale of weapons and food in war zones who want to respect others preferred the opposite values, and therefore justify not recognize. Normative moral order is rooted in the ground outside, which denies itself the phenomenon of morality at all. In the case of classical ethics, the morality is reduced to practical wisdom, in which standards are valid because they are useful. In the published interview with T. Hviidom Nielsen Habermas states: "In modern conditions of life will no longer competing traditions can claim prima facie general application. Even in practically relevant issues so we can not base its arguments on

the incontestable authority of tradition. If you do not want to normative questions elemental cohabitation rule by direct or disguised violence, pressure, use of influence or power of a stronger interest, but non-violent persuasion by rational motivated conformity, then we should focus on range of issues, which are open to non-partisan assessment. We can not wait universally binding response when we ask what is good for me or for us or for them. Rather, we must ask, what is equally good for all. This "moral perspective" ... highlights issues that can be addressed with respect to generalized interest are questions of justice." (Habermas, 1999, p. 107) Practical discourse is in fact seen as a discursive ethic of reciprocity, public practice perspectives. The procedure takes the perspective of discourse each other and to persuade, whether it is acceptable to others. Moment of empathy gives the possibility to reproduce the relations of reciprocal recognition, and thus also ensures the identity of each individual. D. Horster in the monograph Jürgen Habermas analyzes the process of practical discourse as follows: "discursive reached agreement depends on the unrepresentable 'Yes' or 'No' to each individual, as well as overcoming the egocentric perspective. Unlimited individual freedom without comment on criticism of claims can not be effectively reached agreement with the generally true, without solidarity empathy for each other in all situations is not even possible to reach a solution that deserves a general consent. Discursive framing procedure will take into account the internal connection of two aspects - the autonomy of individuals and their irreplaceable membership of intersubjectively shared forms of life. Individuals equal rights and equal respect for their personal dignity are supported network of interpersonal relations and relations of recognition." (Horster, 1995, p. 49)

In the process of discourse to the reasoning adopted by the addressee with the standards that as a rational entity must necessarily act in accordance with reason. In a situation of moral problems one wonders, will that lead to a rational solution. Reasonable solution means a consensual solution in an equal meaningful argumentation in which arguments are accepted equally without taking into account each person, from which they originate. Good will to find the right solution in terms of the agreement between the consensual community is constitutive of rational entity as what makes rational body just what it is, if he wants to maintain its own, human dignity. Each issue of opening a dialogue in which the discursive rules should accept that consensus was possible. Efforts to search for truth is dialogical proves essential to the extent that it no one can meaningfully be rejected because the rejection of the argument and the actual act of refusal has the form of argument. Even when we think and argue, only in its own plane of consciousness, the only discourse, which would be eligible dialogic finding solutions. So while a priori argument, we recognize the fact the communication rules, without which the argument is not a meaningful argument.

Acceptance of discursive reasoning justify moral standards we see as meaningful. Purposive rationality, which often dominates discussions on solutions to moral problems, it is actually quite easy and questionable in perspective.

Moral standards are created by man and values, which become discourse through their mediated substantiated content corresponding skills and capabilities of man. The functionality of moral standards depends on the ability of man to understand their meaning, identify with them so that they become part of his own moral position. Ethical discourse is, in our view and in agreement with Habermas way that creates such a possibility.

Conclusion

Ethical reflections on justice should take place from the perspective of the theory of action and the theory of institutions. From the perspective of the individual and is therefore not always so, create consistency between the benefits and considerations of justice, t. j. act so that in pursuing its own goals as not to conflict with the postulates of justice.

The social aspect should be sought about social justice with functionality ways ruling within the meaning of the main ideas of the institution. In both perspectives into account means of justice to limit the possible means of permissible and critical analysis of real conditions and programs.

Each person and each community develops a consciousness of justice. According institutional's concept of justice is not a priori givenness and forever immutable, but is relative to life forms individuals and communities. While acting mostly as a relatively stable concept, but nevertheless subject to evolution. In my view, justice is a characteristic of consciousness that encourages cultural man, to develop and clarify its own principles of justice and considerations, as well as inter-personal discourse. These processes are influenced by the idea of justice prevailing in society.

One of the important issues of justice in an institutional perspective, the problem of justice functions. The institutions are created types of problems associated with the competencies, tasks, spaces for the conduct, duties and rights, as well as with specific value and ideas of justice.

Balance of roles - multiple roles are often coordinated with each other - is an important issue of justice. Generally clear when it is possible task relationships regarded as fair and as such ever to be reformed, it is a difficult question that would require a very extensive research. It seems to me clear that the institution must take into account the performance and protivýkon, work and wages, as well as the functionality of task relationships. Some critical aspects are easy to state: it does not matter that one gets a job, another benefit is that one has a responsibility, a different prestige, one has to risk another gain of interaction tasks. The types of tasks when you install that particular session assignments (eg business start-up, when entering into marriage, a football team preparing for a particular match ...) make appearances in the specification of tasks. This is often followed by consensus or by a unilateral determination (if the task relationships unilaterally constructed authoritative). Although this convention is necessary to ascertain what in justice and functionality. In assessing the fairness of tasks there is further evaluation of specific tasks in relation to defilujúcemu type tasks, which determines the expectation, and therefore the aspect of activities in the role as fair or unfair.

Code of Ethics for professional occupations has extensive function: to determine the legitimate expectations and assessment tasks. From a solicitor, for example expected to advise and act in the interests of the client, not with regard to higher fees, the judge is expected to try to be impartial and consider that in the spirit of the law.

Normative-institutional justice theory is an evolutionary concept of justice. Notes variability notions of justice than historical facts, and ideas about the supposed adaptation justice institutions, as well as other development institutions cleansing notions of justice. If under some theory of justice assume that justice postulates one period depends on the situation of institutionalized, which also marks the consciousness of justice, and that in a given era and social situation come to the forefront specific role of justice, then we inevitably leads to reflection, as it looks with the current justice issues of our time. Moments that the current conditio humana determine the most urgent requirements of the justice of our world? Moments, which gave priority, are perhaps only what corresponds to my subjective image of the world; otherwise directed by a man also saw other key areas. Elements of subjective perspective, however, these issues can not be excluded. We live in a giant spiral arms, in a world unimaginably high military spending and military and - it seems to me perhaps most importantly - we live in a world of nuclear weapons tests of nuclear bombs, nuclear disaster and multiple nuclear death. The danger of this situation underscores the fact that in many areas of the world, there are virulent outbreaks of crisis,

which often are not only conflicts of interest but is associated with destruction and slaughter of ideologies.

We are facing deep economic problems: problems of unemployment - one expressed by the slogan "two-thirds of Danger"; problem poverty and hunger due to the gradient between the economic areas, but in quite a drastic extent, within some affluent societies; almost unfettered power of wealth (large corporate groups and other transnational economic monopolies).

There are very serious problems of democracy, both in theory and in practice. Instead of consistent functionalist analysis draws attention to yourself Thinking succinct, demoralizing impact model competition of elites is evident, since the growing relevance of the image gives way to marketing. Personal structure can receive priority over the development of ideas of democracy.

Fundamentalist and conservative tendencies in the development of various religious communities have become highly topical two problems: (1) the relationship between church and state, and (2) the relationship between freedom of religious communities and freedom of conscience of individual personalities in established religious communities. Replies to this troubled situation here I can only suggest.

Ethos is the essence of humanity so that purposeful orientation to community interests - however defined - is characterized by moral good and fair. Ideals of the nation, religious community and other collectives or communities of interest are as follows. The fact of pluralism communities in which our modern world in every one, and the fact of coexistence of different communities, which is also a reality show this attitude in a whole new light. The current problem is not the only community in demeanour, but the constitution of relations between communities. It is currently in large and small, this is the first condition for the survival of humanity in the face of modern weapons and the current social constellations in the world. Ideals of justice of our time must be put into service this problem. Opening of communication between cultures, political systems and communities, tolerance and attempts to achieve understanding between communities, it should be our most important ideals. In the world of the threat of atomic death is not enough discussion. Towards a fairer world pacific leads only through the reduction and arms control. Nuclear deterrence as a means to avoid war, is a fallacy: even after 1945 there are still wars, although not between superpowers.

Be bound by the idea of two-thirds of the company is deeply inhumane and contrary to our most basic notions of justice, as unemployment means exclusion from society (although with the support of unemployed looking for). Changing this developmental trend, it appears achievable as the transformation of life forms and basic economic concepts. Ideals of solidarity and justice postulates here get in line. To find adequate solutions in this complex material is very difficult. But eg. eliminated dual employment is in the world a wide range of skills, postulate indefinable.

Institutional concept comes from historically - empirically well-justified argument that a democratic society can be built only on the formalism of the will of democratic processes, but also needs a system of content ideas, as well as democratic practices established by usage.

Face - to developments in the field of faith and churches become important current problems of justice. Postulates the separation of church and state seem necessary to ensure democracy and spiritual freedom. Even in relation to the religious communities are certain democratic requirements: the requirement of internal and external tolerance, recognition of freedom of individual conscience (free entry into the religious community and speeches from him, recognizing the existential rights to other religion). State should guarantee religious freedom, but also the freedom of individual conscience against intolerance in the churches.

REFERENCES

- [1] FACUNA, J. 2010. Moral principles of teaching and field social worker (Morálne princípy učiteľa a terénneho sociálneho pracovníka.) In: Mátel, A. et. al. (Eds.) 2010. Applied Ethics in social work. (Aplikovaná etika v sociálnej práci) Brno: Institut meziodborových štúdií, 2010. p. 138-145. ISBN 978-80-87182-13-0.
- [2] HABERMAS, J. 1984. Preliminary studies and additions to the theory of communicative action. (Vorstudien und Ergänzungen zur Theorie des kommunikativen Handelns.) Frankfurt am Main: Suhrkamp. 1984. 605 p. ISBN 3518576518.
- [3] HABERMAS, J. 1996. Moral consciousness and communicative action. (Moralbewusstsein und kommunikatives Handeln.) Frankfurt am Main: Suhrkamp, 1996. 207 p. ISBN 3-518-28022-8.
- [4] HABERMAS, J. 1998. Theory of communicative action. (Teória komunikatívneho konania.) In: BURAJ, I. et al. 1998. Social philosophy. Bratislava: FF UK, 1998. p. 150-180. ISBN 80-223-1284-3.
- [5] HABERMAS, J. 1999. Phasing-out revolution. (Dobiehajúca revolúcia.) Bratislava: Kalligram, 1999. 205 p. ISBN 80-7149-280-9.
- [6] HORSTER, D. 1995. Jürgen Habermas. Praha: Svoboda, 1995. 102 p. ISBN 80-205-0467-2.
- [7] KANT, I. 1976. Fundamentals of metaphysics of morals. (Základy metafyziky mravů.) Praha: Svoboda, 1976. 135 p.
- [8] MACHALOVÁ, T. 1998. Discursive ethics. (Diskurzívna etika.) In: GLUCHMAN, V. – DOKULIL, M. (Ed.) 1998. The current ethical theory. (Súčasná etická teória.) Prešov: LIM, 1998. p. 111-121. ISBN 80-967778-8-2.
- [9] VELEK, J. (Ed.) 1996. The dispute on liberalism and communitarianism. (Spor o liberalismus a komunitarismus.) Praha: Filosofický ústav AV ČR - Filosofia, 1996. 152 p. ISBN 80-7007-089-7.

Contact address:

PhDr. Ľudovít Hajduk, PhD.
St. Elizabeth University of Health & Social work
Pod brehmi 4/A
821 01 Bratislava
(Slovak Republic)
E-mail: hajduk@vssvalzbety.sk

THE (DIS)ADVANTAGES OF ARBITRATION AND CONSUMER LOANS. „USURIOUS“LOANS

Jan Ondřej

Private University College of Economic Studies, Ltd., Praha, Czech Republic

ABSTRACT

The paper considers the advantages and disadvantages of the arbitration in comparison with the court procedure. There is a question whether the arbitration satisfies the justified claims during the provision of consumer credits and loans or whether it is advantageous only for one side – the creditor. Is the weaker party – the consumer – reasonably protected?

Key words : arbitration, consumer credits, loans

At present individuals borrow large amounts of money on the basis of loan contracts and consumer credit agreements. The parties of these agreements are a natural person on one side and banks, but also quite a number other institutions, on the other. The problem is that some of the providers of finance, some of the creditors, and namely the non-banking institutions require high interest on the loans and credits set in the loan agreements. Some individuals often accept these agreements when they need the money. Not always however are they aware of the fact that they might get into a situation when they will not be able to pay back the high interest which as a rule increases day by day. They get in position of debtors who are behind with the payment of their debt. In that moment creditors often turn towards debt recovery. Apart from the possibility of the out-of-court settlement and the illegal practices of debt recovery there are two possibilities of legal recovery: court of judicial proceedings or the arbitration according to civil procedural law.

1. Court procedure and arbitration and their relationship

Civil procedural law is understood as a system of legal norms that regulate the civil law process i.e. the court procedure but also the work arbitration bodies, activity of the participants of the procedure and other subjects involved in providing fair protection of rights and justified interests in civil right relations as well as procedural relations which arise from the above mentioned subjects during this activity

Jurisdiction of courts in civil law procedure and their competence is governed by Act No 99/1963 Coll., the Code of Civil Procedure (CCP). The jurisdiction defines the disputes and other things that can be decided by court in civil law procedure. Civil law courts hear and decide civil law, labour, family and commercial matters. Arbitration is governed by Act No 216/1994 Coll. on Arbitral Proceedings and on Enforcement of Arbitral Awards, as subsequently amended (Arbitration Act – AA).

The relationship between the court and arbitration proceedings is regulated by §106 of the Act No 99/1963 Coll. „As soon as the court determines, based on the objection by a party that

arbitral proceedings are required in accordance with the arbitration agreement, the court shall terminate the judicial proceedings.“

The court shall continue with the judicial proceedings if the parties declare they do not wish to be bound by arbitration agreement.

2. Arbitral Proceedings

Czech law regulates the arbitration proceedings in the on Arbitration Proceedings and on Enforcement of Arbitration Awards, Act No 216/1994 Coll. The Act regulates the adjudication in property disputes through independent and impartial arbitrators and the enforcement of the arbitration awards (Article 1 216/1994 Coll.)

This act allows the parties in domestic or international trade to agree, in case of a property dispute between the parties, on the arbitration of one or more arbitrators or a permanent arbitration court.

The provisions of the Act No 216/1994 Coll. however apply only when it does not collide with an international treaty of which the Czech republic is a signatory (§ 47 of the Arbitration Act). For example, the European Convention on International Commercial Arbitration of 1961 (Act No 178/1964 Coll.).

The basis of the arbitration proceeding is the arbitration agreement (arbitration clause) (§ 2 AA) which can refer to:

- a) an individual already existing dispute (agreement on the arbitrator) the dispute between the parties already exists,
- b) all disputes that might arise in future out of a given legal relation or (arbitration clause) or,
- c) of several defined legal relations in a restricted area of legal relations (unlimited compromissum) –

Act 216/1994 Coll, however considers this arrangement an arbitration clause. It is an amount of relationships which is unknown to the parties at the time of the conclusion of the contract.

Arbitration agreement is most frequently encountered in the form of arbitration clause Subsection b).

An example of the arbitration clause contained e.g. in purchase contract as one clause of the contract. "In case a dispute over this purchase contract arises the dispute shall be arbitrated by the Arbitration Court attached to the Chamber of Commerce of the Czech Republic and the Agrarian Chamber of the Czech Republic in Prague."

The arbitration agreement must be concluded in written form otherwise it is void. Arbitration Act requires arbitration agreements to be made in writing. An arbitration agreement made by telegram, telex, or other electronic means, enabling the contents of the agreement to be ascertained and the parties to the agreement to be determined, is deemed to have been made in writing. (§ 3 AA).

If the arbitration agreement is contained in general terms and conditions governing the main contract to which the arbitration agreement applies, then the arbitration agreement is validly concluded if the offer of the main contract is accepted by the other party and there is no doubt that this acceptance extends to the arbitration agreement.(§ 3, subsection 2 AA). This form of arbitration clause can sometimes give rise to problems. For example The House Rules containing an arbitration clause. In one case the House rules containing the arbitration clause were delivered to the obliged party which the obliged party had to confirm by signing the invoice which listed the costs of services. A photocopy of the invoice was presented. The invoice contained the date, the signature of the obliged party and the clause, that the obliged party received apart from the invoice also the House rules. The obliged party however denied that claiming that it received only the invoice and that the clause was added later and as a proof presented the photocopy of the original of the invoice where there was no clause of the

reception of the House rules . Arbitration agreement can be a part of the business contractual conditions.

In relation to lending money we can encounter where there is no valid arbitration agreement. According to the Supreme Court of the Czech Republic resolution where there is no arbitration agreement the arbitrator is not entitled to decide in a property dispute. Notwithstanding the fact that the obliged party was passive, did not take part in the arbitration process, did not challenge the non-existence of the arbitration agreement and that the arbitral award was delivered to it Based on the Act. 216/1994 Coll. it can not be assumed that the passivity and non-activity of the sued party in the arbitration could result in subjugation to the authority of the arbitrator. Such consequence could only be connected with such behaviour of the sued party who would be active during the proceedings of the dispute but failed to object the non-existence of the arbitration agreement and the plea is raised not later than the first step in proceedings relating to the merits of the dispute (§ 15 Subsection. 2 AA). A different situation would be if the arbitration agreement was concluded even if not in a valid way. In that case the arbitrator would have the authority to issue an arbitral award The protection of the sued party would consist in the plea against the arbitral award (see below).

In the arbitral proceedings, parties can choose individuals who shall discuss and decide on their dispute. They are entitled to set the number of arbitrators. Conditions for arbitrator eligibility is the unrestricted capacity to undertake acts in law, being of full age and a citizen of the Czech Republic. Another condition is that the person is not a judge (§ 4 AA refers to this in a remark). A foreign citizen may act as arbitrator provided that he (she) enjoys the capacity to undertake acts of law in his (her) country, it shall suffice if he (she) enjoys such capacity under the law of the Czech Republic (§ 4 AA). There are no other pre-conditions for the arbitrator set in the Arbitration Act. The final number of arbitrator shall be always odd (§ 7 AA).

Providing there is no clause about the arbitrators and their number in the arbitration agreement each party nominates one and these arbitrators elect one to chair the proceedings The parties can define how shall the arbitrators proceed.

The arbitrators can reach a decision only on the basis of written documents if the parties authorize them to do so. Unless otherwise agreed by the parties, the proceedings shall be oral. For example: “the arbitrators discuss the issue and decide on the dispute on the basis of written documents with oral proceedings”. The proceeding shall not be public (§ 19 AA).

Arbitrators can hear the parties, witnesses or expert witnesses only if they appear voluntarily If the arbitrators come to the conclusion that all aspects of the dispute hearing were satisfactorily cleared they announce that the oral proceedings of the dispute are concluded and issue an arbitral award.

Neither the Arbitration Act not the European Convention on International Commercial Arbitration define the term arbitral award. We can define it as the final decision of the arbitrator (arbitrators) about the thing itself and is considered, provided it is delivered to the parties, to have the same legal validity as valid court of justice verdict.

The written award shall be served on the parties. The award shall be upon its service provided with the legal validity clause. (§ 28 Subsection 1 AA). The award must be delivered to the parties. Problems also arise with the delivery. The Supreme Court decided upon a case , when the written award was sent as registered delivery to the address which was on the loan contract. The arbitration clause was a part of the general loan contract. A part of the arbitration clause there was a provision „For the purpose of delivery of written documents within the contractual relation and also for arbitration purposes both parties agreed they shall use the addresses on the cover page of the contract. In case of address change the parties are obliged to announce this in writing to the other party of the contract. In case that the mail returns as undeliverable to the above mentioned addresses it is considered being delivered on

the day following the day the mail was returned to the sender even in the case the addressee was not aware of the delivery“. The mail with the written arbitral award was sent to the address on the loan contract by post. It was returned to the sender with the post office note that the addressee (obliged) is unknown at the address. On the basis of the post office note and according to the provision of the arbitration clause the arbitrator marked the arbitration award as coming into power (becoming valid), even though the other party, the obliged did not know about the delivery.

In the above mentioned case the arbitration clause reflected the possibility that the parties can agree on the procedure to be followed by the arbitrators in conducting the proceedings (§ 19 Subsection 1 AA). The Supreme Court however ruled that the actual delivery of the award is not part of the procedure of the arbitrators conduct of the proceedings. The arbitral proceeding is concluded by the issue of the arbitral award. According to the Supreme Court the issues which and where the disposition with them was not used or issues which do not fit in the frame shall be applied according to §30 AA i.e., unless otherwise stated according to the provisions of the Civil Procedure Code as appropriate. The agreement was, according to the Supreme Court, in discordance with the rules of delivering as in § 46 Subsection 4 CCP, which is applicable for the delivery. The agreement is void in the sense of § 39 of Civil Code. The agreement with stricter rules for delivery in the arbitration clause is therefore not admissible. The findings of the Supreme court were criticized by the Liberal Institute. According to it the Supreme Court among other things restricted the arbitration in the sense of delivering arbitral awards by less effective rules which are valid in the state judicial proceedings.

In another case which the Supreme Court resolved was the execution title beneficiary Home Credit, Corp. the parties agreed in the arbitration clause and in the Arbitration Rules (see Chapters 8 – 12 of the Credit Conditions which are an integral part of the credit conditions) stricted principles of delivery (namely the obligation to announce any change of address to the other party) aiming at preventing a situation when the current place of stay of the participant is unknown or there is no address where to deliver his (her) mail. In the sense of the above mentioned agreement, under the procedure of conducting the proceedings according to § 19 Subsection 1 AA it is necessary to include also the delivery of written documents of the arbitral proceedings. The problem which occurred in this case was the fact that the company Společnost pro rozhodčí řízení, a. s. (Society for Arbitration, Corp.) is not the Permanent Arbitration Court in the sense of § 13 AA. According to the Court of Appeal it is not entitled to issue statutes and rules that would be binding for the participants of the arbitral proceedings.

The arbitral award which is delivered to the parties is final and binding. It has the legal validity of a court decision. In the Czech Republic there is no central register of the disputes which were processed and decided in the ad hoc arbitral proceedings. According to § 29 Subsection 2 of the Act 216/1994 Coll. the arbitrators are bound within thirty days following the legal validity of the award to transmit the award to the District Court within the jurisdiction of which the award was rendered. The arbitral award provided with the legal validity of the award together with all documents manifesting the course of the arbitral proceedings. In case the award has been rendered outside the territory of the Czech Republic there is no need to transmit it to the custody of the Court of Law.

There is no possibility to appeal against the recommendations of the arbitral award. The Arbitration Act admits the setting aside of the arbitral award by Court of Law upon application of any party. The application should be made within three months from the date on which the party making the application had received the award (§ 32 AA). The Court of Law may set aside the arbitral award on application if it fulfills the conditions set out in § 31 of the Arbitration Act. The award shall be set aside, if it has been rendered in non-arbitrable

matters. The arbitration agreement is void for other reasons or has been terminated or the discussed matter falls beyond the scope of the arbitration agreement. Another reason can be the fact that any party has not been given an opportunity of presenting their case to the arbitrators or the arbitral award lays the party under an obligation to a performance not claimed by the beneficiary party or to an impossible performance or to a performance not allowed under the domestic law etc.

3. Advantages and disadvantages of arbitral proceedings in comparison to judicial proceedings

3.1 Advantages of arbitral proceedings

- Parties can influence not only the place of the proceedings, selection of arbitrators, number of arbitrators and procedure rules,
- arbitrator act as private individuals and do not have the status of state bodies, the arbitration institutions are not state bodies either. Another advantage of the arbitral proceedings is the fact that arbitrator are no necessarily only lawyers but also experts from other fields,
- smaller formality of the arbitral proceedings,
- speed in resolving disputes, which rests in several factor. Arbitral proceedings have a single-instance proceeding unless the parties beforehand agree upon the possibility of the arbitral award review.

The most commonly held view is that the basic advantage of arbitral proceedings is the speed of resolution of the issue in comparison with general judicial proceedings .

3.2 Disadvantages of arbitral proceedings.

- The single-instance form of proceeding can be a problem by itself because it does not allow the possibility of review of the award and it can be considered a disadvantage. The arbitral award can only be reviewed by the court of law under the circumstances precisely specified by law (see above). The possible injustice of the arbitral award does not represent such a case.
- Provided the arbitration clause or arbitration agreement contains a clause that the arbitrators are entitled to according to the general principles of justice they are not obliged to decide solely on the basis of substantive law, but also beyond it ,
- a complaint against the arbitral award to the Supreme Court of the Czech Republic is not admissible ,
- there is no possibility of the application of the law of liability for the damages caused by exercise of the public administration by decision of faulty administrative procedure. Czech Republic is not liable for damages caused by wrong arbitral award ,
- arbitrator have no status of civil servant / public agent and can therefore not commit the crime of abusing the status of civil servant .

The principle that the arbitral proceeding shall not be public unlike the judicial proceedings is also not unambiguous. The principle is sometimes criticized.

From the above mentioned cases can be deduced that there is a certain danger that the stronger party – the provider of the loan or credit – can abuse its position and the lack of knowledge of the other side. This can lead to the attempt to conclude an arbitration agreement which does not fully respect the law or circumvents parts of the law; sometimes there might be an issue of arbitral award even without arbitration agreement. A well-known case in the Czech Republic is the arbitrator Bc. Sandra Svobodová, who decided on disputes as arbitrator

without any arbitration agreement, which is the basic pre-condition for a dispute resolution through arbitration, and also claimed that Czech lawyers are unable to interpret the provisions of the Arbitration Law and as a result caused bankruptcy and liquidation of several companies

According to Wohlfarth, H., D. et al., arbitral proceedings are advantageous especially in resolving disputes between big companies where big amounts are disputed and both parties are interested in further mutual cooperation. Or when both parties are interested in keeping the dispute non-public. They usually mean the international commercial arbitration but the same can be also said about the arbitral proceeding within one country. In any case it is necessary that both parties approached their relationship in accordance with the rules of good business manners and fair business relation on the basis of equality and non-discrimination.

Problems connected with arbitral proceedings in relation to loans and consumer credits are usually concerned with the ad hoc arbitral proceedings. The above mentioned ruling of the Supreme Court were concerned with these proceedings. It is to a great extent an issue of the arbitrators who, apart from the requirements concerning the age and capacity to undertake acts of law, can be any person.

Beside the ad hoc arbitral proceedings the arbitration can take place in front of Permanent Arbitration Courts that are established according to Arbitration Act (§ 13 Subsection 1 AA). There are currently three Permanent Arbitration Courts in the Czech Republic. They are the Arbitration Court attached to the Stock Exchange, the Arbitration Court attached to the Commodity Exchange Prague. The only arbitration court with general competence is the Arbitration Court attached to the Economic Chamber and the Agricultural Chamber of the Czech Republic. However, sometimes problems arise even in this direction, as some legal persons pretend to be permanent arbitration courts and claim that their statutes and procedures as binding for the participants of the arbitral proceedings (see above).

K. Růžička claims, that Arbitration Court attached to the Economic Chamber and the Agricultural Chamber of the Czech Republic services are used by an ever increasing number of persons both from within the country and abroad. This arbitration court draw up a list of arbitrators and only a person who has acquired through their activity eligibility for being arbitrator, mainly whose personal qualities provide guarantee for qualified and fair decision making. The average time between lodging the statement of claim and the issuing of the arbitral award is around four months.

4. The expected amendment of the Act on Arbitral Proceedings and on Enforcement of Arbitral Awards and the loan consumer credits contracts

Most problems of the arbitration proceedings are connected with the ad hoc proceedings which is usually commenced on the basis of an unpaid debt in a loan contract with civil law. Loans are provided with extremely high interest rate. Civil Code does not regulate or set any limit on the interest but if the interest rate is significantly above the commonly encountered interest rates in business relations refers to such activity as breaking the good manners. Such contract would be void in the sense of § 39 of the Civil Code. As J. Bureš (vice-chairman of the High Court in Prague) comments, in case of arbitration proceedings he has not encountered such case where the statement of claim was upheld or the contract penalty was lowered on the basis of being contracted against good manners. It would be “usurious” loan, there was encountered a case where the usurious loan had the interest rate 2900%.

Problems connected with either the personality of the arbitrator or the arbitral proceedings itself, especially related to consumer credit contracts led to the necessity of amendment of the Arbitration Act. The amendment was prepared at the beginning of 2010.

According to the explanatory report of the prepared amendment of the Arbitration Act aimed at protection of volitional element and the equality of autonomous will of the contractual parties the strengthening of the formality of the arbitral agreement of the consumer credit contract was proposed. Contracts according to Act 321/2001 Coll., about some conditions concerning the consumer credit contract and so the amendment did not influence the consumer contract according to § 52 of the Civil Code.

The amendment proposal of 2010 therefore referred only to the consumer credits. The problem of this proposed amendment was that many companies provide loans and not consumer credits. Those creditors who lend money on usurious interest would remain untouched. Therefore, the amendment of the Arbitration Act 2010 would not be significant. Provided the law makers had protection against usury on their mind they would not reach their aim.

A proposal of the amendment of the Arbitration Act was further discussed in 2011. It was stated that with respect to the consultation and evaluation of all the considered alternatives the conclusion was reached that the amendment of the Arbitration Act will be made with the aim to introduce certain mechanisms for the protection of the consumer and to prevent the abuse of the arbitral proceedings.

In comparison with the proposal of 2010 the new proposal covers the consumer contracts in the sense of §52 of the Civil Code. 40/1964 Coll. It refers not only to consumer credit contracts but to all consumer contracts. These are contracts where one party of the contract is a consumer, a natural person, which does not deal in its business or other enterprising activity, and the other party is the supplier, a person, which concludes the contract as a part of its business or other enterprising activity. These contracts can be of different character including the loan contracts.

The major means of the protection of the consumer proposed is the stress on informing the consumer and that through direct legal means. The arbitration contract is an agreement which has substantial importance for the consumer. By signing the agreement they renounce their right for judicial proceeding in the court of justice which can significantly influence their rights and obligations.

It is stated in the proposed amendment that if the arbitration agreement for a dispute resolution arising out of consumer contracts is concluded it must be on a separate sheet of paper and with signature of both parties otherwise it is void.

This arbitration agreement must also contain the following information

- a) whether in case of a dispute it is going to be resolved by one or more arbitrators or by a permanent arbitration court,
- b) about the way the arbitral proceeding shall be initiated,
- c) about all estimated costs which may arise out of the arbitral proceedings and be borne by the consumer,
- d) about the place where the arbitral proceedings shall be,
- e) about the delivery of the arbitral award to the consumer,
- f) whether the arbitral award can be reviewed by other arbitrators or not and
- g) whether the valid arbitral award is judicially enforceable

The Ministry of Justice can issue a standard arbitration agreement for the resolution of disputes arising out of consumer contracts through a statutory instrument..

This regulation is in the interest of the consumer protection as it requires that the arbitration agreement for resolution of disputes arising out of consumer contracts shall be concluded on a separate sheet of paper containing the signatures of both contractual parties. The requirement that the arbitration agreement shall be a separate document shall lead to recognition of the importance of the arbitration agreement by both contractual parties and that by concluding it they expressly agree with the content. In other words it shall not be “hidden” in the remaining

text of the contract.. A failure to comply with these formal requirements constitute a reason for the invalidity of the arbitration agreement.

Another form of consumer protection found in the proposal of the amendment , is the possibility to turn to the court of justice in case that the arbitral award is in contradiction to the substantive law applicable for the dispute. However, to respect certain benefits of the arbitral proceedings the proposal restricts this right. In contradiction to the current conception of § 31 AA the possibility of factual review of the arbitral awards arising out of consumer disputes It can be expected that there will be a trend in the European law which shall lead to the rule that by signing arbitration agreement the consumer does not lose their right for judicial review of the matter. The application for setting aside the arbitral award however shall not have the deferring effect.

The proposal also brings stricter qualification prerequisites for the arbitrator , who is entitled to resolve disputes arising out of consumer contracts. Considering the fact that arbitral proceedings are single-instance proceedings and its result can be enforceable arbitral award the state should be a guarantor that the arbitrator is a trustworthy person. It is also proposed that only people with a university degree can become arbitrators in resolving disputes between entrepreneurs and consumers. The arbitrator shall be an integral person who has not been found guilty of and sentenced for a crime unless it has been made to be considered as such person by the president of the country or a special decree.

Another proposed amendment is the introduction of a register of arbitrators , who meet the stricter qualification prerequisites.

The list shall be public and shall contain the basic data about the arbitrator. The list shall be kept and updated by the Ministry of Justice of the Czech Republic. One of the condition for inscription in the list shall be that the person was not crossed out from the register in the last 5 years and that they have paid the inscription fee of 5 000 CZK to the Ministry.

Ministry of Justice shall cross out from the register a person whose arbitral award has been repeatedly cancelled or a person can be temporarily crossed out when it is suspected of committing a crime for the time of the investigation.

Conclusion

Some resolutions of the general courts of justice have recently contributed to higher protection of consumers. As an important example of such verdicts is considered the resolution of the High Court in Prague caption of the file 12 Cmo 496/2008. The ruling concerns the so called arbitration centers that can be considered as permanent arbitration courts (see above). Their activity is not contradicting the law if these centers support individual arbitrators who were entitled by parties to resolve their disputes by arbitration. However, if the arbitration agreement referred to a legal person who is not an arbitration court established according to the law and refer to the statutes and procedure set by this legal person for the selection of arbitrators as well as the procedure of conducting the arbitral proceedings, then such arbitration agreement is void in the sense of § 39of the Civil Code because of circumvention of the law . The arbitration agreement should in such cases include the name of the future arbitrator or the way they shall be selected. The court of justice shall decide about the validity of the arbitration agreement in case these facts are not contained in it.

As a conclusion it can be stated that for natural person (consumer) it is more appropriate if it is possible, to use judicial proceeding in general courts of justice for their dispute resolution. In case of arbitral proceedings they should prefer permanent arbitration courts established according to the law. Natural persons, however, cannot avoid the ad hoc arbitral proceedings. The amendment of the Arbitration Act seems necessary in this respect and it could especially bring protection of the consumers. In case that the proposal of the Arbitration Act amendment

passes the judicial review of consumer contracts will be possible. The consumers will have a chance to turn to the court of justice if they feel they were harmed in their rights.

Contact address:

doc. JUDr. Jan Ondřej, CSc., DSc.
Soukromá vysoká škola ekonomických studií, s. r. o.
Lindnerova 575/1
18000 Praha 8
jan.ondrej@svses.cz

THE STRATEGIC ASPECTS OF CORPORATE SOCIAL RESPONSIBILITY FROM THE PERSPECTIVE OF SOCIAL INTEGRATION OF INDIVIDUALS

Karel Preuss, Jaroslava Pavelková, Miroslav Doležal, Anna Gordeeva

**The College of Banking, Praha, Czech Republic
The Russian University of Cooperation, Moscow region,
The Russian Federation**

ABSTRACT

Corporate social responsibility issues in business are already many years one of the widely discussed topics. It's a global issue and has recently become increasingly important not only in developed countries but even more in countries of the so-called "third world". The term "corporate social responsibility", we must imagine not just charity, but a strategic approach that ensures the participation of the entrepreneurial subject in the social life on a wider scale. And, certainly, it does not to be any kind of philanthropy, but ensuring its own fundamental goals. It is an illusion to imagine that without the integration of the vast majority of working-age population in the labor process will be to maintain a necessary degree of economic and social stability, and ensuring the necessary conditions for long-term business activity.

Keywords: Corporate social responsibility, strategy building, social psychology of business, social exclusion, unemployment, socialization

The social function of business

The issue of social responsibility is a subject of discussion for nearly four decades. The opinions expressed in the discussion on the meaning and essence, however still differ considerably. Especially from outside, from the environment of various nonprofit organizations, volunteers, philanthropists, the corporate social responsibility is seen as something to complement the business. When talking about the topic, managers itself either to be rather skeptical – and basically just accept the above mentioned approaches, or to see it more closely as an activity to accompany their own business. This view is reflected in literature and we meet with him routinely in practice. The very concept of "social responsibility" is not clearly defined. For example Trnková justifies this condition (l.c.) „It is due to the fact that corporate social responsibility actually does not define the specific boundaries, and is based on a voluntary basis. It remains the trend calling for the reorientation of firms from short-term targets, from the maximum to optimal profit.“^[9]

Previous approaches to the concept of corporate social responsibility of businesses ignore several facts. First – that the business itself is not purely economic, but a social activity that is not possible without maintaining a broad social ties and interactions, going far beyond mere relationships with suppliers and customers. Similarly, the employment of workers cannot be

⁹ TRNKOVÁ, J. *Společenská odpovědnost firem: Kompletní průvodce tématem & závěry průzkumu v ČR*. Praha : Business Leaders Forum, 2004. 56 s., ISBN sine. Dostupné z <http://www.blf.cz/csr/cz/vyzkum.pdf>, [cit. 12. 4. 2011].

understood just as an addition to the necessary technology. Employees are people, gifted by their own will, human dignity, without which we cannot even imagine the social integration of people that must be respected even in the working relationship.

Even through their basic activities of the companies fulfill their social mission. On the other hand, it is truth that many entrepreneurs and managers are focused on profit, as the main objective of its activities. They do not recognize a service that makes the foundation of business, do not perceive risks, they necessarily take on in the process of doing business (or at most as a necessary evil, not as part of their mission).^[10] This shift in the understanding of business reflects a clear shift in the perception of basic functions such as the economy – from the economic base of human existence to the creation of wealth. The above attempts to define the content of the concept of corporate social responsibility will then appear as an attempt to reflect the new state and the "correction" of its shortcomings.

Ancillary functions of business, profit as a reward for the entrepreneur himself at risk-taking, acquires the resources and transforms them into a product (regardless of whether tangible or intangible), which means the market offers potential customers was an important base for business ethics, which thus reflect social role of business. Focusing on the strategic effectiveness directs us to the level of basic issues, which necessarily become entrepreneurs, which includes both economic substance, as well as psychological support, closely linked.

- Why, for what purposes, for what purpose to create and run a business?
- What is the capacity of the market?
- Who are our customers?
- What can we do for them what, they can suggest?
- How to do this most effectively?

The economic content of these questions is obvious. The psychological nature is determined by the market offer is made - in the broad sense – by a man and for a man. Man through his initiatives and activities transformed the resources into a specific business.

To answer the first question of the market, the entrepreneur is forced to consider the business objectives of his business, why to do the business. He target, which appears as the ideal image of a desirable, desired fertility, is primarily a psychological phenomenon. However, the issue of the objectives of business may seem simple, the answer is not entirely clear.

In many cases the vision of profit raise displaces an important psychological idea of human self-realization and the related tasks of determining the degree of their own wealth, get great freedom associated with the status of entrepreneurs in comparison with the status of rental worker, the possibility to carry out his idea.

The second question consists in determining the volume of the market seems to be quite economical, but at the same time being she has a direct bearing on the question of self-realization of human personality. Misidentified the relationship of supply and demand can make the creation of businesses since the beginning of unprofitable and the entrepreneur insolvent. Psychological consequences of such insolvency due to the unprofitability have a serious impact on the decline of self-esteem of such businesses.

One of the paradoxes remains a change of business goals; it is a phenomenon of confusion when the work is a means of self-realization and gaining a sense of wealth itself as the target in the "business itself – the business thrust down the man. Property, money is a means of changing the obvious goal, wantless any clarification, easily and imperceptibly introducing replacement of the original intention. But this substitution also demonstrates a practical consequence of the above-mentioned changes in understanding the overall meaning of the

¹⁰ KULDOVÁ, L. *Společenská odpovědnost firem - etické podnikání a sociální odpovědnost v praxi*. Kanina : OPS, 2010. 193 s., ISBN 978-80-87269-12-1.

economy. Other issues bring us to a comprehensive group of consumer products business, and lead to socio-psychological examination of laws in this sphere. Their use ensures the effectiveness and implementation of strategies and healthy economic growth.

The market and its operation

The concept of real possibility of the existence of an ideal market gets tears not only in response to the recent financial and economic crisis. Already in 2005, Deborah Doane noted in an article published in the *Stanford Social Innovation Review* ^[11] that in fact the real market is not behaving in this manner, and that there are four myths about the behavior of the market that do not correspond to reality. There are the ideas that (l.c.):

1. "The market can provide both short-term profits and long-term social benefits." According to Doane, however, not only the interests of corporations seeking profits and the wider society are in conflict, but that socially responsible investments in these corporations are run two to four years, bought by public companies as a result of frequent demands of capital markets.
2. "Ethical consumer will drive change." The findings of Doane do not correspond, she writes: "Most surveys show that consumers are more interested in things like price, taste, or use-by date than ethics. The success of Wal-Mart is certainly a good example in this regard."
3. "It will be competitive 'race to the top' of the ethics of the business." While corporate social responsibility often mouth in the "offer good PR, of course, to be liked by companies, "In some cases, businesses may be able to earn a well-intentioned efforts, such as merely signing the *UN Global Compact*, without necessarily having to actually change their behavior."
4. "In a global economy, countries will compete for the best ethical practices." Although companies often claim that their presence in the "developing" countries will improve the health, environment and working conditions, Doane shows that "companies often fail to promote voluntary standards of behavior in developing countries, arguing instead that they operate within the legal conditions in the countries in which they work. In fact, competition for foreign investment among developing countries has led governments to reduce their insistence on strict observance of human rights or environmental standards to attract investment."

It is thus obvious that among the concept of an ideal of the market as fully autonomous and self-regulating environment, and the reality is a large gap. At this point we cannot address in detail the philosophical and psychological consequences of these shifts (the psychological issues we have partly touched on above). It is sufficient if we can recognize them in finding answers to the question of how to perceive the issue of social responsibility in business and how are immanent associated with the very basics of business.

A comprehensive approach to corporate social responsibility

Currently, as a socially responsible corporate behavior understands conduct that reflects the needs of internal and external environment contributes to sustainable development, it is transparent and generally helps to improve the overall state of society in its business activities

¹¹ DOANE, D. *The Myth of CSR*. In *Stanford Social Innovation Review*, Fall 2005. 23-29.

beyond this framework. In essence, the companies and their management requires not only act as business operators, but also social ones. To what extent such requirements are warranted, it is an important issue. If our expectations were too high, they could not be fulfilled without the business activity itself was threatened or harmed confessed.

Above all, have been convinced that it is necessary to prove actual economic interest in strengthening the social role of business. We cannot argue just the fact that the business without regard for the interests of society, the interests of wider areas of business entity, could threaten its existence itself (both in terms of loss of quality human resources, loss of image, or to be irreversible environmental damage to the extent that would prevent the continuation of the business). This threat, however real, will do many entrepreneurs and managers to look too far, many of these problems will be seen as a brake in a competitive struggle for survival on the market. With such an approach might be willing to make some philanthropy, but charity cannot replace the system solution that is required.

The stability of society can easily be compromised if the destruction of its structure. They are aware of the consequences of pauperization of the middle classes, which in the past led to radicalization and the rise of fascism, currently such events create social base of terrorism. Their removal is very difficult and require that the managements of enterprises realize how threatening can be for themselves.

A certain level of unemployment is a "systemic" and serves as a cautionary example of the elites for other social strata. Growth in the number of socially excluded, and in particular the disintegration of the middle classes of society, however, cause a dangerous radicalization, threatening the social stability of society and in its consequences also the stability of the business. In the Czech Republic shows a marked increase in the number of unemployed since 2009. An increasing number of people are coming into the state of social exclusion^[412]. Some reform proposals – particularly those in the context of pension reform, partly also health reform – and undermine the social stability of the middle class¹³.

Strategy as a basis for addressing corporate social responsibility

Taking into account that the business is a set of long-term activities aimed at meeting the various needs of different bodies (which are not close and constantly evolving set of goods and services), it is clear that the company becomes a natural part of a broad spectrum of social ties. Each firm is a natural intersection of interests of various agencies, which are associated therewith or surrounding it^[14]. It is just the long-standing nature of business, with the fact that the stability of the results achieved with the value of becoming an independent, award-winning capital markets, banks and rating agencies require that businesses pay more attention to strategic approaches and their enforcement in practice. To be successful long-term business, cannot do it from a certain range of business without a well-prepared strategy. Its complexity also ensures the combining all corporate functions, including those with strong social character and in this sense, possibly going beyond just economic necessity.

Quality workmanship business strategy, including the conduct of the business as a social entity, in all material ties can overcome the current; overly narrow conception of the problem. It's not just that the body can benefit from its willingness to address social issues in building

¹² PAVELKOVÁ, J. *Antropologicko-sociální studie problematiky bezdomovců a žebřáků v České republice*. Praha : Econ Publishing, 2010. 256 s., ISBN 978-80-86433-50-9.

¹³ Sometimes it seems that they are inspired by the desire to provoke conflict with the unions following the example of former British Prime Minister Margaret Thatcher, targeted to undermine their influence and free space for the pauperization of the majority of society.

¹⁴ PREUSS, K. *The Role of Entrepreneurial Strategies in the Period of Modernization*. In *Современные формы взаимодействия общества, кооперации и государства в период модернизации*, Москва: Российский университет кооперации 2010, 7-10, ISBN 978-5-94771-115-8.

their image, but that he improved the conditions for their business, both in terms of social, and environmental. In this sense, can be relied on to address issues of social responsibility, as developed in the last twenty years ^[15].

In a social sense, it is necessary to address employment issues within the scope of business, education status of potential workers, their work habits and willingness to work, have the ability to motivate. It is a complex system of interrelated phenomena. Their neglect, while not applied immediately, but with a delay of several years. Late solution then may mean delay in the correction of one or two generations.

We must realize that the problem of education in the young generation just exists (here we do not mean the formal qualifications, but the actual skills and work habits). Often we rail against to the school and its poor quality. But here cooperate important factors; against which rather verbalized education is not enough. Long-term reduction in demands on pupils and students, the practical liquidation of polytechnic education, loss of prestige of the teaching profession are just part of the problem.

Equally important (if not more so) are factors weakening the educational function of the majority of families where parents are too busy, securing family basic material security. And grandparents, in order to keep a certain social status, they remain more economically active (the upcoming pension reform, is considering a further extension of the economically active life).

High unemployment, which is unprecedented, which extends the economically active generation of memory, acts as traumatic, and for longer duration as a factor of deprivation. And not just the unemployed themselves being pushed into social exclusion, but also their children and family members ^[216]. Moreover, it appears still growing group of young people after graduation (and not only basic but also middle and even higher schools), which cannot find jobs and long-term unemployed. Then they are very destructively influenced by the situation. After a not very long time they become to be practically unemployable, because they have not acquired the basic work habits, and their frustrations inhibit them to acquire these habits. Instead, they are excluded from society, can easily become victims of drugs, gamblers, or to be issued to a life of crime. Their children then have no longer professional and social perspective. During the boom then will to miss the able staff, and increase the risk that the circle will close.

Conclusions

The issue of social integration of individuals is since the beginning of humanity associated with his involvement in the division of labor. In every historical period, the social status of an individual has been directly derived from its inclusion in the social division of labor. So, how gradually the structure of production is going to be more complicated, also the social structure become to be more complex. Even in the past, we see large groups of socially excluded people. It always has been such a situation perceived as inappropriate, threatening the very nature of society. Only now can say that a group of socially excluded become part of the system. Elites more or less openly used its existence as a "straw man" to act on those who are just a step away from the border so that their work can be purchased as cheaply as possible and make every effort to work.

¹⁵ TRNKOVÁ, J. o. c.; CARROLL, A. B. *The Pyramid of Corporate Social Responsibility: Toward the Moral Management of Organizational Stakeholders*. In *Business Horizons*, July-August 1991, 20 s. Dostupné z <http://www.cbe.wvu.edu/dunn/rprnts.pyramidofcsr.pdf>, [cit. 12.4.2011].

¹⁶ JUKLOVÁ, K.; SKORUNKOVÁ, R. *Základy psychopatologie*. Hradec Králové : Gaudeamus, 2007. 115 s., ISBN 978-80-7041-873-4.

This system, however, also has its limits of functionality. One of them being the cost of socially excluded people – who are by no means small. The other is the formation of large groups with a tendency to addictions and crime. Finally, the third, very serious, constitutes impoverishment and disintegration of the middle classes, which are then radicalized and are willing and able to lead others in violent clashes. If, however, society and the state unable to find effective solutions to economic and political situation, sooner or later succumbs, as we see in today's Tunisia, Egypt and other countries.

Contact address:

PhDr. Karel Preuss, CSc.

The College of Banking
Nárožní 2600/9
158 00 Praha 5
The Czech Republic
Tel. +420 251 114 545
E-mail: kpreuss@bivs.cz

Doc. RNDr. Jaroslava Pavelková, CSc.

The College of Banking
Nárožní 2600/9
158 00 Praha 5
The Czech Republic
Tel. +420 251 114 524
E-mail: jpavelkova@bivs.cz

MUDr. Miroslav Doležal

The College of Banking
Nárožní 2600/9
158 00 Praha 5
The Czech Republic
Tel. +420 251 114 525
E-mail: mudrdolezal@bivs.cz

Prof. Dr. Anna V. Gordeeva, DrSc.

The Russian University of Cooperation
V.Voloshinoy st., 12/23
141014 City of Mytischy, Moscow region
The Russian Federation
Tel. +7 495 582 9150
E-mail: Gordeeva@ruc.su

JUVENILES AND CRIMINALITY IN THE CZECH REPUBLIC

Roman Svatoš

University of the European and Regional Studies, o.p.s. , Czech Republic

The integration of young people into society is a complicated procedure, what is in some cases accompanied by crime. By individuals, who follow this way, the process of integration is all the more complicated. The issues in juvenile delinquency is very important sphere, to that attend state and private organizations, of specialists criminologists, pedagogues, psychologists and other. On the one hand has been a measure of tolerance, when offenders are children and that with regard to their immaturity. On the other hand rises fear of juvenile crime and society calls for more efficient measures, for example the age limit reduction of criminal responsibility for 14 years, what really happened in originally approved Criminal Code. During the year 2009, before Criminal Code came into force, but it had become the return to the original state after extensive discussions of the lay and professional public, consequently stayed the age limit of criminal responsibility for 15 years. To the age limit reduction of criminal responsibility for 14 years it came already in Slovakia. In respect of crime solution the different sorts of measures are taken both on the legal and non-legal level. In the year 2004 the law on juvenile criminal responsibility entered in force, which a special care of the juvenile delinquents provides. In recent years, called "the restorative justice" and the system of "probate organisation" are exercised in the Czech Republic, which should conduce to the better integration of the delinquent individual into society. I would like to show in my paper, whether and to what extent are these measures effective.

After year 1989 in the Czech Republic, but also in post-communist countries the great attention is given to the juveniles. It happened to adopt number of new legal regulations or an amendment to the original legislation. The number of measures was taken in private sector too. Among the best legal regulations, which were taken after year 1989 and which should help in the fight against juvenile crime belong especially:

Act on Probation and Mediation Service (Act No. 257/2000 Coll.)

Probation and Mediation Service carries out the tasks specified in the Act on Probation and Mediation Service, and perform multiple tasks under other legislation, particularly by the law on juvenile liability for unlawful acts and on jurisdiction in cases of juvenils. In adults and juvenils Probation and Mediation Service creates the conditions to enable the matter to be dealt with in appropriate cases, in one of the special types of criminal proceedings, or it can be stored and executed punishment not involving imprisonment or detention has been replaced by other measures. To this purpose it provides the accused professional guidance and assistance, it monitors and controls its behavior and cooperates with family and social environment in which he lives and works so, that in future such an orderly life.

In the matter of the Probation and Mediation Service, the juvenils has the following powers and shall perform the following tasks:

- supervision of juvenile behavior in his family and how the educational influence of parents on him
- observance of the imposed probation program and educational obligations and imposed restrictions

- oversight in protective care and supervision in the transformation of institutional and protective education
- supervision of the suspended sentence and conditional sentence with supervision
- cooperates with law enforcement authorities and the social and legal protection of child by review of custody reasons
- identifies relationships of the juvenile and clarifies the conditions for needs to preliminary hearings and prepares reports on
- submitted a proposal to change the educational measures, to abandon the exercise protective care, to release from protective care, to a suspended location outside the educational establishment, the extension of protective care, to change the protective care.

Act on the juvenile liability for illegal acts and on the jurisdiction in cases of juvenils (Act No. 218/2003 Coll.)

The law on juvenile liability for unlawful acts and juvenile justice is the most important piece of legislation accepted after 1990 on youth issues in the criminal field. The act aims to give special care to children and adolescents who are guilty of unlawful conduct. It places the great emphasis on juvenile correction and its integration into society. It observes that the one who committed the offense, the measure used to contribute effectively to continue to refrain from committing the offense and found it to apply the appropriate social skills and mental development and by its forces and capabilities contributed to the injury of atonement resulting from the unlawful act. The Act on the juvenile liability for illegal acts and on the jurisdiction in cases of juvenils is governed by the purpose, which in relation to the subject of regulation is defined mainly in terms of preventing the unlawful activities of juvenils, which is the primary group on which to focus the attention of the entire justice system and society. This law is criminal prevention, to ensure a reduction in juvenile participation in the unlawful conduct. Extract the basic provisions:

- is a special law to the Criminal Code, Criminal Procedure, Code of civil proceeding, the Family Law and Act of the social and legal protection of children in criminal proceedings
- prefers educational and protective measures against criminal
- prefers to participate in a juvenile rehabilitation and education programs and vocational training
- defines the active involvement of probation officers.

The restorative justice

In recent years, the Czech Republic, as in many countries of the European Union is implemented the so-called restorative justice. It is a process in which the victim and the offender, but also other stakeholders are actively involved in working together on the consequences of crime. Also is called restorative justice. Its principle consists in the fact that revenge against the offender, his strict punishment it is preferred in the interest of the victim satisfaction. It is about to be filled as soon as the primary needs of victims of the moral and material satisfaction. This is, i.a., achieved by facilitating contacts between the victim and offender, if possible between them there, to direct and rapid settlement, without waiting for court proceedings. It is anticipated that the delict is first of all a conflict between the offender and victim and then to the offender and the state. This approach is preferred particularly for adolescents, which plays in the individual reintegration into society an important role. Restorative justice is based on fundamental principles:

- crime is seen as the victims of damage
- for the removal of the damage

- for the creation of conditions for the damage control
- for the active participation of the offender to pay compensation
- when involuntary of compensation is, state coercion comes

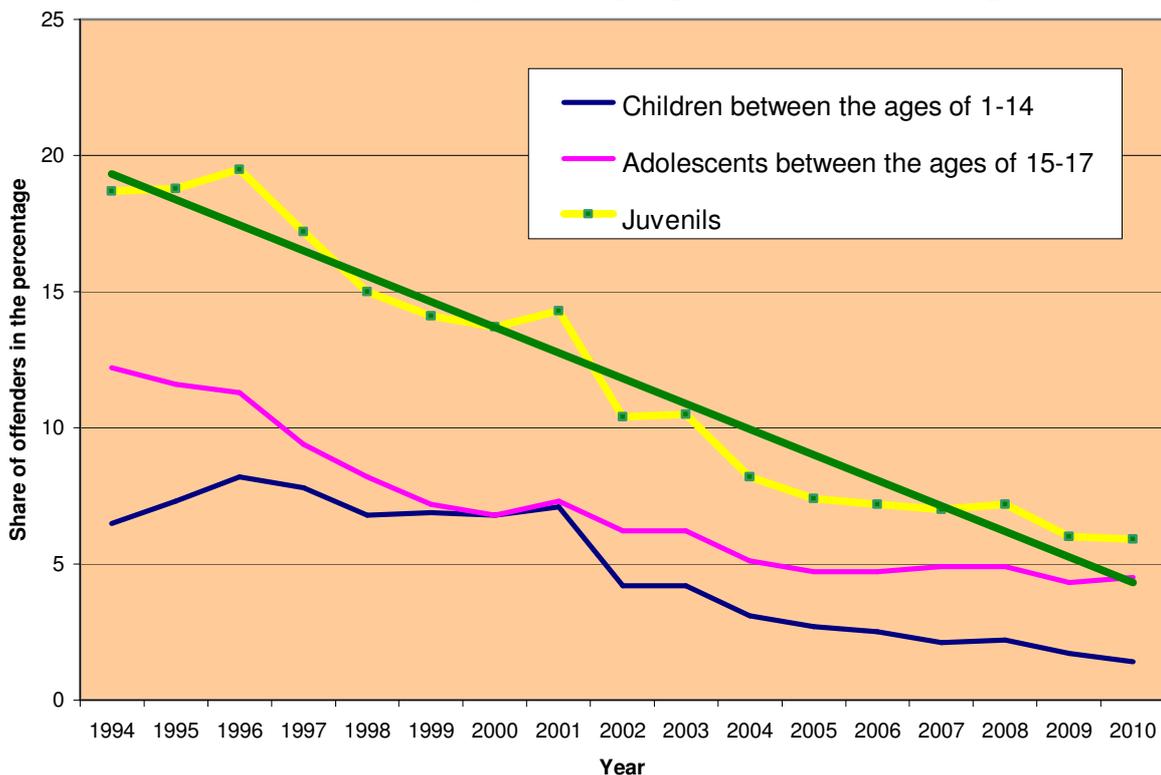
In the Czech Republic after 1989, as mentioned above, the number of measures, this should lead to a reduction in juvenile participation in crime. Whether these measures are effective and how much they try to capture the following graphs.

The share development offenders from the juvenile number of total crime in the Czech Republic

The juvenile delinquency best describes, if we look st the proportion of total crime. The ratio shows us the values, which really express how it is on juvenils in crime in relation to the total population. Best reflects the effectiveness of measures, which were taken the problem of juvenile crime after 1989 in the Czech Republic.

Graph No. 1:

The share offenders development of total crime in the Czech Republic by age in the percentage



Note to the graph No. 1

The graph shows the evolution of the proportion of juvenile offenders, including children (1-14) and adolescents (15-17), to all offenders. So what percentage of the total number of offenders in a given year has the juvenils (children (1-14), adolescents (15-17)). Further, the graph shows a linear trend in the proportion of different groups of offenders.

Table No. 1

The share offenders development of total crime in the Czech Republic by age in the percentage			
Year	Children between the ages of 1-14	Adolescents between the ages of 15-17	Juvenils
1994	6,5	12,2	18,7
1995	7,3	11,6	18,8
1996	8,2	11,3	19,5
1997	7,8	9,4	17,2
1998	6,8	8,2	15
1999	6,9	7,2	14,1
2000	6,8	6,8	13,7
2001	7,1	7,3	14,3
2002	4,2	6,2	10,4
2003	4,2	6,2	10,5
2004	3,1	5,1	8,2
2005	2,7	4,7	7,4
2006	2,5	4,7	7,2
2007	2,1	4,9	7
2008	2,2	4,9	7,2
2009	1,7	4,3	6
2010	1,4	4,5	5,9

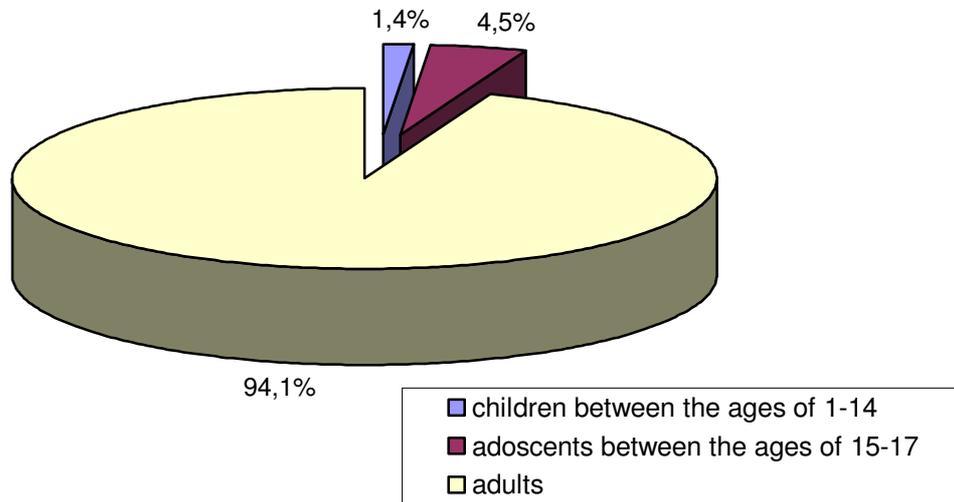
Note to the table No. 1

The table shows the evolution of the share of juvenile offenders, including children (1-14) and adolescents (15-17), to all offenders, and in percentage.

Over the past sixteen years, especially since 1997, steadily declines share of the total number of offenders. This fact contradicts thesis (presented to the public from unprofessional circles), that juvenils are still "worse" and still commits more crime than in the past. The opposite is true. If we divide offenders for a number of juvenils into children (1-14) and adolescents (15-17), the development of the percentage of these offenders from the total number of offenders is also declining. These facts distinctly show linear definite trends. The downward trend is especially for adolescents (15-17). Of these indicators it suggests that they are relatively well-effective preventive measures are directed into the ranks of juvenils. The impact of these measures is mainly active after 1996.

Graph No. 2

**The offenders share of total crime
in the Czech Republic in the percentage
in the year 2010**



Conclusion

In the introduction, I have set the target to assess the effectiveness of measures taken after 1989 in the Czech Republic, which should lead to a positive effect on young generation of juvenile delinquent and integration of individuals into society. I have no ambition that I was absolutely succeed. Nevertheless I believe that the measures taken by their positive role played and positively influenced the proportion of young offenders in crime. Let me pronounce the idea, that the actually taken measures after 1989, specially those bound for crime prevention – working with delinquent juvenils, bore “fruit” and lay claim to rebut allegedly among the “worse and worse” young generation. Let this trend is sustained.

Data source:

Crime statistics, Police Presidium of the Czech Republic

Contact address:

JUDr. Roman Svatoš, Ph.D.
University of the European and Regional Studies, o.p.s.
Žižkova No. 6
370 01 České Budějovice
Czech Republic
Tel. + 420 602 140 294
E-mail: svatos@vsers.cz

By the year 2010 deputy director of The Crime Police and Investigation
Regional Police Directorate of the South Bohemia
České Budějovice, Czech Republic

SYSTEMS OF SOCIAL CONTROL AND LAW AS AN IMPORTANT INSTRUMENT OF SOCIAL CONTROL IN CONTEMPORARY POSTMODERN SOCIETY

Martina Urbanová

Faculty of Law, MU, Brno, Czech Republic

ABSTRACT

The author defines social control, presents an overview of the systems of social control and contemplates its role in post-modern society. The topic of social control reflects the relationship of the individual and society, the degree of respect to the given social order on one hand and the degree of power - enforceability on the other hand. Contemporary society is characterized by, inter alia, cultural disintegration of the regulatory system and increasing frequency of partial regulatory systems. Law remains one of the most important regulatory systems at the level where it is possible to integrate a diverse multicultural society, because it has a special role in binding decisions and conflicts, and in the case of its violation, the right to impose sanctions. Facing a growth in crime, terrorism and violence in the world is an ever-growing sign of intensifying control founded upon strengthening the role of law in society. Active participation in the processes of social control is associated with social responsibility, the growth of legal consciousness, and strengthening in the framework of the legal socialization.

Key words: Social control, traditional society, modern society, post-modern society, law, social norms.

1 Introduction

The topic of social control¹⁷ reflects the relationship of the individual and society, the level of respect to the given social order on one hand and the level of power (enforceability of the norms of behavior) on the other hand. We are essentially sociable by our very nature, and yet each of us is under a certain stress due to our often contradictory individual interests.

In traditional society, social control was ubiquitous. It rigidly and utterly dictated the behavior of man from cradle to grave. Terrestrial life was generally lived in a community of intimately acquainted people, and social mobility was minimal. The situation radically changed in consequence of the Industrial Revolution as modern society emerged.

Modern society as a product of industrialization related to widespread distribution of work, which brings to society the phenomenon of specialization and individualization. Many areas

¹⁷ The author has long dealt with this topic. See for example the publication *Systémy sociální kontroly a právo*. Plzeň: Aleš Čeněk, 2006.

of human activity develop, social relationships become more complicated thanks to the existence of a large number of subcultures or countercultures.

Today's so-called **postmodern society**, regarding the period starting around the 1960s, is dominated by plurality of thought, methods of behavior, value systems, orientations and rationalities. We are confronted with a growing number of various forms of life, conceptions of knowledge, methods of orientation and differences in values scales. At the same time, we recognize the legal character and indisputableness of this differentiation.¹⁸ Nevertheless, without common values - something absolute - it is difficult to find room for communication, unification or integration. What else besides common values can hold various societies together? We see that in regards to the disintegration of a unified culturally regulatory system and increasing frequency of partial regulatory orders, **the importance of law grows**, as the savior of those values held most dearly. As a rule, this involves those values to which special meaning is attributed, - especially ¹⁹ so-called **general human values**. "Law eventually remains the only regulatory system at the level of which it is possible to fully integrate this society."²⁰ This integration is possible thanks to the fact that law remains the main rational and pragmatic instrument of social control, and one of the key means of interaction of control between society and its members.

2 Social control in general

The term social control includes the group of all means, social institutions and processes existing in the social unit, by which the social whole secures conformity to accepted values, goals, needs and norms.

The term social control is understood by sociology not just as a technical characteristic of certain special "instruments" which affect society, but mainly as a certain social process, during which definite standards and social patterns of behavior are passed on to people. Social control is the cumulative term for all mechanisms that provide order and stability to a society.

The origin of the word "control" goes back to ancient times, derived by combining the Latin terms contro (against) and rotulus (scroll), the latter of which meant against rolling, or against a parchment scroll, loosely translated as against the deed or against the record. The literal translation of these words is listed in literature as the indication of a second record that was to verify the accuracy of the first one, and from this developed the narrow understanding of control, which related to reviewing the accuracy of documents, accounts, accounting books, records, and generally and especially to the activities of financial clerks and accountants.²¹ In medieval England, fundamental changes developed in how control was understood, coming to mean the handling and performance of execution of power over someone or something.

This interpretation also expanded into other languages, including Czech. From the original understanding of the term control, its meaning expanded into other areas and fields. These included sociology, psychology, medicine, etc., although its meaning is understood in varying ways.

In sociology, it stems from the term "control" just like in English. The meaning of this word is close to that which relates to the term power - as in the possibility of controlling people. In English, "control" may be translated in the sense of handling, managing, altering, controlling, supervising, etc.

¹⁸ Welsch, W. Postmoderna. Pluralita jako etická a politická hodnota. Praha: KLP. 1993, s. 21.

¹⁹ Harvánek, J. a kol. Teorie práva. Plzeň: Aleš Čeněk, 2008, s. 89.

²⁰ Příbáň, J. Několik poznámek k sociologii práva. In: Sociologický časopis 28, č. 6., 1992, s. 778.

²¹ Mrkývka, P. a kol. Finanční právo a finanční správa. Brno Masaryk University, 2004, page 337..

Therefore, control is considered to be controlling the behavior of others. It then occurs by the level in which a group regulates the behavior of individuals, who function as members of a group.

During social interaction, constant confrontation occurs of the true behavior of the individual or group with collectively shared values and norms. Social control is a principle, by which one identifies and assures that the behavior of individuals or groups does not indicate major deviations from these norms and values. Social control however does not act only as a reflexive judgment of whether social behavior is acceptable or reasonable, but also serves as initial information about what is desirable. It is thus not just a regulative, but also a normative mechanism in the social process. The individual is also an actor of social control, if he/she relies upon supra-individual valid principles and upon the probable support of others. A negative reaction to socially undesirable behavior may also be, in this form of social control, the initial sanction containing a certain potential for correction²².

On the most general level, this concerns the upholding of order, rules and stability of the social unit. Society affects the individual and under the given conditions, facilitates his/her self-determination, provided the individual respects society.

Society affects the individual repressively in the event where the individual does not respect society and attempts to break from society.

3 Systems of social control

The notion of Peter Berger that systems of social control represent a series of concentrated rings, in the middle of which stands a person, whose thoughts, actions and behavior are defined by these rings, by this control, is appropriate for illustrating systems of social control. According to Berger, the individual stands in the middle of a series of concentric circles, i.e. at the spot of "greatest pressure"²³. Each of these circles (or rings) represents a certain system of social control. The outer ring may represent the legal and political systems, in which a person must live. Further pressure is formed by the rings of morality, customs and habits. Less extensive rings include for example employment, formal requirements set forth by an employer and a number of bureaus. Finally, the human group, in which one's so-called private life takes place, forms pressure. It would be a serious mistake to expect that this system is the weakest of all just because it does not have any formal means of compulsion. It is in this very circle that the individual has his/her most important social bonds.

Thus, we can accept Berger's notion in which concentric circles represent systems of social control, and at their center stands a person - whose thoughts, actions and behavior are controlled by these systems. Of course, there are a great many systems of social control. The main ones include: **law, morality, customs, traditions, religion, ideology, employment, family, peers**, etc. None of these systems fully functions individually, detached from the others; rather, control mechanisms intermingle and augment each other.

The social control structure may be formed by partial systems of social control, in which each then has its **bearer of control**. For example, in terms of upbringing, the bearers are the family, neighbors, and peers.

As far as knowledge is concerned, they are the schools, interest associations, etc. The main bearers of morality are society; church religion; authority of police, the justice system, etc.

²² Kol. Velký sociologický slovník. Praha: Karolinum, 1996, s. 527.

²³ Berger, P.L. Pozvání do sociologie. Praha: FMO, 1991, s. 69 an.

The strategy of these bearers may be in preventative or repressive form, in conjunction with sanctions both positive and negative.

4 Law and regulatory systems unrelated to law as a basis of social control

The function of regulatory systems²⁴ lies in the fact that they show the individual how he/she is to behave, what behavior to avoid, what rewards await him/her if he/she conforms to this or what punishments await, when he/she does not conform to behavior models determined by society. These regulatory systems deeply penetrate the human psyche, and become internalized.

Meanwhile, we understand a **social norm** as a general rule of behavior, which determines the correct method of behavior in a given social context, and whose upholding is secured by sanctioning.

The norms of human behavior fulfill an important social function, because they contribute to the **compactness of society**. It is possible to distinguish these spheres in which these norms regulate the behavior of individuals. This includes the sphere of behavior of the individual towards other individuals, the behavior of the individual towards society as a whole and towards goods and values, and of course a no-less important area - behavior of the individual towards his/her own self.

The relationship of the individual towards society and towards various social units leads to the creation of diverse normative regulators, which assign a certain role to individuals, organize cooperation of individuals, regulate or possibly force certain methods of behavior. Normative regulators are therefore important elements influencing the behavior of people in society, and form a framework for human activity. The majority of norms in social life are informal, and their upholding is secured by means of informal social control, in which the most effective is public opinion.²⁵ Formal norms represent a special group; they are formulated and established in advance. Legal norms form the vast majority of this category, and of course, they are also part of the aggregate of social norms.

Just like other types of social norms, legal norms fulfill, besides a regulative function, also a function of control of social behavior by objectivizing the criteria for evaluating behavior, and they prefer certain methods of behavior.

Legal norms²⁶ have many features that are also typical for the other social norms. However, there also exist elements that distinguish legal norms from other social norms. These mainly include the following **specific features of legal norms**:

- general application,
- state-established and recognized form,
- sanctions enforceable by state power.

Violation of legal norms is a phenomenon in which all of human behavior's complexity appears. The behavior the subject of law decides upon depends on many factors (motives, values, needs, interests, positions, etc.). The aggregate of these factors is termed **legal motivation**. The subject of law is oriented towards selecting such behavior in which it may achieve its goal and satisfy its needs in a socially accepted manner. On the other hand, legal norms provide, besides this positive motivation, also negative motivation, because they prevent the manifestation of socially undesirable needs.²⁷

²⁴ Večeřa, M., Urbanová, M. Sociologie práva. Plzeň, Aleš Čeněk, 2011, s. 147 an.

²⁵ The internal "supervisor" is then one's own conscious.

²⁶ Compare Harvánek, J. a kol. Teorie práva. Plzeň: Aleš Čeněk, 2008, s. 189 an.

²⁷ Compare Gerloch, A. Teorie práva. Dobrá voda: Aleš Čeněk, 2000.

No nation may exist without a police force. However, the countless measures by means of warning and reprehension may prevent use of strict punishments. A fundamental characteristic of law is its **enforceability under the threat of state power** as such. For this reason, fundamental importance is found in just this regulation and **defining of state power through the force of law**. Created upon these foundations is also the **theory of the legal state**.

The legal state includes institutions that see to upholding the law. Either they take part in creating legal standards, or on the contrary, they make sure that legal standards are upheld.

However, law is far from being exhausted by its regulatory aspect; rather, it represents an important **area of social life**. There does exist however a certain tension between the regulatory content of law and its realistic and factual state. Law is not only a supreme, objectively valid and developing system of norms based on inherent legality, but also a social mechanism influencing everyday life of the entire society and each individual alike.

It is therefore necessary to judge law from other than legal aspects. It is not possible for law to revolve around itself alone and to have but an immanent nature, and to just be some kind of closed autopoietic system. Fully belonging to law are the questions concerning the factual effect of law, how the legal system influences the real order of society and how legal norms affect the real lives of people. That is to say, tension will always exist between the ideal, regulatory and factual aspects of law.

Development of legal science shows that upon researching such a complex phenomenon as law, one must not neglect applying a sociological approach, and not be interested in law just as a sum of valid norms, but mainly as **living law**.

4. Conclusion

Facing a growth in crime, terrorism and violence in the world is an ever-growing sign of intensifying control founded upon strengthening the role of law in society. Active participation in social control processes relates to **social responsibility**, in the area of law to the **growth of legal consciousness**, strengthening within the framework of **legal socialization**, which is a part of the socialization process.

Achieving and **creating a system of internal barriers** is one of the main aims of the socialization process. The aim is internalization of socially approved values and norms, which should thus become an integral part of personal identity (conscious or superego).

Each day, humanity realizes the need for control in this world full of virulent crisis flash-points, which often are not just simple conflicts of interest, but are linked to the ideology of destruction and extermination. We encounter economic problems, dangerous “two-thirds majority society”, problems of deviant behavior and functioning of society, which is often regarded as anomic, ecological problems, etc. We may not forget that humanity is divided into two parts. One part faces the problem of complexity, and the second part faces the age-old terrible problem of its own survival.

We live in a period characterized by the **existence of a series of partial regulatory systems**, subcultures, and differing impressions about life and justice. Law, which has received considerable attention in this text precisely because it brings a rational life orientation into this “chaos”, serves as a solid platform necessary for preserving social order. This is mainly aided by the fact that legal norms are provided, and in the final instance, enforceable by state power. On the other hand, mechanisms function that result in the fact that despite the decision-making capacity of political power over the system of positive law, this system is also a defining of power, introducing it into the socially stable functioning of today’s society.

The role of law when resolving social conflicts means the transformation of social conflicts into legal conflicts, the effort for maximum efficiency of law and legal policy as a special form of leadership of society.²⁸

The legal system in relation to non-legal regulatory systems also fulfills the function of a kind of arbitrator in the conditions of value and regulatory pluralism of democratic society. Legal norms resolve social conflicts caused by pluralism of norms and values. Law thereby integrates society.

It is necessary to discover generally recognized criteria, and then anchor them as unreservedly valid in legal norms. Law thus transforms from a tool serving to rule into a fruit of the culture of a nation, it is the **bearer of legal traditions**, and this is one of the great tasks before which today's legal system stands.

REFERENCES

- BERGER, P.L. *Pozvání do sociologie*. Praha: FMO, 1991. 196 s. ISBN: 978-80-87029-10-7.
- GERLOG, A. *Teorie práva*. Dobrá voda: Aleš Čeněk, 2000. 312 s. ISBN 978-80-7380-023-9.
- HARVÁNEK, J. a kol. *Teorie práva*. Plzeň: Aleš Čeněk 2008. 498 s. ISBN 978-80-7380-104-5.
- MRKÝVKA, P. a kol. *Finanční právo a finanční správa*. Brno Masarykova univerzita, 1994. 414 s. ISBN 80-210-3578-1.
- PŘIBÁŇ, J. *Několik poznámek k sociologii práva*. In: Sociologický časopis 28, č. 6. 1992, s. 770 - 781.
- PŘIBÁŇ, J. *Sociologie práva*. Praha: Sociologické nakladatelství, 1996. 196 s. ISBN 80-85850-18-4.
- URBANOVÁ, M. *Systémy sociální kontroly a právo*. Plzeň: Aleš Čeněk, 2006. 191 s. ISBN 80-86898-94-6.
- VEČEŘA, M., Urbanová, M. *Sociologie práva*. Plzeň, Aleš Čeněk, 2011. 313 s. ISBN 80-86898-94-6.
- Velký sociologický slovník I, II. Praha: Karolinum, 1996. 1 627 s. ISBN 807184310.
- WELSCH, W. *Postmoderna. Pluralita jako etická a politická hodnota*. Praha: KLP. 1993. 57 s. ISBN 80-901508-4-5.

Contact address:

Martina Urbanová, doc. PhDr. PhD.
Faculty of Law, MU
Veveří 70
611 80 Brno
urbanovam@law.muni.cz

²⁸ The sociological approach to law corresponds to this, compare Přibáň, J. *Sociologie práva*. Praha: Sociologické nakladatelství, 1996.

THE INFLUENCE OF THE FAMILY ENVIRONMENT ON SOCIALIZATION OF THE INDIVIDUAL

Magda Uxová

Private University College of Economic Studies, Ltd., Praha, Czech Republic

ABSTRACT

The article deals with the problems of the family environment and its influence on socialization of the individual. There is a term “normal family” mentioned in the article including the explanation what the term means. The author of the article indicates in the introduction that socialization of the individual endures all life and emphasizes the process of socialization in childhood and adolescence. The author is interested especially in the problems of battered children and adolescents. The author describes particular cases and considers the possibilities of socialization of battered individuals in “normal” environment. The author hypothesizes if these “handicapped” have a chance to start a “normal” family, and if they are influenced by these experiences in later age. The author also considers the idea whether the childhood and adolescence abuse can influence the performance in their professional career later in life. The author analyzes a short questionnaire (four questions) which was used to get more information about the topic (the author asked people over age 18). The author’s own information are entered in detail at the end of the article. The author mentions the basic possibilities of help that are offered to those who suffered trauma (child or adolescent abuse).

Keywords: Socialization, individual, child, adolescent, family environment, abuse, security management, private security agency

Introduction

In the modern civilized Central European region most children are brought up in a family environment. The newly-born individual enters the environment which forms them in both physical and psychological way.. The ideal situation is when this formation happens in a „normal family“²⁹, where the socialization for the present day world occurs in an acceptable way. The individual changes in his physical and psychological constitution all his life and also his socialization occurs all that time. This article deals with socialization of the individual during his childhood and adolescence because the changes are the most significant in this period. Many individuals, however, encounter torture and abuse in their childhood and this can influence even their working career and the profession they select. Work in armed forces and security services require well-balanced, psychologically stable individuals, who are able to perform such job. As the socialization of abused individuals is a long-time process with often uncertain outcome it is certain that this traumatizing experience can be transferred well into adulthood. The experience can influence the results of recruitment for such positions where psychological tests are required. Indeed, these tests are aimed to reveal such an individual.

²⁹ The author considers a traditional family arrangement – father, mother, children, possibly grandparents to be so called normal family. Conf. with the views on family arrangements according to Louis B. Silverstein a Carl F. Auerbach in SILVERSTEIN, Louise B. ; AUERBACH, Carl F. . The Myth of the "Normal Family" - effect of the family structure on children. *USA Today* [online]. 2001, 1, [cit. 2011-04-15]. WWW: <http://findarticles.com/p/articles/mi_m1272/is_2668_129/ai_69698407/>.

Socialization of children and adolescents

Individual comes to the world with certain qualities and predispositions which are either developed or suppressed in the environment where he is brought up. A lot depends on the environment which surrounds the individual during his birth and further development. It can be so called normal family, but also an environment which is far away from the concept of normal family. As examples can serve:

- families with traditional arrangement (father, mother, children, possibly grandparents),
- environment which does not resemble traditional family (e.g., being brought up by only one person – elder sibling, uncle, grandmother, step-father or step-mother).

These conditions, however, need not influence the individual negatively because even the environment which is not a normal family can represent a place good and appropriate socialization for the present day world and society. It cannot therefore be claimed with certainty that the environment where the socialization of an individual takes place had to have an influence on the quality of his further life. The socialization is less dependent on the environment where it takes place rather than the people who influence it. He social environment and wealth can also play a role but it is far from truth that only children from socially deprived or similar environment experience torture or abuse.

Battered and abused individuals

Dominik (8)

The boy from Brno was beaten by his mother and father. **The family represents by its composition the normal family prototype** (father, mother, children) and it is not socially weak. The boy was an unwanted child, he was cruelly punished, humiliated and did not have enough food nor drinks. Even though the boy went to school his low weight and his cuts and bruises did raise the suspicion of anyone not even the social care worker did not pay attention to the problem. After moving, the new head mistress noticed the strange behaviour of the boy and his physical condition and reported the case. [1]



Picture No.1 – battered Dominik³⁰

Ondřej (8) and Jakub (10) from Kuřim

Siblings from Kuřim (a small town near Brno) lived in an **incomplete family with their mother and aunt**. It is not important that the women, who battered the children, were members of a sect or group, but the fact that they battered the young boys by binding them and keeping them in a cold place motionless on the ground. The boys could only eat and drink

³⁰ Source of the picture 1 http://brno.idnes.cz/o-pripad-tyraneho-chlapce-z-brna-se-zajima-krajske-statni-zastupitelstvi-11d-/brno-zpravy.asp?c=A110216_141356_brno-zpravy_dmk

when they were allowed to do so. The mother and the aunt were sentenced for battery of the boys. [2]



Picture No.2 – Mother and aunt of the battered boys Ondřej a Jakub³¹

Socialization of battered and abused individuals into society

We can express a hypothesis whether the abused boys and girls have a chance for a “normal life” and in their adulthood a “normal family”. It is certain that torture and abuse during childhood and adolescence have an influence on the further development of the individual. Very important is at what age these negative events appeared in what environment gets the individual after the discovery of the abuse and what special assistance and help does he receive from people who surround him. Not only is it important that the abused individual himself leads at least partially a normal life but also that his future offspring and people around him shall not suffer his own trauma especially because he shall transfer his problems upon them. Very interesting article in this respect is the „Trans-generational transfer: Shall abused children abuse their offspring?“, [3] stemming from the publication of Radka Dydňanská et al. entitled „Syndrome CAN and the care for the family system “. The article brings possible solutions for an individual who faced the battering and abuse and who does not want to get into a situation where he would treat his children or people around him similar way.

These possibilities are the following:

1. „better financial security including the support of a partner,
2. positive relation either to an important adult person in childhood or specialized psycho-therapeutical assistance,
3. ability to “clear” the childhood trauma, in other words to turn the anger and responsibility not against himself but against³²

From the points 1–3 can be deduced that socialization of battered and abused individuals into society is rather difficult, problematic and lengthy process. The **author set herself a task to investigate this through her own research and she addressed particular respondents over the age of 18 years and asked them to fill in a questionnaire** (4 questions). Altogether **227 respondents** were asked, but only **162 respondents** were willing to reply. As can be seen from the number of people who refused to answer is evident how sensitive the issue is. Questionnaire about battering and abuse in childhood and adolescence

³¹ Source of the picture 2http://zpravy.idnes.cz/policie-odlozi-vysetrovani-zda-v-kauze-kurim-slo-o-organizovany-zlocin-1an-/krimi.asp?c=A090108_102744_krimi_cen

³² Redakce. Transgenerační přenos: Budou týrané děti týrat svoje potomky? *Žena.cz* [online]. 8. 5. 2010, 0, [cit. 2011-04-15]. z WWW: <<http://deti.centrum.cz/predskolaci/2010/5/8/clanky/transgeneracni-prenos-budou-tyrane-deti-tyrat-svoje-potomky/>>.

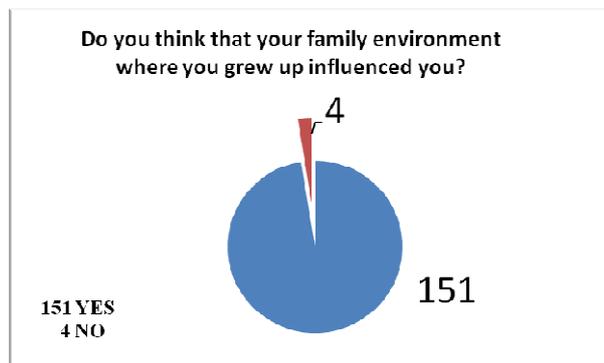
Table No. 1 Questionnaire about battering and abuse in childhood and adolescence³³

	Question	YES	NO
1.	Did you grow up in a family environment? (in your natural family, adoptive family, etc.) If you answer NO do not continue answering the questions..	155	7
2.	Do you think that your family environment where you grew up influenced you?	151	4
3.	Do you think you personally encountered battering or abuse as a child or adolescent?	45	110
4.	Did the battering influence you in your further life?	45	110

Evaluation of he questionnaire

162 respondents were willing to take part in the questionnaire.

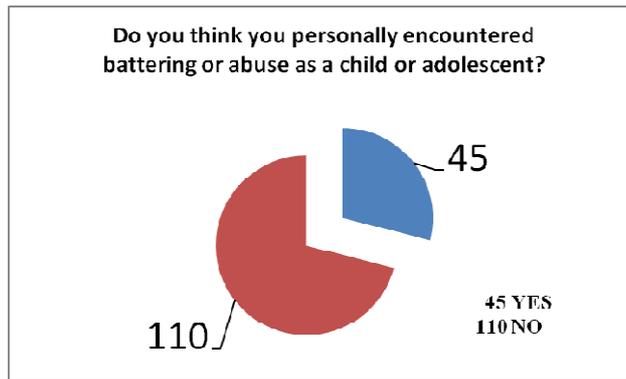
1. The first question was answered **negatively by 7 respondents**; they were removed from the analysis on the basis of that.
2. Question No. 2 was answered positively by **151 respondents**; it is evident that almost all respondents were influenced by the family environment where they grew up. (Picture 3)
3. Question No.3 was **answered positively by 45** respondents and they admitted they personally encountered battering or abuse in their childhood or adolescence. (Picture No. 4)
4. Question No. 4 was also answered **positively by 45** respondents (the same result as question No.3), which clearly shows that all respondents who personally encountered battering or abuse in their childhood or adolescence are influenced by this as adults. (Picture No. 5)



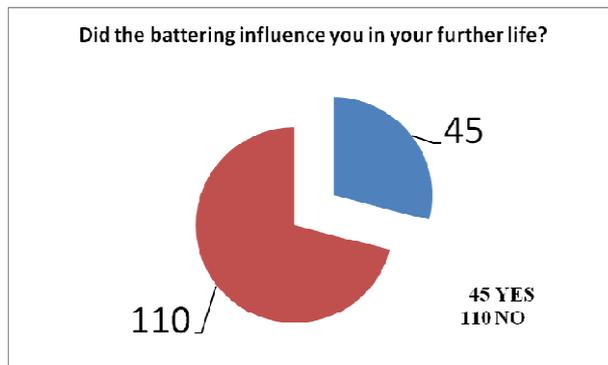
Picture No. 3 – Question No. 2³⁴

³³ Table No. 1 own source of data and processing – Author

³⁴ Picture No. 3 – Question No. 2 The source and processing of the data – Author



Picture No. 4 – Question No. 3³⁵



Picture No. 5 – Question No. 4³⁶

Conclusion

The society faces battering or abuse of children and adolescents in the civilized world today. Even after being discovered the improper treatment of these harmed individuals results in their difficult socialization. The author shows some examples of battered children, Dominik from Brno and siblings from Kuřim. It demonstrates that the fact what family the child or adolescent comes from, normal or incomplete, is not the decisive factor.

The author describes the basic possibilities offered to those who experienced a trauma connected with battering or abuse in their childhood or adolescence and who do not want to copy this pattern of behavior themselves in relation to their own children or people close to them.

The author set herself an objective to find through a short survey some up-to-date information concentrated on the issue whether the respondents who personally encountered battering or abuse in their childhood or adolescence influenced by this experience in their adult life. The results show that all 45 respondents who admitted meeting with this traumatizing experience are influenced by it in their adult life. The results of the survey are presented in graphic form.

The results of the survey show that all individuals who encountered battering or abuse in their childhood or adolescence are influenced by this experience for a long time (all 45 respondents answered the same). The traumatizing experience can influence their selection of career in future as some positions require psychological tests that should discover problematic individuals. Such positions include especially armed forces and also private security

³⁵ Picture No. 4 – Question No. 3 The source and the processing of the data – Author

³⁶ Picture No. 5 – Question No. 4 The source and the processing of the data – Author

companies (psychological tests are not always required and obligatory). The individual can be influenced by the negative experience and loses some forms of self-realization.

REFERENCES

- [1] LUKŠOVÁ, Barbora. O případ týraného chlapce z Brna se zajímá krajské státní zastupitelství. *IDnes.cz : Brno a jižní Morava* [online]. 16. 2. 2011, 0, [cit. 2011-04-14]. Dostupný z WWW: <http://brno.idnes.cz/o-pripad-tyraneho-chlapce-z-brna-se-zajima-krajske-statni-zastupitelstvi-11d-/brno-zpravy.asp?c=A110216_141356_brno-zpravy_dmk>.
- [2] KOMÁRKOVÁ, Pavla. Kuřim rok poté: jak dnes žijí týraní chlapci. *IDnes.cz : Zprávy* [online]. 7. 5. 2008, 0, [cit. 2011-04-14]. Dostupný z WWW: <http://zpravy.idnes.cz/kurim-rok-pote-jak-dnes-ziji-tyrani-chlapci-f2h-/krimi.asp?c=A080506_224355_krimi_mia>.
- [3] Redakce. Transgenerační přenos: Budou týrané děti týrat svoje potomky? . *Žena.cz* [online]. 8. 5. 2010, 0, [cit. 2011-04-15]. Dostupný z WWW: <<http://deti.centrum.cz/predskolaci/2010/5/8/clanky/transgeneracni-prenos-budou-tyrane-deti-tyrat-svoje-potomky/>>.
- [4] Redakce. Transgenerační přenos: Budou týrané děti týrat svoje potomky? . *Žena.cz* [online]. 8. 5. 2010, 0, [cit. 2011-04-15]. Dostupný z WWW: <<http://deti.centrum.cz/predskolaci/2010/5/8/clanky/transgeneracni-prenos-budou-tyrane-deti-tyrat-svoje-potomky/>>.
- [5] NOVÝ, Ivan; SURYNEK, Alois. *Sociologie pro ekonomy a manažery*. Praha : Grada Publishing, 2006. 287 s. ISBN 8024717050.

Contact address:

Magda Uxová, Mgr., DiS.
Private University College of Economic Studies, Ltd.
Lindnerova 575/1, 180 00 Praha 8
Czech Republic
m.uxova@seznam.cz

THE WELFARE STATE VERSUS COMPETITIVENESS

Přemysl Voráč

Private University College of Economic Studies, Ltd., Praha, Czech Republic

ABSTRACT

Competition between most European countries, the newly established ones in particular, leads to minimizing social gains of their citizens. The concept of competitiveness is falsely applied to states instead of market entities such as firms and corporations; a never-ending race for increasing governments' competitive abilities being a false, doomed prospect. There are, however, proper ways of states' modernization.

Keywords: State, citizen, competitors, business, financing

Having gone through a fundamental financial crisis, European and North American countries in particular started their real economies' recovery, indebted governments conducting considerable public spending cuts. In the name of prosperity, referring to the competitiveness of particular countries, a theory spreads that the so-called welfare state cannot be financed.

In the Czech Republic as well as in other countries, a race for weakening health, social and pension scheme finances is held.

This brings about a false argument that it is the nation state which has to be competitive, not particular businesses and companies. In the name of this odd proposition, the most substantial benefits, incentives and subsidies are provided in favour of large monopolies and multinational corporations.

Countries are competing to weaken legal protection for employees, decrease minimum wages, reduce labour costs by health and social insurance cuts.

The competition of states is interpretative nonsense. Businesses, on the other hand, can and ought to compete in a market economy, being forced by competitive pressure to promote efficiency, reducing costs and improving quality and the use-value of their produce. Competition between companies, if any, is deeply justified by the pressure it exerts on scientific and technological development, innovation and the overall progress of the economy.

The competition of national states can also be increased by reducing costs. The slogan "a small state with low taxes" means the same as tax, social and environmental dumping.

In order to succeed in the global race, governments compete in efforts to reduce corporate taxes, shifting the need to raise state budget revenues to consumption taxation through excise duties and VAT application. Interestingly enough, banks, insurance companies and the monetary and financial sector as a whole are not burdened by these taxes at all.

In the social sphere, there is a tendency to reduce social benefits, having starved health and pension schemes in the first place by reducing revenues and privatizing them gradually after declaring them non-financeable. Thus, government gets rid of responsibility for financing the public sector.

In the environmental field, the state softens pollution standards, transforms public woods into woodworking plants, allowing presumably firms to exploit the national parks and raw materials beyond territorial limits.

Tax and social dumping, however, is the way to the abyss. There is always a state with lower corporate taxes, there is always a state with even lower minimum wages, there is always a state with more flexible labour code, raising lower funds for health and pension schemes.

States' competitiveness contest in these areas – from a purely mathematical point of view – cannot have a winner. Logically, fights about budgetary cuts must always end in zero.

Having emerged during the 18th century as a solution to problems associated with the industrial revolution and gradual disappearance of the agricultural sector, the structure inaccurately referred to as a welfare state began to be dismantled after the disintegration of the bipolar world, due to the hypertrophy of the financial sector and aggressive development of transnational corporations.

The welfare state is an outright enemy in the race for national prosperity. Governments, taking care of investors' well-being in the absurd race for competitiveness, gradually cease to care about their citizens' welfare. The hopes that all citizens will benefit by prosperity gained by the winners are absolutely vain. The fight never ends and it is always still possible to cut wages or other public expenditure. Citizens are persuaded that it is the question of modernization and/or progress, but neither is true. It is either a journey to the past or creating "Chinese" conditions in Europe.

There are other ways to increase national prosperity employed, for instance, in Scandinavian countries. They are the ways avoiding corruption, without courting corporations and investors. High quality and efficient administration, quite expensive though, stimulates rather than inhibits companies' development. A smooth running public sector, including internal security and infrastructure covering health service, education, science and research promotion is another way to national welfare.

REFERENCES

Klvačová, E., Malý, J., Mráček, K., Dostálová, I., Chlumský, J. :*Státní pomoc nebo dobývání renty*, Professional Publishing, Praha, 2005.

Contact address:

Doc. Ing. Přemysl Voráč, CSc.
Soukromá vysoká škola ekonomických studií, Praha 7,
Lindnerova 1, Czech Republic
+420777669275,
premek.vorac@svses.cz

SOCIAL WORK FIELDWORK WITH DRUG USERS IN SLOVAKIA

Andrea Hugáňová, Katarína Chovancová

Constantine the Philosopher University in Nitra
Department of Social Work and Social Sciences, Slovak Republic

ABSTRACT

Social work with drug users in Slovakia is still underdeveloped and little knowledge of form work. The paper focuses mainly on the strengths and weaknesses of the social work field and also offer insight into the history and current overview of the organizations working in this way.

Key words: social work drug users

Social work is characteristic by its multi-dimensionality and non-disciplinarity. Social workers work in various places, diverse environments and can be employed in a variety of areas. There is not a standard approach towards a client, i.e. use of one and only method or technique, since working with a client is unrepeatable and unique as a human being itself. Despite this, however, an assumption could be made that every social worker seeks and prefers a method which would suit them (however, this does not necessarily mean that this is the only method they use).

There are several methods in social work and one of them is a fieldwork which will be discussed in this article.

Similarly to Ambrozova (2006), for us, fieldwork in social work is irreplaceable because it captures and solves the problem where it developed and offers help in a natural environment.

By natural environment we mean for example a pub, festival, flat, football stadium, squat or working directly in the family and not only street which is what a literal translation of an English expression 'streetwork' would lead us to believe and which is frequently interchangeable with expression 'fieldwork'.

We associate ourselves with views of Matousek (2003) who sees fieldwork in social work as a clearly defined method carried out by specifically oriented workers.

It is believed that Slovak legislative did not define fieldwork in social work exactly. Social Services Act 448/2008 does mention fieldwork as one of the types of social services which can be provided to person in their natural environment through fieldwork programmes, however, the concretisation and delivery of work through this type remains unclear.

Fieldwork in social work with drug users has been carried used in Slovak Republic for more than ten years. Work in this area is predominantly done by third sector and at present this applies to all cases. This assertion is based on experience as we work as fieldworkers in social work.

As suggested by Levicka (2006), activity of organisations in this area started by a qualitative study about streetwork abroad. Zimmerman (2008) also offers historical overview of fieldwork in social work abroad.

Currently (2011), there is a relatively small number of organisations in Slovakia engaged in fieldwork in social work with drug users despite the fact that every year there is an increase in

drug use amongst the public which is evidenced by annual reports by European Monitoring Centre for Drugs and Drug Addiction.

In our view, fieldwork in social work is an equally important part of caring for a client with an addiction although the situation in Slovakia is rather critical in comparison with Czech Republic. Already in 2007, 10 organisations have participated in programmes working on changing syringes. These organisations ran 16 stationary and mobile stations offering syringe changes in total. Both types of programmes for changing the syringes, fieldwork and stationary, were functioning in three cities, Bratislava, Banska Bystrica and Kosice (Profil, 2010).

Currently (2011), this number has decreased by half. Organisations engaging in fieldwork in social work with injecting drug users and work on secondary addiction prevention level are listed in the below table in alphabetical order:

Tab. 1: Organisations engaging in fieldwork in social work with injecting drug users

Organisation	Date founded	Name of project	Project start	Location
Volunteering Centre	2000	V.I.S	2006	Banská Bystrica Mapping the current state
OZ Odysseus	1997	Chráň sa sám (Protect yourself)	1998	Bratislava
OZ Prima	1998	Prima street	1998	Bratislava
OZ Helping Hand	2002	Čistá ihla (Clean syringe)	2006	Košice
Association STORM	2002	KROK VPRED (Step forward)	2003	Nitra, Sered', Trnava

All listed organisations use low threshold approach (lowering barriers when patient accesses the service) following the philosophy of harm reduction (lowering the risks).

Clients of these programmes are marked as problematic drug users or active drug users, a category within which we can, using narrower categorisation, identify further social groups. An example of this could be individuals working in sex business or homeless people.

Through their work the fieldworkers enable and help active drug users to gain knowledge about drug addiction, motivate them towards a more responsible and less risky behaviour towards themselves and their environment and hence towards a more dignified life. Protection of public health is an added value which is embedded in the EU legislation and fieldworkers in social work help to maintain international agreement of the member states.

They work with clients in various stages of injective drug use in according to Zinberg's theory. At the same time they attempt to reduce damage inevitably related to injective drug use. In terms of the above mentioned No harm philosophy, some of the ways of using drugs are considered less dangerous than others.

The social workers do not necessary require the active drug users to give up the drug use. Abstinence from drugs is not the only acceptable or desirable aim. Services that are offered to injective drug users are distribution of syringes and other materials for safer drug application and safer sex, advisory service – social, health, legal, situational and crisis intervention, motivational chat, social assistance, antibodies testing, HIV, syphilis, hepatitis B and C etc.

Limits of fieldwork in social work can be seen mainly in lack of interconnected social services and institutions which could create and effective network for clients so that the thresholds they need to overcome are as low as possible.

REFERENCES

AMBRÓZOVÁ, A. et al. *Proces terénnej sociálnej práce v sociálne vylúčenej komunite*. Bratislava, PDCS, o.z., 2006, pg 76, ISBN 80-969431-3-8.

LEVICKÁ, J. 2006. *Na ceste za klientom. Metódy, formy a prístupy v sociálnej práci*. Trnava: ProSocio, 2006, pg 334, ISBN 80-969454-0-8.

MATOUŠEK, O. et al. *Metódy a řízení sociální práce*. Praha, Portál, 2003, pg 380, ISBN 80-7178-548-2.

Country profile: Slovensko [online]. 2010, [2010-10-26]. Available on the internet: <http://www.emcdda.europa.eu/html.cfm/index79666SK.html#headersection>.

ZIMMERMANNOVÁ, M. 2008. Historie terénní sociální práce In KLÍMA, P. et al *Kontaktní práce*. Praha: ESH, 2008, pg 299-301, ISBN 978-80-254-4001-8.

Contact address:

Mgr. Andrea Hugáňová
Mgr. Katarína Chovancová
Katedra sociálnej práce a sociálnych vied
FSVaZ UKF v Nitre
Kraskova 1
949 01 Nitra
E-mail
andrea.huganova@ukf.sk
katarina.chovancova@ukf.sk

Mgr. Andrea Hugáňová

studying at the Department of Social Work and Social Sciences as an internal PhD student since 2009 and since 2005 works as a street-social worker in the Združenie STORM especially with drug users and persons in the sex-biznis. In her work focuses mainly on the advice in the context of addiction and implementation services to low-threshold network of social services.

Mgr. Katarína Chovancová

is an internal PhD student Department of Social Work and Social Sciences FSVaZ UKF since 2009. In addition she works since 2008 as a field social worker in the Združenie STORM with drug users and persons in the sex-biznis. In the dissertation theses mainly deals with the issue of injecting drug use and philosophy harm reduction in relation to field social work.

SOCIAL STARTING POINTS OF ETHICS

Janka Kyseľová

University of Matej Bel in Banská Bystrica, Faculty of Education
Slovak Republic

ABSTRACT

The study deals with the definition of morality. The first part offers descriptive definitions of morality and the second part says about normative definitions of morality. Morality is unusual word. People do sometimes talk about Christian morality, Nazi morality, or about the morality of Greeks, but they seldom talk simply about morality by itself. The last chapter describes relationship between morality and religion, but the author briefly glosses religious diversity. Religious diversity of this sort can be fruitfully explored in many ways - for instance, from psychological, anthropological, or historical perspectives. The current discussion, however, will concern itself primarily with those key issues surrounding religious diversity with which philosophers, especially analytic philosophers of religion, are most concerned at present.

Key words: Ethics. Morality. Normative definitions. Descriptive definitions. Religion.

Introduction

How morality is defined plays a crucial, although often unacknowledged, role in formulating ethical theories. To take morality to refer to an actually existing code of conduct is quite likely to lead to some form of relativism. Among those who use morality normatively, different specifications under which all rational persons would put forward a code of conduct result in different kinds of moral theories. To claim that morality in the normative sense does not have any referent, that is, to claim that there is no code of conduct that, under any plausible specified conditions, would be put forward by all rational persons, results in moral skepticism. Thus, although, not widely discussed, the definition of morality has great significance for moral theory.

THE DEFINITION OF MORALITY

The term morality can be used either

1. descriptively to refer to a code of conduct put forward by a society or,
 - a. some other group, such as a religion, or
 - b. accepted by an individual for her own behavior or
2. normatively to refer to a code of conduct that, given specified conditions, would be put forward by all rational persons.

1. Descriptive definitions of morality

Morality is an unusual word. It is not used very much, at least not without some qualification. People do sometimes talk about Christian morality, Nazi morality, or about the morality of the Greeks, but they seldom talk simply about morality all by itself.

Anthropologists used to claim that morality, like law, applied only within a society. They claimed that morality referred to that code of conduct that is put forward by a society. This account seems to fit best those societies that have no written language, where often no distinctions are made among morality, etiquette, law, and religion. But even for anthropologists morality does not often mean simply code of conduct put forward by a society. Often, morality is distinguished from etiquette, law, and religion, all of which provide codes of conduct put forward by a society.

Etiquette is sometimes included as a part of morality, but it applies to behavior that is considered less serious than the kinds of actions to which morality usually applies. Law is distinguished from morality by having explicit rules, penalties, and officials who interpret the laws and apply the penalties, but there is often considerable overlap in the conduct governed by morality and that governed by law. Religion differs from morality in that it includes stories, usually about supernatural beings, that are used to explain or justify the behavior that it requires. Although there is often a considerable overlap in the conduct required by religion and that required by morality, morality provides only a guide to conduct, whereas religion always contains more than this. When morality is used simply to refer to a code of conduct put forward by a society, whether or not it is distinguished from etiquette, law, and religion, then it is being used in a completely descriptive sense.

When morality is used in this descriptive way, moralities can differ from each other in their content and in the foundation that members of the society claim their morality to have. A society might have a morality that is primarily concerned with practices not related to other persons, e.g., which days must be devoted to certain rituals, and might claim that their morality, which is concerned primarily with ritual, is based on the commands of God. Or a society might have a morality that is concerned primarily with sexual practices, and claim that their morality, which has this concern, is based on human nature. Or a society might regard morality as being concerned primarily with practices that minimize the harms that people suffer and claim that their morality, which has this concern, is based on reason. Many societies have moralities that are concerned with all of the above and that are claimed to have all three of the above foundations. But, in this sense of morality, regardless of its content, or the justification that those who accept the morality claim for it, the only universal features that all moralities have is that they are put forward by a society and they provide a guide for the behavior of the people in that society. In this sense of morality, morality might allow slavery or might allow some people with one skin color to behave in ways that those with a different skin color are not allowed to behave. In this sense of morality, it is not even essential that morality incorporate impartiality with regard to all moral agents, those people whose behavior is subject to moral judgments, or that it be universalizable in any significant way.

Although most philosophers do not use morality in this purely descriptive sense, some philosophers do. Ethical relativists are interested in these different moralities and claim that they are only kind of morality there is. (Edward Westermarck, *Ethical Relativity*) They deny that there is any universal normative morality. Ethical relativists are not merely, or even primarily, making a linguistic claim about the proper use of the English word, morality. However, they hold that only when the term morality is used in this descriptive sense is there something that it actually refers to, namely, a code of conduct put forward by a society. They claim that if morality is taken to refer to a universal code of conduct that would be endorsed by all rational persons, then there is no referent for the term morality. Although ethical relativists admit that many speakers of English use morality to refer to such a universal code of conduct, they claim such persons are mistaken in thinking that there is anything that is the referent of that sense of the word. Ethical relativists are primarily concerned with denying that there is any universal morality that should be used by people in all societies to guide their own conduct and to make judgments about the conduct of others.

When morality refers to the codes of conduct of different societies, the features that are essential are that morality is a code of conduct that is put forward by a society and that it is used as a guide to behavior by the members of that society. In this descriptive sense, morality can refer to codes of conduct of different societies with widely differing content, and still be used unambiguously. However, there are now other descriptive senses of morality. In the sense most closely related to the original descriptive sense, morality refers to a guide to behavior put forward by some group other than a society, for example, a religious group. When the guide to conduct put forward by a religious group conflicts with the guide to conduct put forward by a society, it is not clear whether to say that there are conflicting moralities, or that the code of the religious group conflicts with morality. People who are members of that society and also members of the religious group, might differ with regard to the guide that they accept. They are likely to regard the guide they accept as the true morality. In small homogeneous societies people do not belong to groups which put forward guides to behavior that conflict with the guide put forward by their society. There is only one guide to behavior that is accepted by all members of the society and that is the code of conduct that is put forward by the society. For such societies there is no ambiguity about which guide morality refers to. However, in those large societies where people often belong to groups that put forward guides to behavior that conflict with the guide put forward by their society, they do not always accept the guide put forward by their society. If they accept the conflicting guide of some other group to which they belong, often a religious group, rather than the guide put forward by their society, they will not regard the guide put forward by their society as a true or genuine morality. "At present, however, must remain a priority right ethics of justice, which determines the limiting conditions of ethics of the good life ... only the ethics of justice may justify the universal validity of the standards by which each individual and each particular community the same right to an authentic realization of the good life. " (Hajduk, 2008, p. 58)

This reveals an ambiguity in the original descriptive sense of morality that has two essential features: that morality is a code of conduct that is put forward by a society and that it is used as a guide to behavior by the members of that society. This ambiguity was not recognized because of the concentration on small homogeneous societies. Does morality refer only to those guides to conduct put forward by a society, or does it refer to guides to conduct put forward by other groups as well? There is another related ambiguity if the code of conduct put forward by a society is not used as a guide to behavior by the members of that society. Which of these essential features is most essential? The recognition that people in a society do not always accept the code of conduct that is put forward by their society presents problems for the descriptive sense of morality as the code of conduct put forward by a society and which used as a guide to behavior by the members of that society.

However, it is not useful to adopt a definition of morality as meaning the code of conduct accepted by the members of a society because in many large societies, not all members of the society accept the same code of conduct. Nor is it useful to adopt a somewhat more general definition of morality as the code of conduct accepted by the members of a group because it is not only always possible, it is often the case, that not all members of any group accept the same code. A natural outcome of these problems is to switch attention from groups to individuals. If what is important is what code of conduct people accept, and members of a group do not always accept the same code of conduct, then why be concerned with groups at all?

This consideration leads to a new descriptive sense of morality. Morality is taken to mean that guide to behavior that is regarded by an individual as overriding and that he wants to be universally adopted. (See R. M. Hare, *Moral Thinking*) In this sense of morality, it refers to a guide to behavior accepted by an individual rather than that put forward by a society or

any other group. But morality does not refer to just any guide to behavior accepted by an individual, it is that guide to behavior that the individual adopts as his overriding guide, and wants everyone else to adopt as their overriding guide as well. This sense of morality is a descriptive sense, because a person can refer to an individual's morality without endorsing it. In this sense, like the original descriptive sense, morality has no limitations on content. Whatever guide to behavior an individual regards as overriding and wants to be universally adopted is that individual's morality.

When people explicitly talk about the morality of a group other than their own or of a person other than themselves, it is usually clear that they are using morality in a descriptive sense. However, when a person simply claims that morality prohibits or requires a given action, then the term morality is genuinely ambiguous. It is not clear whether it refers to (1) a guide to behavior that is put forward by a society, either his own or some other society; (1a) a guide that is put forward by a group, either one to which he belongs or another; or (1b) a guide that a person, perhaps himself, regards as overriding and wants adopted by everyone else, or (2) is a universal guide that all rational persons would put forward for governing the behavior of all moral agents. When a person uses morality to refer to a guide to conduct put forward by a group, unless it is his own group, it is usually only being used in its descriptive sense. No one referring to morality in that sense of morality need be endorsing it. When morality refers to a guide to conduct accepted by an individual, unless that individual is himself, it is usually being used in its descriptive sense. However, if the individual is referring to his own morality, he is endorsing it. Only (2) is always the normative sense of morality, but a person might hold that the morality referred to in (1), (1a), or (1b) is also the morality referred to in (2).

Some philosophers have put forward a sense of morality that seems to be a simple variation of (1b). In this sense, morality is a guide that a person, perhaps himself, regards as overriding, but need not want adopted by everyone else. In this technical philosophical sense of morality, ethical egoism, the view that one ought to take as one's own self-interest as the overriding guide to behavior, is a morality. Sidgwick regarded egoism as one of the methods of ethics and, following Plato and Aristotle, ethics is sometimes taken as referring to a guide to behavior that an individual adopts as his own guide to life. However, in any normal sense of morality, morality cannot be a guide to behavior that a person wants others not to adopt. There is a sense of morality such that it does refer to a code of conduct adopted by an individual for his own use, but which he does not claim should be adopted by anyone else. However, this is correctly referred to as morality only when the individual would be willing for everyone else to adopt that code of conduct, but does not require that they do so, nor does he judge them to be immoral if they do not adopt it.

2. Normative definitions of morality

When morality is used in its universal normative sense, it need not have either of the two features that are essential to moralities referred to by the original descriptive sense: that it be a code of conduct that is put forward by a society and that it be used as a guide to behavior by the members of that society. Indeed, it is possible that morality in the normative sense has never been put forward by any particular society, by any group at all, or even by any individual who regards it as overriding. Morality is thus an ambiguous term, the features that account for what it refers to in any of the descriptive senses are not the features that account for what it refers to in its normative sense. The only feature that the descriptive and normative senses of morality have in common is that they refer to guides to behavior.

Those people who claim that there is a universal morality claim that it is a code of conduct that all rational persons would put forward for governing the behavior of all moral

agents. They need not hold that every society has a code of conduct that has those features that they claim morality must have. They can admit that the guides to behavior of some societies lack so many of the essential features of morality that these societies do not even have a morality. They can also admit that many, perhaps most, societies have defective moralities, that although their guides to behavior have enough of the features of morality to be classified as moralities, they also lack some essential features. Although those who hold that morality is universal do not claim that any actual society has or has ever had a guide to conduct that has all of the essential features of morality, they do not deny it either. They do claim that it is possible for any normal adult in any society to know what kinds of actions morality prohibits, requires, discourages, encourages, and allows. They also claim that morality applies to all of these persons, not only those now living, but also those who lived in the past. These are not empirical claims about morality, they are claims about what is essential to morality, or about what is meant by morality when it is used normatively.

On all accounts of morality, it is a code of conduct. However, on ethical or group relativist accounts or on individualistic accounts, morality has no special content or features that distinguishes it from nonmoral codes of conduct, such as law or religion. Just as a legal code of conduct can have almost any content, as long as it is capable of guiding behavior, and a religious code of conduct has no limits on content, all of the relativist and individualist accounts of morality, have no limit on the content of a moral code. However, for those, such as Hobbes, Kant, and Mill, who hold that morality is a code of conduct that all rational persons would put forward for governing the behavior of all moral agents, it has a fairly definite content. Although Kant, in accordance with the German word used to translate the English word morality, regards morality as applying to behavior that affects no one but the agent, he recognizes that it is commonly related to behavior that affects other people. Hobbes, Bentham, Mill, and most other philosophers writing in English limit morality to behavior that, directly or indirectly, affect others.

Although there are other significant differences between those philosophers who use morality to refer to a universal guide that all rational persons would put forward for governing the behavior of all moral agents, there are significant similarities. For all of these philosophers, such as Kurt Baier, Phillipa Foot, and Geoffrey Warnock, morality prohibits actions such as killing, causing pain, deceiving, and breaking promises. For some, morality also requires charitable actions, but it does not require a justification for not being charitable on every possible occasion in the same way that it requires a justification for any act of killing, causing pain, deceiving, and breaking promises. For others, morality only encourages charitable actions, and no justification is ever needed for not being charitable. Rather, being charitable is supererogatory: it is always morally good to be charitable, but it is not morally required to be charitable.

On all of the accounts of morality as a universal guide that all rational persons would put forward for governing the behavior of all moral agents, it is concerned with promoting people living together in peace and harmony, not causing harm to others, and helping them. For most philosophers, the prohibitions against causing harm, directly or indirectly, are not taken as absolute. However, unlike most kinds of actions, a justification is needed for violating the prohibitions in order to avoid acting immorally. Some philosophers who hold a strict deontology, such as Kant, hold that it is never justified to do some of these kinds of actions. Those who hold that the principle of utility provides the foundation of morality, such as Mill, hold that it is justified to violate moral rules only when the overall direct and indirect consequences would be better. However, all those who use morality in its normative sense agree that the kinds of actions that directly or indirectly harm other people are the kinds of action with which morality is concerned.

The Natural Law tradition, from the Greeks to the present day, explicitly holds that all rational persons know what kinds of actions morality prohibits, requires, discourages, encourages, and allows. They also hold that reason endorses acting morally. Some hold that it is irrational to act immorally, but all hold that it is never irrational to act morally. Even religious thinkers in this tradition, such as Aquinas, hold that morality is known to all those whose behavior is subject to moral judgment, whether or not they know of the revelations of Christianity. Hobbes, who is in the natural law tradition, accepts all of the standard moral virtues, but complains that “the writers of moral philosophy, though they acknowledge the same virtues and vices, yet not seeing wherein consisted their goodness, nor that they come to be praised as the means of peaceable, sociable, comfortable living, place them in the mediocrity of the passions.” (*Leviathan*, Chapter 15, paragraph 40) The differences between those philosophers who hold that there is a universal morality is primarily about the foundation of morality, not about its content.

Neither Kant nor Mill regarded themselves as inventing or creating a new morality. Rather both of them, like Hobbes, regarded themselves as providing a justification for the morality that is accepted by all. Mill explicitly says: The intuitive, no less than what may be termed the inductive school of ethics, insists on the necessity of general laws. They both accept that the morality of an individual action is not a question of direct perception, but of the application of a law to an individual case. They recognize also, to a great extent, the same moral laws; but differ as to their evidence, and the source from which they derive their authority. (*Utilitarianism*, Chapter 1, paragraph 3)

According to Mill, Utilitarianism provides the foundation for morality. It explains and justifies the moral rules that are accepted by all. Kant also regards himself as performing the same task, explaining and justifying a universal moral consciousness.

Some contemporary consequentialists claim that morality requires doing that act that would result in the best overall consequences. Others claim that morality requires following that rule that would result in the best overall consequences if everyone followed or accepted it. Since different consequentialists differ in their views about what consequences count as best, consequentialism does not provide a guide to conduct such that everyone knows what kinds of actions morality prohibits, requires, discourages, encourages, and allows. Of course, consequentialists think that there is a correct answer to the question about what counts as the best consequences, but they may not realize the importance of the fact that until that correct answer is found no one knows the kinds of actions morality prohibits, requires, discourages, encourages, and allows. Most consequentialists also hold that morality is universal, that it applies to all normal adult human beings. However, since not all normal adult human beings agree on what counts as the best consequences, morality no longer has an essential feature, namely, that all those who are subject to moral judgment know what kinds of actions morality prohibits, requires, discourages, encourages, and allows. Some consequentialists are not concerned with this normative sense of morality, but only with that guide to conduct that results in the best overall consequences. Others claim that morality does not have as an essential feature that all those subject to it know all of the kinds of actions it prohibits, etc. For them it is sufficient for morality to be that guide to behavior that leads to the best overall consequences.

In trying to provide a definition of the traditional normative sense of morality, I find it useful to regard morality as a public system. I use the phrase, public system to refer to a guide to conduct such that (1) all persons to whom it applies, all those whose behavior is to be guided and judged by that system, know what behavior the system prohibits, requires, discourages, encourages, and allows; and (2) it is not irrational for any of these persons to accept being guided and judged by that system. The paradigm examples of public systems are card games such as bridge or poker, or athletic games such as baseball, football, and

basketball. Although a game is a public system, it applies only to those playing the game. Although, occasionally, someone may participate in a game without knowing its point or all of the rules that apply to those playing the game, the standard case is that all do know the point of the game as well as all of the relevant rules. If a person does not care enough about the game to abide by the rules, she can usually quit. Morality is the one public system that no rational person can quit. This is the point that Kant, without completely realizing it, captured by saying that morality is categorical. Morality applies to people simply by virtue of their being rational persons.

Since the normative sense of morality refers to a universal guide to behavior that all rational persons would put forward for governing the behavior of all moral agents, it is important to provide at least a brief account of what is meant by rational person. In this context, rational person is synonymous with moral agent and refers to those persons to whom morality applies. This includes all normal adults with sufficient knowledge and intelligence to understand what kinds of actions morality prohibits, requires, discourages, encourages, and allows, and with sufficient volitional ability to use morality as a guide for their behavior. Such persons must also seek to avoid any harm to themselves unless they believe that their action will result in someone, themselves or others, avoiding a comparable harm, or gaining a compensating good. People lacking these characteristics are not subject to moral judgment. If they lack them only temporarily, they might be excused from moral judgments in those cases.

The following definition of morality incorporates all of the essential features of morality as a guide to behavior that all rational persons would put forward for governing the behavior of all moral agents. *Morality is an informal public system applying to all rational persons, governing behavior that affects others, and has the lessening of evil or harm as its goal.* In order to show that this definition incorporates all of the essential features of morality, I shall explain how the various parts of the definition incorporate these features.

To say that morality is a public system incorporates the essential feature that everyone who is subject to moral judgment knows what kinds of actions it prohibits, requires, discourages, encourages, and allows. It also guarantees that it is never irrational to act morally. That morality applies to all rational persons makes clear that the sense of morality being defined is that guide to conduct that applies to all rational persons. It would take considerably more space than is appropriate here to show that defining morality as a public system that applies to all rational persons also results in morality being a universal guide to behavior that all rational persons would put forward for governing the behavior of all moral agents. I should make clear that the claim that all rational persons would put forward this system only follows if limitations are put on the beliefs that rational persons can use and if they are attempting to reach agreement with similarly limited rational persons.

To say that morality is an informal system means that it has no authoritative judges and no decision procedure that provides unique answers to all moral questions. When it is important that disagreements be settled, societies use political and legal systems to supplement morality. These formal systems have the means to provide unique answers, but they do not provide a moral answer to the question. Rather, the question, being regarded as morally unresolvable, is transferred to the political or legal system. An important example of such a moral question is whether, and if so under what conditions, to allow abortion. There is continuing disagreement about this moral question, even though the legal and political system in the United States has provided fairly clear guidelines about the conditions under which abortion is allowed. Despite this important and controversial issue, morality, like all informal public systems, presupposes overwhelming agreement on most moral questions. No one thinks it is morally justified to cheat, deceive, injure, or kill simply in order to gain sufficient money to take a fantastic vacation. In the vast majority of moral situations, given agreement

on the facts, no one disagrees, but for this very reason, these situations are never discussed. Thus, the overwhelming agreement on most moral matters is often overlooked.

The claim that morality governs behavior that affects others is somewhat controversial. Some have claimed that morality governs behavior that affects only the agent herself. Examples of behavior that supposedly affects only oneself, often include taking recreational drugs, masturbation, and developing one's talents. The German word for morality does include behavior that affects only the agent herself, and Kant may provide an accurate account of the German concept of morality. This concept of morality is more closely tied to its religious origin. However, the English concept of morality is more completely secular and almost all who distinguish morality from religion regard morality as governing only that behavior that directly or indirectly affects others. It is likely that regarding self-affecting behavior as governed by morality is a holdover from the time when morality was not clearly distinguished from religion. This religious holdover might also affect the claim that some sexual practices such as homosexuality are immoral, but those who distinguish morality from religion do not regard homosexuality, per se, as a moral matter. Almost all American colleges and universities prohibit discrimination against homosexuals, which strongly suggests that they agree that only behavior that adversely affects others counts as immoral.

The final characteristic of morality - that it has the lessening of evil or harm as its goal - is also somewhat controversial. The Utilitarians talk about producing the greatest good as the goal of morality. However they include the lessening of harm as essential to producing the greatest good and almost all of their examples involve the avoiding or preventing of harm. The paradigm cases of moral precepts involve rules which prohibit causing harm directly or indirectly, such as rules prohibiting killing, causing pain, deceiving, and breaking promises. Even those precepts that require or encourage positive action, such as helping the needy, are almost always related to preventing or relieving harms. An examination of the paradigm examples of moral precepts make it clear that all of them involve the lessening of harms. It would be possible to include these paradigm examples of moral precepts in the definition of morality. This addition would make explicit that the normative sense of morality refers to that guide to behavior that we all regard as morality, but it not necessary to do so, because the proposed definition is sufficient to guarantee that these paradigm moral precepts will be part of the moral system.

Dictionary definitions of referring terms are usually just descriptions of the essential features of the referents of those terms. Insofar as all the referents of a term share the features that account for why that term refers to those referents, the term is not regarded as ambiguous. morality is an ambiguous term. Unlike the descriptive definitions of morality discussed earlier, which do not have any implications about how a person should behave, this normative definition of morality does have such implications. Hence it is not surprising that it is controversial. Agreeing to this definition commits a person to regarding some behavior as immoral, perhaps even behavior that he is tempted to perform. Although this definition allows as meaningful the question, "Why should I be moral?", it guarantees that there is an answer that shows that it is not irrational to be moral, even though it may not show that it is irrational to be immoral. This definition also explains why we want others to act morally and why others want us to act morally. It thus does what definitions of referring terms are supposed to do: it clarifies this term's relationship to other terms with which it is related, and explains why we use the word in the way that we do.

MORALITY AND RELIGION

For thousands of years many philosophers and theologians have tied moral principles to the existence of God. There is some rationale for this approach. Moral principles seem to

be absolute and eternal, and to gain this status they must rest on the nature of God, which is also absolute and eternal. Also, moral behavior is required of everyone, and one way of reinforcing the importance of moral behavior is to note that God mandates moral principles. In a famous passage from his dialog *The Euthyphro*, Plato exposes a dilemma with linking morality with God. Known as "the Euthyphro dilemma" in the dialog Socrates asks a young man named Euthyphro the following question:

The point which I should first wish to understand is whether the pious or holy is beloved by the gods because it is holy, or holy because it is beloved of the gods. The two options in question are whether (1) God endorses a previously existing standard of morality that is external to him, or (2) God independently creates the standards of morality. The two options appear to be mutually exclusive, and, in the dialog, Socrates tries to explain this point to Euthyphro.

During the middle ages, religious philosophers who linked morality with God's existence indeed did choose between one of two options presented in the Euthyphro dilemma. Thomas Aquinas (1225-1274) offered a specific version of natural law theory by which God endorses a rational set of moral guidelines; Aquinas, then, goes with the first option of the Euthyphro dilemma. The theory of natural law involves three main contentions: (1) God prescribes a set of moral values and makes them law by instilling them in our human nature; (2) there is one ultimate rule of natural law, which we discover through an intuitive mental faculty; (3) from this ultimate rule, we deduce more specific moral rules that carry the authority of natural law.

In the centuries following Aquinas, some natural law philosophers, such as Hugo Grotius, followed Aquinas's lead by going with the first option of the Euthyphro dilemma - that God endorses an independent and previously existing moral standard. However, other philosophers, such as William of Ockham and Samuel Pufendorf, went with the second option of the Euthyphro dilemma, namely that God independently creates the standards of morality. This position is called both divine command theory and voluntarism. On this view, God invents moral rules as a matter of his unconstrained and free will. By the 18th century, the concept of God's will played a key roll in many moral theories. Some writers, such as William King, argued that the existence of moral principles is completely dependent on God's will. Others, such as William Warburton, argued that God's will is an essential motivation for why we should adopt moral principles, although moral principles themselves are eternal and independent of God.

David Hume was the first philosopher since the middle ages to drive a wedge between religion and morality, separating the two completely, regardless of the stand that one takes on the Euthyphro dilemma. In two works, *Dialogues Concerning Natural Religion* (1779) and *The Natural History of Religion* (1757), Hume addresses the issue from several perspectives. First, he argues that our purely philosophical conceptions of God do not entitle us to ascribe to God the moral attributes that we see in human nature. Human moral sentiments are linked to our biological nature and our survival. Since, God's nature - as traditionally understood -- infinitely surpasses that of human nature, then our human notions of morality cannot apply to him. Second, setting aside our philosophical conceptions of God, Hume argues that in our more popular conceptions of God we actually see God as an immoral being. He is cruel and spiteful. Finally, Hume argues that in our attempts to gain God's favor, we are not content to simply be moral, but we fall back on absurd religious rituals. That is, a religious person who aims at pleasing God will not have morality on his mind. Hume was so suspicious of the behavior of religious people that, as James Boswell reports, "when he heard a man was religious, he concluded he was a rascal."

In time, mainstream British moral philosophers adopted Hume's secular approach to morality and eliminated references to God or religion in their theories. We see this especially

in the theories offered by Bentham, Mill, Sidgwick, Moore, Ross, and Stevenson. In recent years, some philosophers of religion have revived divine command theory, most notably University of Notre Dame philosophy professor Philip L. Quinn. In reaction to this revived interest in divine command theory, Canadian philosopher Kai Nielsen argues in a series of publications that the divine command theory is conceptually flawed and morality is in no way dependent upon religion.

Belief is the acceptance of something as true, or thinking that something could be true. There are two distinct notions of belief: belief in *x*, and belief that *x*. Regarding belief in, we can believe in the existence, truth, or value of something, or believe in something that we think ought to be. The notion of believe in is usually used to designate believe in good things. For example, we believe in Jones's cheery attitude but not his selfishness. Philosophers are principally concerned with belief that, and describe this as doxastic belief. This kind of belief is one of several types propositional attitudes; others are thinking that *x*, wishing that *x*, and feeling that *x*.

There are limits to propositions in which we can believe. It is questionable as to whether an individual can believe contradictions, such as "that *p* exists and also that *p* does not exist at the same time." It is also uncertain whether a person can believe something that she knows is false or thinks is improbable. To study belief is to study its connections with long-term dispositions, actions, and inner experiences, not just the short-term idea that a person claims to accept. Other issues with belief concern how far belief is voluntary, and whether a person has a moral duty to believe certain things. William James argued that acceptance of truth sometimes requires an act of the will which goes beyond what the facts present and is based on feelings. Belief in divine revelation is an example of this type. Ortega y Gasset thought of belief as the power behind ideas insofar as ideas need to be founded in pre-rational belief. Together, ideas and belief make vital reason. In contrast to this approach, William Crawford argues that one must not accept something unless all evidence supports it.

The theological use of the term belief is the closest to its common usage. A theologian distinguishes between two different meanings. The first is more like an opinion, which is belief in the probability of something. The second is the belief in the certainty of something. Catholic theologians distinguish between explicit and implicit belief. When someone believes a truth that she knows, the belief is explicit; when she believes the consequences of a truth which she cannot know, the belief becomes implicit. With respect to many, if not most issues, there exist significant differences of opinion among individuals who seem to be equally knowledgeable and sincere. Individuals who apparently have access to the same information and are equally interested in the truth affirm incompatible perspectives on, for instance, significant social, political, and economic issues. Such diversity of opinion, though, is nowhere more evident than in the area of religious thought. On almost every religious issue, honest, knowledgeable people hold significantly diverse, often incompatible beliefs.

Religious diversity of this sort can fruitfully be explored in many ways - for instance, from psychological, anthropological, or historical perspectives. The current discussion, however, will concern itself primarily with those key issues surrounding religious diversity with which philosophers, especially analytic philosophers of religion, are most concerned at present. Specifically, our discussion will focus primarily on the following questions: How pervasive is religious diversity? Does the reality of this diversity require a response? Can a person who acknowledges religious diversity remain justified in claiming just one perspective to be correct? If so, is it morally justifiable to attempt to convert others to a different perspective? Can it justifiably be claimed that only one religion offers a path into the eternal presence of God? The answers to such questions are not simply academic. They increasingly have great impact on how we treat others, both personally and corporately.

Conclusion

As we have seen, discussions of religious diversity lend themselves to no easy answers. The issues are many, the arguments complex, and the responses varied. It would be hard, though, to overstate the practical significance of this topic. While some (many) issues that philosophers discuss have practical implications for how we view ourselves and treat others, none is more relevant today than the question of religious diversity. Exclusivistic religious convictions have not only motivated impassioned behavior in the past - behavior that has affected significantly the lives of many - such convictions clearly continue to do so today. So to the extent that such exclusivistic behavior is based on inadequate conceptual tools and/or fallacious reasoning, the continuing philosophical discussions of religious diversity that clarify issues and assess arguments may well be of great practical value.

REFERENCES

- [1] ALSTON, William P. *Perceiving God: The Epistemology of Religious experience*. New York: Ithaca, Cornell University Press, 1993.
- [2] ANZENBACHER, A. *Úvod do etiky*. Praha: Zvon, 1994. 292 s. ISBN 80-7113-111-3.
- [3] BAIER, KURT. *The Moral Point of View*. New York: Ithaca, Cornell University Press.
- [4] DESCARTES, R. 'Letter to Mersenne: 16 October 1639'. In: *The Philosophical Writings of descartes*. 1991, vol. 3, Cambridge: Cambridge University press, s. 138-140.
- [5] FIELD, H. 'The Deflationary Concept of Truth'. IN: Macdonald and c.Wright, (eds.), *Fact, Science and Morality: Essays on A.J. Ayer's 'Language, truth logic*. 1972, Oxford: Basil Blacwell, s. 55-117.
- [6] FOOT, Philippa. *Virtues and Vices, and other Essays in Moral Philosophy*. Berkley: University of California Press, 1978.
- [7] FRANKEMA, W. *Ethics*, Englewood Cliffs. N. J. Prentice-Hall, 1973.
- [8] FRANKEMA, W. *Thinking about Morality*. Ann Arbor: University of Michigan Press, 1980.
- [9] GERT, B. *Morality: Its Nature and Justification*. New York: Cambridge University Press, 1980.
- [10] GRIFFITS, A. Philips (editor). *Ethics*. New York: Cambridge University Press, 1993.
- [11] HAJDUK, L. *Liberalism and communitarism. Finding a balance. (Liberalizmus a komunitarizmus. Hľadanie rovnováhy)*. Bratislava: National institute of education, 2008.
- [12] HARE, R.M. *Moral Thinking*. New York: Oxford University Press, 1981.
- [13] HOBBS, T. *Leviathan*, edited by Richard Tuck. New York: Cambridge University Press, 1991.
- [14] KANT, I. *Critique of Pure Reason*. New York: St. Martin's press, 1929.
- [15] KANT, I. *Groundwork of the Methaphysics of Morals*. New York: Barners-Noble, 1967.
- [16] MAVRODES, George I. *Revelation in Religion belief*. Philadelphia: Temple University Press, 1988.
- [17] MITCHEL, B. *The Justification of Religious Belief*. London: Macmillan, 1973.
- [18] MOORE, G. E. *Ethics*. New York: Cambridge University Press, 1993.
- [19] MOORE, G. E. *Principia Ethica*. New York: Cambridge University Press, 1993.
- [20] PLANTIGNA, A. 'Religion and Epistemology'. In: Craig Edward (ed.), *routledge Encyclopedia of Philosophy*. London: Routleng, 1998, vol. 8. Plotinus (301), The

- Enneads, transl. Stephen MacKenna (London: Faber and faber 1917, 3rd edn revised by B. S. Page, 1962).
- [21] REMIŠOVÁ A. Dejiny etického myslenia v Európe a USA. Bratislava: Kaligram, 2008.
- [22] ROBERT, A., WAINWRIGHT, WILLIAM J., eds. Rationality, Religious Belief and Moral Commitment. New York: Ithaca, Cornell University Press, 1986.
- [23] SIDGWICK, H. Outlines of the History of Ethics. Boston: Beacon Press, 1960.
- [24] SIDGWICK, H. Methods of Ethics. Indianapolis: Hackett Pub.Co., 1981.
- [25] STORING, H. J. Malé dejiny filozofie. Bratislava: Iris, 1992.
- [26] TOULMIN, S. An Examination of the place of Reason in Ethics. Cambridge: Cambridge University Press.
- [27] VEVERKA. L. J. Pravda a mravnosť vo viere. Banská Bystrica: FHV UMB, 2002.
- [28] WALLACE, G. AND WALKER, A.D.M., editors. The Definition of Morality. London: Methuen, 1970.
- [29] WARNOCK, G. The Object of Morality. London: Methuen, 1971.
- [30] WESTERMARCK, E. Ethical Relativity. Paterson. NJ: Littlefield, Adams, 1960.

Contact address:

PhDr. Janka Kyselová, PhD.
FACULTY OF EDUCATION
University of Matej Bel in Banská Bystrica
Ružová 13
974 11 Banská Bystrica
(Slovak Republic)
E-mail: jkyselova@pdf.umb.sk

OEUCATION IN FINANCIAL LITERACY FOR DISADVANTAGED

Jaroslava Pavelková, Karel Preuss, Miroslav Doležal

The College of Banking, Praha, Czech Republic

ABSTRACT

Pandering to the sale of new financial products (loans, credits, etc.) augmented by advertisement and state-sanctioned through loopholes in legislation leads to a dramatic household debt. The loss of regular financial background often leads to indebtedness of individuals, families and communities. Living in debt has become for many of us are part of everyday life. For this reason it is necessary, given the current population of all groups of society with information in the form of financial advice. One solution is proving education in financial literacy. The paper puts forward advice to employees of state and government and non-profit organizations in the area of financial literacy education for disadvantaged people in the Czech Republic (the target group of beggars and the homeless) at facilities operated by governmental and nongovernmental institutions to supplement the work of social workers with minority groups in the area of financial advice to their clients.

Key words: Issues of financial advice, state and government organizations, non-profit organizations, financial literacy education and training, social work with disadvantaged groups of people

Introduction

Events after the year 1989 brought a revolutionary change in the political and economic establishment, which touched practically every citizen in the Czech Republic. The major qualitative transformation of social structure will then be reflected in the management of the various areas of the economy. When introducing new models of funding (a new concept of a market economy), these effects are bound to have touch and labour market issues and the associated financial rewards. In the present global financial and economic crisis is not easy for many healthy people get a job according to your needs. Occurs in an impossible position on this issue, especially for older and disabled individuals, new graduates, mothers with young children, people released from prison, socially adaptable people (beggars, homeless) and those for which accumulates multiple handicaps. It is the loss of regular financial background often leads to indebtedness of individuals, families and communities. Pandering to the sale of new financial products (loans, credits, etc.), augmented by advertisement and state-sanctioned form of loopholes in the legislation, leading to dramatic household debt. Living in debt has become for many of us are part of everyday life. For this reason it is necessary to supply all the current populations of the information in the form of financial advice.

Finance and human life

Man is a social creature, he needs to live in the company of other people and just be able to live to the full. People from ancient times to club together in the community that they ensure their survival: only in the group were able to deal with large predators, providing the food and

care for their children. These needs are met by society even at present; it just happens in more complex conditions. Indeed, contemporary society is also much more complex than it was a bunch of mammoth hunters, and our needs are diverse. Therefore, necessarily differ in the economic base of society. Since the exchange "piece by piece" or "service for service" we get to exchange "package or service for money". And so the money as widely exchangeable value became the foundation of contemporary society. Knowledge of money management is one of the basic needs of contemporary man. Without it, life cannot move well in today's society. Those who feel it would be good to learn more, one of the courses. And we can recommend them to the basic literature in the form of "**Primer of Financial Literacy**"³⁷ and slim paperbacks written by Lucy Vrbková "**Never a debtor**".³⁸

Financial literacy

Indebtedness of Czech citizens, households and the increasing number of executions is increasingly emerging as normal everyday situations. Visible is the dynamic debt of population in the Czech Republic. Borrowing money – especially non-bank entities – is a profitable business, whose size indicates the growing number of proposals for personal bankruptcy. People lack the basic knowledge, skills, attitudes and values to the management of finances that are necessary for citizens to secure themselves and their loved ones from the perspective of the problem in contemporary society. Overall, this is called **financial literacy**. Against individuals – financially inexperienced citizen – is a professional group, equipped with all modern knowledge of marketing, advertising, psychology, etc., which are legal specialists with vast financial resources and ready to get rid of ignorant people, not only money, but often "homeless". The financial literacy for adults as promotes, implements and finances as the company COFET, a.s. which is also a member of the coordinating committee Ministry of Finance of the Czech Republic for financial education (financial education programs against to debt). Reasons for solving theoretical and practical problems associated with poverty and social exclusion as a result of citizens debt team of authors led to the creation and publication of **Primer of Financial Literacy** (COFET, a.s. 2009; hereinafter referred as Primer FL), which is currently the only complete set of information on financial literacy arranged in seven basic modules (Psychological and social aspects; Information literacy in the framework of financial literacy; Consumer protection; Money literacy, Literacy price, Budget literacy, Legal literacy). Custom modules based on the standards of financial literacy of the Ministry of Education Czech Republic and are supplemented by others that are necessary for teachers FL, for staff working with vulnerable groups (for example unemployed and especially long-term unemployed), students, social workers, etc. Financial literacy has become since 2007 a proven tool for active employment policy, which has proved not only for obtaining and maintaining employment, but also for occupational choice for pupils and students. Financial literacy is a new and essential information base for education reforms (e.g. pension reform). The first edition of Primer FL reflects the legislation effective from the first of June in 2009. Since then there have been changes of laws (e.g. Act on Material Need, Social Services Act, the Civil Procedure Rules of Enforcement, Bankruptcy Law, Criminal Code) and has a number of legislative changes and procedures within the institution. Given the above, also emphasize the need for education reform was necessary to update the Primer FL (made by professor. Václav Vybíhal et al.). The second edition takes account of developments in the financial sector, especially the processes and methods from bank lenders and non-banking sector to respond to new laws on payments and consumer credit was available in December 2010. And following this method of contribution, dedicated to

³⁷) KOLEKTIV AUTORŮ. *Slabikář finanční gramotnosti*. Praha : COFET, 2009. 448 s. ISBN 978-80-254-4207-4.

³⁸) VRBKOVÁ, L. *Už nikdy dlužníkem*. Praha : COFET, 2009. 97 s. ISBN 978-80-904396-0-3.

financial education trainers for employees of state and non-government, public administration, based on the above presented the document and adds it to work in solving or preventing social exclusion as a result of over-indebtedness mentioned disadvantaged minority group of contemporary society. A methodology of financial advice for employees of state and non-government, public administration education in financial literacy for disadvantaged people in the Czech Republic – the target group of **beggars** and **homeless people** in facilities operated by state and non-governmental institutions is available on the web pages of the Zlín Region.³⁹

Create a system of financial literacy education for these devices can add a non-violent form of social workers working with minority groups in the area of financial advice to their clients.

The target: Non-formal approach to implement the essential knowledge and skills on financial debt to the awareness of disadvantaged citizens. The actual rate for the end beneficiary is aimed to provide basic instruction about the nature of personal and family finances. It has met familiarize participants with simple methods of creating and managing personal and family budgets, the most common solution, preventing a state of insolvency and methods of their solution.

- Introduction to financial literacy (Primer of financial literacy⁴⁰)
- Psychological and social aspects of financial literacy (Primer of financial literacy)
- Marketing techniques (Primer of financial literacy)
- Economic aspects of the current financial literacy (Primer of financial literacy)
- Legal aspects (Primer of financial literacy)
- Characteristics of the target group of disadvantaged
- Educational activities focused on financial literacy with respect to the characterization of income groups (lectures, design methods of teaching, group discussion and situational games in the area of financial literacy) and training program – the practical exercises.
- Course for the final recipient is intended for those who need to learn how to manage their personal and family finances in the current conditions, how to avoid the dangers of uncontrolled growth of debt and insolvency. Particular attention is paid to those who have already gotten into a situation in which they are unable to repay their debts, and those who do not have a steady source of income that would cover their basic living needs.
- Course for the final recipient provides a basic orientation to the level of simple, understandable even to those who have only an incomplete education and have a basic knowledge of the subject.

At the present there is rapidly growing number of individuals and households at risk of insolvency. One reason is ignorance of basic economic principles. It deals with the cause of this planned course, which should enhance the ability to deal with the situation of vulnerable time, for example before there is a genuine indebtedness.

Conception of course for the end recipient based on the knowledge that almost a third of the Czech population has major shortcomings in the field of functional literacy, it is performance in reading; understand the principles of conduct in society, etc. In addition, the proportion of this group is increasing, especially among the younger generation. Therefore, the course is based on narrative and graphic component, does not separate the study of written materials and documents.

³⁹) <http://www.krzlinaky.cz/docDetail.aspx?docid=74212&doctype=ART>

⁴⁰) KOLEKTIV AUTORŮ. *Slabikář finanční gramotnosti*. Praha : COFET, 2009. 448 s. ISBN 978-80-254-4207-4.

Form of teaching consists in the procedures of interactions with interdisciplinary links, situational games and practical exercises.

The structure of the course for the final recipient

- Personal and family finances
 - Personal Finance – property, resources
 - Family finances – the joint property of spouses: origination and termination, the consequences of action and potential risks of their treatments
- Revenue, expenses, investments, savings
 - Sources of income
 - Structure of expenditures
 - Necessary investments
 - Possibility of savings
- Achieving balance in personal and family finances
 - Cups of our grandmothers
 - How to determine the priority of payments
 - How to achieve balance
 - The most common mistakes
- Ease of travel into a debt trap ...
 - Loans (personal, bank, non-bank, new opportunities) and their risks
 - Risks of hire purchase and deferred payment
 - Danger of credit cards
 - Problems accumulation tools
 - Functional breakdown of the family
 - Addictions (alcohol, drugs, gambling etc.)
 - Liability for third party liabilities
- ... and difficult journey from it
 - What else is to control
 - Way of debt relief

Possible causes of beginning debt

- fault of their own (making unnecessary things, failure to pay rent, default mandatory fees)
- the proportion of families on the debt
- assuming the obligation to guarantee (within the family, friends, acquaintances, strangers)
- combined encumbrances
- habitual addictive drugs
- mental retardation, inability to participation in own lives

Characteristics of the target groups of disadvantaged people – homelessness and beggars

The main purpose of this paper is to provide information on persons without permanent housing, family support, gaining a livelihood by begging for money in the Czech Republic. The group of homeless people are ranked as the people with their own ways of life, manners and habits outside normal society and do not address the principles and practices. The transition from the paternalistic state to a predatory capitalist system led to revolutionary changes in political and economic system that not every individual was able to adapt to the new situation. So the phenomenon, common in Western industrialized countries, found in the Czech Republic quite drastic form, as the company was ready for it.

This new phenomenon is fully reflected in the Czech Republic since 1989 and has a growing trend. From this existential crisis is difficult, but without effective external assistance to return to normal lifestyle. People have reacted to these people on the verge differently. Their attitudes are a mixture of sympathy and opposition efforts to help, but also attempt to ignore them or remove them from sight of others. Prejudice and ignorance of the problem, many people in our country to encourage the creation of hostile attitudes towards these people as a group and the totally negative approach, and associated with aggression.

Even in our country after the Velvet Revolution is taking place in many areas (economic, social and cultural) to many positive changes that are closely related to civil and political rights. One could believe that after re-acquired the identity and social mobilization everything will develop progressively. However, it is logical that the restored freedom to have to appear as negative phenomena, which in our country the socialist regime existed in latent form, but then the establishment is not acknowledged in abuse into the public consciousness. Government measures have been specific about individuals in their own way of life different from the majority society and criminalized, one of the measures implemented was that these people were placed in psychiatric or correctional facilities (of the right to work).

Visibility of these injustices classified or fails on its own incompetent people for social change occurred in 1990. M. Horáková (1995, 7) indicates some of the causes which led to a huge increase in members of this social group (disappearance of responsibilities; unemployment; the loss of housing in company dormitories; a large prison amnesty granted to former president Vaclav Havel; disintegration of large construction companies in particular, traditionally employ unskilled; problem, and mobile workforce; changes in housing policy; rising food prices, followed by inflation).

The unequal relationship between low incomes and high housing costs are also reflected in the life of individual households (Nedomová et al. 1999). Loss of imaginary order and the obligations of state and itself had to be reflected in their attitudes toward their own responsibility. There is a shift in the understanding of liberal autonomy, leading to the creation of new life credo – not subject to the existence of any external rules. There is a waiver of the liabilities of the company and other individuals, basic individual rights have become a mere ever-expanding list of claims against the state and society (Ruczaj 2004). From own convenience and misunderstanding and failure is just a small step to get to the process of institutionalization of poverty (Hayek 1991).

But whether we like it or not, these people are there and need our help that we should be able to offer. The solution to this situation is the ignorance and aggression against those people helping or ineffective, but rather deliberate targeted assistance of problems and needs of this minority. Help them to return again into full life, a dignified integration into existing companies. If we are interested in them and know the conditions on which these people are based and which led to the current situation, we can also focus more on prevention. Even among the youngest generations of our people need to act on civil awareness with the aim of understanding the existence of these social problems. Of course, we are also aware of the need

for political solution to the problem that is inseparably linked to the improvement of social work in this area in terms of growth and deployment of professionally prepared social workers.

Summary characteristics in contemporary society

This is a newly formed, in its own way of life different culture (their own norms and values), the minority population, which creates tension in the major companies (from indifference to aggression), which does not want to integrate back into mainstream society (Pavelková 2010). Despite the efforts of mainstream society are perceived negatively (as people who do not work and are often dependent on addictive substances). Often involved in crime, but on the other hand, are victims of crime (victimization).

The causes of the phenomenon can be summarized as objective, subjective and personal issue. **Objective causes** are influenced by the state social policy and social legislation and reflected in them as human rights, respect for rights and equal opportunities for all citizens, education, employment, social protection, security in old age and illness, combating xenophobia and ethnic problems. **Subjective reasons** for emigration, etc. are influenced by individuals themselves, their families and their friends, different social groups or communities, their dispositions and abilities, temperament, age, educational level etc. They often suffer from so-called functional illiteracy, which can be defined as the inability to use information from everyday sources. This failure may be a barrier to employment, social and cultural use of the individual. These people are unable to mutually compare the two (or more) information, they are unable to orient in a particular area of human life (environmental, computer, legal, civil, social, media, financial, etc.). The last-mentioned financial illiteracy is extremely important skill and knowledge, which an individual needs to be applied within their community, could perform their social roles – citizen, consumer, family member, staff, etc. – it is therefore practically usable knowledge of everyday life, including the ability to exercise its mandate. On the basis of financial illiteracy in the form of over-indebtedness, there is the most reliable path to social exclusion (e.g. rent arrears and the services associated with the debt to credit companies). Furthermore even, the material supports in – housing, employment, the tragic events in the family, wealth, unexpected events in society, flood, war, etc.

The problem of personality can be seen in mental retardation, mental or physical illness (lack of hygiene, poor nutrition, the miserable state of health – organ failure, cancer, hepatitis A and B, tuberculosis, bacterial and parasitic diseases), helplessness, loneliness, disability, dependence on alcohol or drugs, social immaturity, ethnic differences and the situation arising after release from hospitals, institutions, prison or after leaving the child reaches adulthood from children's facilities.

- Often come from dysfunctional families or even non-existent
- Members of these groups were exposed in childhood disinterest families were underestimating or even subjected to violence and abuse (physical or mental)
- The dysfunctional families were expelled or fled from themselves and roamed. Their abilities are reduced, they lack the basic skills that are essential to an acceptable social adaptation
- Low level of education, functional illiteracy
- I do not have developed voluntary properties are adequately to self, they are missing some strength and endurance, often they can not control
- Grasp of the society that surrounds them, they do not understand the rules and norms that regulate behaviour and relationships between people, refuse is not able to exercise and follow them in everyday life, financial illiteracy

- They do not know their rights and can therefore also promote and exploit their advantage. Their skills may be less a lack of genetic predisposition and acquired disabilities (mental retardation, somatic status, personality changes and subsequent changes in the psyche caused by the use of addictive substances)
- Another cause may also be in different social experiences (e.g. life and education in children's facilities, long-term therapeutic programs in health care facilities, staying in prison)
- The problem of any accommodation
- The problem is getting them to work (complete discrimination)
- Poverty and exclusion
- For the socially disadvantaged individual is typical of economic exclusion. The need to meet basic living needs and because of its position against mainstream society often move in the sphere of the black economy and black market labour
- Often get into the economic system, stop stolen goods, and, if possible (your own personal documents), and borrowing money (e.g. diversion of loan sharks, hiring a "white horse", etc.)
- Losing a sense of shame and consequences of misconduct committed – are aware that the prison facilities get an acute lack of attributes for their daily life (bad adaptation problems)
- Distrust of government and self-governing institutions, based on negative experiences with officials refusing to even help non-governmental organizations (Pavelková 2010)

As the circle – A financial literacy course

- Introduction – finance and human life

Man is a social creature, he needs to live in the company of other people and just be able to live to the full. People from ancient times to club together in the community that they ensure their survival: only in the group were able to deal with large predators, providing the food and care for their children.

The company also meets the needs of today – only it happens in more complex conditions. Indeed, contemporary society is also much more complex than it was a bunch of mammoth hunters, and our needs are diverse. Therefore, necessarily differ in the economic base of society. Since the exchange "piece by piece" or "service for service" we get to exchange "package or service for money." And so the money as widely exchangeable value became the foundation of contemporary society.

Knowledge of money management is one of the basic needs of contemporary man. Without it, life cannot move well in today's society. Those who feel it would be good to learn more, one of the courses. And we encourage them to the basic literature in the form of "Primer of financial literacy"⁴¹ and slim paperbacks written by Lucie Vrbková "Never a debtor"⁴².

- Personal and family finances
 - Personal finance – property, resources

Planning is not a novelty. Even the proverbial early man Janeček certainly planning their children's future (damn, somehow it seems to me that the guy would just play stupid and should not be hunted mammoths), planned a mammoth hunt (when, where and how to dig a big hole to cover it up, who where to build the mammoth actually caught).

⁴¹) KOLEKTIV AUTORŮ. *Slabikář finanční gramotnosti*. Praha : COFET, 2009. 448 s. ISBN 978-80-254-4207-4.

⁴²) KOLEKTIV AUTORŮ. *Slabikář finanční gramotnosti*. Praha : COFET, 2009. 448 s. ISBN 978-80-254-4207-4.

But he's still much easier than we do today. His plan was based on the experience of many generations before him; his world has changed only minimally. But ours! In the past twenty years were the changes that are so fundamental that virtually erased the validity of the instruction, the practice of our parents, we are few, and many, we must learn all the way from the beginning.

This series of cases are including personal finance management. Not so important (as many think) if I have money "a lot" or "little." It is only a thin line between wealth and poverty, and just enough rough error in setting up a personal budget and can be forfeited on several floors. The whole problem can be called: How to keep my receipts and expenditures in balance?

From the outset it is well to say that the council is not easy. Unable to count only the immediate issue, but even those things you require in the future. For example: if you buy a car (a cheap used car for 10 thousand Czech crowns). I will not necessarily release the transfer, after the repair, maintenance control, gasoline or diesel, oil and many other things, which they ride for free. If I want to buy anything, therefore, must consider not only the purchase price, but also other expenses that it brings. Many vendors currently counts with the fact that they all fail to recognize and invite you to a „cheap“purchase – such as mobile CZK 1. It certainly appears to cry, but look at the contract, the purchase is subject to, and find out how much you'll pay a hundred crowns a month for at least one to two years, how expensive will your minimum fare and other factors. Maybe you want goes.

Say to yourself – but got it! Sure you have. In this case you. But you have everything you bought this? Does the total sum of things match with your income? If so, and there is still subsistence, travel to and from work, housing and other necessary things, including provision for unforeseen situations, everything is fine. If not, you have something to solve it quickly. It will be too late.⁴³

- Family finances – community property: the creation and termination, the consequences of action and potential risks of their treatments

Finance individuals want a little attention and are all acting heroic – because they are treated only one person. He does not frittered away where your money should be shown to get into balance. But the family is much more difficult. Not only because of family finances must be managed at least two, but also because there is far more than necessary "operating expenses" and investment. Mainly because having a family means to focus on the future – their own, each other, children. It's more than double the responsibility. But funding is at best doubled. So how to get along with family finances?

It should be access to the actual marriage with caution.

Previously, entering into marriage was easier in that the law defining the mutual property rights of both spouses and their dependent children. Today, there is needed the special contract that says what the spouse who brings to the union and how to proceed with his division in divorce cases. And that kind of thing is not easy; I do not have to say. Nobody knows the future, as is appropriate for matters of which we know at this time so little? We want to take a loved one, which we seem quite reliable, reciprocating our love. Divorce cannot even imagine. But the statistics are stark – more and more marriages end in divorce. Then – what now to do? So the contract is in place. For those who are currently in this stage, we advise consultation with a lawyer – just as short and worth it.

There is community property rising from marriage and – if not otherwise regulated by the contract – a common wealth. To him, everything will fall, what you take in marriage. It is surprise of even some of the debts arising from the activities of just one spouse, such as its business. So you can become a borrower, without creating their debt. It could therefore be at the entrance of one spouse to treat the business scope of joint property ownership agreement.

⁴³) How tough it can be a problem, shows the case of the book "Never a debtor" (Vrbková 2009, 11th etc.)

Later, it may no longer be possible. And not enough just the contract itself, it is necessary to inform creditors of the liabilities (and a provable form). Is not that our world is just simple. It has many rules that are not generally known, but – not knowing the law is no excuse!

- Revenue, expenses, investments, savings
 - Sources of income

The most common source of household income is wages. This applies to households with at least one of its members is employed. Other common sources of income are income from business (most often trade, exercised their own personal expense), income from lease of assets (e.g. houses, hoardings, cars, etc.). Less common is income from savings, which make sense only when outweigh the costs of keeping accounts, at rates which banks in the Czech Republic is to be quite wealthy. We will not consider the income from securities and renter's life – it certainly does not concern us. As for us – unfortunately – it can relate to the income from insurance, if we are unemployed, social benefits, if we fail to find jobs when we registered at the employment office.

Affect the amount of their income can, by trying to work well, given more power, that you find a better paid job (and if necessary we will increase because their qualifications), or find a second job (which is quite difficult in the long run, and not everyone can withstand).

In any case, we must look to it that our incomes cover our needs. If we can achieve this, have no choice but to cut spending.

- Structure of expenditure

Reduce expenses. It is good to say, but how to do it in practice, to work, i.e. that our life is at least tolerable?

I have to divide their expenditures to those necessary and others. To provide the necessary expenditures include housing, food, clothing, commuting to work, should include as well as adequate accident insurance, pension insurance and the appropriate form of savings. Because the actual balance is only where there is a reserve for unforeseen circumstances. This will all be necessary to add more investment; we'll take the next step.

Not necessary expenses but shall not be a place of boundless spending. And they need to maintain necessary level of efficiency – so they take a reasonable apartment, buy food with care, clothing rather good, perhaps even second-hand (now common even in middle class, so there is nothing to be ashamed). When searching for a suitable insurance, we care; we are looking for consistency between the terms of insurance and its price.

How much we have room for other editions than the ones needed? We find deducting necessary expenses from total income. And well we deliver, not what we can do. It is not good to spend the rest. Nowadays, when you can find a job as good as lost, to be reckoned with this unpleasant possibility. And build up reserves.

- Necessary investment

Investments are in point of view of household budget expenditure, which we and our children have a secure future, a future income, social status, degree of security and other desirable things. We ourselves, we need to improve the qualifications to obtain a better status in employment or better paying jobs elsewhere. This is something what takes us money today.

Our children – who would not want to let it have been better than us. That means the toys, creative development, through schools and school supplies, clubs, sports and everything else. Every parent today knows how costly it is to provide everything for the child to be in life could best be applied. Investments of this type include the necessary costs – but there is a need to proceed with reason, do not disburse money indiscriminately. Even though it's sometimes hard to tell a child "We do not have money for it"!

- Savings options

The savings are a few things. It is almost an inherent tradition of Czech households. Unfortunately, save for us is not simple in the Czech Republic. Although inflation has so far

not been high, find savings, which would ensure that our savings would not melt, is not simple. First, the interest not only common, but even the so-called savings accounts, is not overwhelming. When you subtract the tax, which is subject to income and other costs (bookkeeping, sending statements, attributed to savings, etc.) you will find that the costs outweigh the benefits. Only when the amounts in the plane a few hundred thousand crowns a long time remaining in the account, there is compensation. And not everyone has that option. Therefore, look for products that offer better terms, usually subsidized by the State, such as the building society, or certain pension products. Budgetary constraints next year, however, virtually erased the advantages and savers will be in a difficult position.

Therefore, you must look for new ways to protect their savings. It is not yet entirely clear under what conditions will be offered government bonds, does not even know how banks will react to this situation. Shortly – let us see.

- Achieving balance in personal and family finances
 - Cups our grandmothers

Our grandmothers had an ingenious system of how to allocate their money and "come out" even in modest circumstances. When my grandfather brought the payment, grandmother always split it into a cup in the cupboard. It was painted on a flat fee, striped on the expenditure on food, the blue one on clothes and shoes, etc.

For many households this system would be beneficial today. It was such a simple way to create a family budget and keep it under control. When there was the end of the month anything left, the grandmother took it into the backup. If no choice, she had to pick the contrary, the unions, but it did very reluctantly. She always wanted to have some margin there.

- How to determine the priority of payments

The basic problem of all, even the simplest household budget is to determine the priority of payments. The most basic, we have already said when we talked about the structure of expenditure. But there are situations where the highest rungs get another payment. These include primarily the repayment of loans, hire purchase, mortgages, consumer and other loans. During the negotiations we commit to specific repayment procedures, and it must be observed. Violation of these obligations, we can come is very expensive – socially and financially.

In determining the priority of payments, therefore we must look primarily due to our commitments. Of course we need to survive and yet, we were dead because our creditors many valid (even if our commitments are recovered by inheritance or our survivors, which we have done so from the life of hell). If no result is that we are unable to pay all proper manners, it should immediately negotiate with creditors, when we see that such a situation occurs. But prevention is the best medicine. In order to avoid such situations, it is necessary to proceed cautiously and not to take commitments, which are not enough.

- How to achieve balance

Those who feel that the system of cups, inherited from our grandmothers and great-grandmother, enough already, have essentially the truth. Today it is a difficult time and in her hectic pace can easily lose. So, how to build a true family budget?

It is best to take a piece of paper vertically split it into two halves, and each of them closer to the right column to separate. First, we start writing income. The wider column on the left half write the entire individual sources of income (e.g. salary father, mother's salary, income from renting an apartment...), then the line items in a narrower column type in the amounts that add up below. That was the easy part of the job.

Now move on to spending. We must take as a base last month, but then we must not forget items that are paid over a longer period and are due this month (e.g. liability for a car that is

paid quarterly). Since the expenditure is more, you need to proceed carefully and thoroughly check everything. Once again the individual items will add more digits. And add up.

When we compared the income left over something, it's good and we can save that amount. If not, we need to start saving on expenses, at least until we can get another source of revenue, or increase your income from existing sources.

- The most common errors

We cannot live without optimism. But optimism is not the best way to assess your financial future. Not that we should be pessimists, but a little caution cannot overstate. It is excessive optimism regarding the future income is one of the most common mistakes in financial planning. Another common mistake is that the plan does not reflect all expenses in full (forget expenses caused by previous purchases – for example, the car could be used, in addition to gasoline needs and oil, repair times, liability, once every two years technical inspection etc.).

A serious mistake is to overlook the cumulative effect of multiple loans, hire purchases, etc. – more on that in the next chapter.

A very serious mistake is lack of discipline. Sure, it's very difficult to resist buying something for children, particularly something their peers have, and the things making now a child's social status in the group. But failing that, there's nothing for kids to explain everything. Perhaps it is better to prepare them for life: they realize the value of money by themselves with discipline, if they are bigger, they can also earn some money and we can contribute within our means. Surely such an action is better than to succumb.

- Ease of travel into a debt trap...

Fall into a debt trap is so easy and alluring. Just succumb to the advertising of their own desire, uncontrollable urge to own something special or just like that, like others, feel successful... Regardless of the harsh realities of life.

The instrument's misfortune may be so easy nowadays to obtain money that is then spent in a way that we do not provide any increase in revenue. If you can understand that someone who borrows for his university studies (or another way to boost ratings), which gives him a chance at a better (or at least better paid) job, then need a loan for a vacation abroad is something completely different.

Get money now seems to be very simple. How many ads you are attracted to a call, loans are provided by phone, agents of different companies for you to attend its offer to house... But – do I need to borrow? How many actually pay for the loan? And when I have to pay how much? These are all questions that do not always get a clear answer. Well, the answer may be hidden in the text of the treaty, a complex written (supposedly) "legal" language, which can not fully understand the footnote written in tiny letters that you miss, or is determined by reference to the law, do not understand the text. And then you fail to wonder. We are not here to threaten arbitration, judicial orders and execution, we want you to persuade you to be very attentive and all the information that the agent will verbally tell you check the wording of the contract. And if you yourself sufficient at all (it's no shame – on you is often seasoned "professionals fraud"), you'd better to take someone knowledgeable – or even drop into it.

Why? Well the fact that you buy one of the following tools:

- Loans (personal, bank, none banks, new possibilities)
- Hire purchase and deferred payment for goods
- Credit cards

All of these tools (and others), allows you to "quickly achieve their dreams" (as the ad says), but then enslave us for a very long time (sometimes for the rest of life). Each of these tools alone is only a limited risk when used responsibly and with full awareness and knowledge of its properties. Without them, however, is high risk. The accumulation of different tools is rapidly increasing. After all, who can calculate the cost if we take out a loan and leasing of

two things in quick succession? It is a task for professionals. But how many people do it every day almost without thinking?

Journey into a debt trap, however, may be begun only their own actions. We can also get into it due to circumstances that are not entirely dependent on our own will. Can it get us into such a functional family breakdown, addiction (our own, but also a life partner), having a devastating effect on our financial situation? In particular, the dependent cannot be considered to improve the nature of the problem without a solution – that is, without a successful treatment.

A special case of path into a debt trap is a personal liability for third party liabilities – for example within the family. Even such a commitment you can get into a debt trap if the person is bound directly paying any reason (for example, also due to death). Therefore, you should accept such commitments only in exceptional circumstances and with good forethought. Surety friend just might be a big gamble.

-and hard journey from it
 - Co ještě lze uřídit (What more can be prevented)

Indeed, the debt trap is no easy way out. And it is only a thin line between a situation that cannot handle discipline at large, and that, which already requires the use of legal instruments for debt relief. Even in this case, there is no easy way or there is no internal discipline without discipline and self-control, cannot do. Fairy tales do not want to tell you.

If you have debts you can pay from their income so that you are able to pay interest and a portion of the principal (debt equity), you could arrange it with the lender. While pay so much more than if you paid for under the original assumptions, but also to avoid legal fees, complex trial or court orders and execution – and that's not enough!

If your earnings fall just short (e.g. job loss – assuming that you have a real chance again to get another fast), you timely negotiation with creditors to achieve a more favourable distribution of payments, suspension of payments and the like it should be noted that the negotiations are more inclined to banks or big companies (though not all, as experience shows), while particularly smaller companies and individuals, lending on a smaller scale, are very rough and inaccessible.

If your debt level of the threshold is over, or if you have determined your estimate on the odds of finding a new job, the situation is very complicated. In the worst case, you will not to have a choice but to use it.

- Ways of debt relief

They are simple and represent a kind of extreme solutions. The solution brings the so-called bankruptcy law – that is correct by Act No. 182/2006 Coll. Bankruptcy and ways to address it.

One for individuals – non-entrepreneurs brought the possibility of so-called debt relief. What does it mean in practice?

- The alternative of bankruptcy for individuals who are not entrepreneurs (for those previously was only possible execution)
- The purpose is to give debt relief to borrowers with a fair chance to address the intent of their difficult financial situation the opportunity to get rid of their debts over time and start again

CLINICAL SOCIAL WORK (CSW)

- A prerequisite is the satisfaction of unsecured creditors (those who do not pledge to the debtor's estate) to a level at least 30% of their claims, unless otherwise agreed with the borrower
- If the borrower qualifies proper judicial decision, the court will be exempt from any further obligations (and liabilities of the insolvency proceedings are not logged on)
- There are two ways of reducing the debt: realize assets; convert it into money (one sale-off of the debtor's assets), debt relief or rescheduling of transactions.

Whatever the case proceeded in a particular way or another (if there is a combination of both), it is necessary before filing a petition for bankruptcy own a few important things:

- Calculate the total amount of their debt, including interest, i.e. cost recovery, penalties, etc.
- Organize your commitments for secured and unsecured (i.e. those for which the creditor to pledge your assets, and those without it) – if certain obligations secured by your apartment, house, car or other property, then note that this property will be lost.
- Calculate what is the value of your property off pledges, which would fall into the estate (include savings, insurance, car, garden house and sports facilities... everything, except what may be disciplined execution).
- Calculate your income, subtract immune from seizure low (on the Internet you can find a calculator for the calculation) and multiply by 60 (number of months for 5 years).
- All amounts calculated to write on paper – and now to see if your future income or your current assets are sufficient to cover at least 30% of your debts.
- If so, consider carefully whether you are willing to live the next five years from immune from seizure minimum, or lose their property – do not rush to answer. Consider that the decision will be taken back without incident. Take into account that maybe you will not decide just on their own, but even your family – if possible, the Grounds for the decision, although a final decision is up to you.
- Write down on paper all the pros and cons, views of family members and then try to reach a rational decision.
- Before that, I recommend reading the recommendations of experienced, which have passed through this process, or reading. And follow their advice.

Good luck with the use of fruits of financial literacy!

Conclusion

The proposed text of an informal approach is to implement the essential knowledge and skills on financial getting into debt the awareness of disadvantaged citizens (in providing basic instruction about the nature of personal and family finance, introduction to simple methods of creating and managing personal and family budgets, the most common solution, avoiding a state of insolvency, methods of solutions, etc.). Regardless of what we believe in your heart, one should act as a cultural being and try to respect human rights. Adapt their behaviour and subsequent performance due to their surrounding world. Should be responsible for his actions, relations with others that are related to effort and desire to help improve the lives of people in distress and poverty and strengthen the promotion of human rights. Cultivation of human relationships in contemporary society (e.g. democratic community, respect for human dignity, equality of people in society, social solidarity, respect and protection of fundamental human rights and the use of funds for their protection, personal responsibility) is necessary to promote democratization and humanization of society just in the present context, the background discrimination and promoting rights civil justice for the socially excluded minority groups of our fellow citizens. A democratic society should recognize and respect the fact that all people should have equal rights. To provide them with the best possible conditions for life and all the necessary social security, which they are not able to get the various objective and subjective reasons; it is the duty of every one of us (Kroupová 2002, 30-31).

REFERENCES

- DOLEŽAL, M. Bankovní institut zahájil spolupráci s humanitární organizací ADRA. *Puls BIVŠ*, 01/2011, s. 7, <http://puls.bivs.cz>, e-mail: puls@bivs.cz Puls [online]. 2011, č. 1 [2011-01-25]. Dostupné na WWW:< <http://puls.bivs.cz>>. MK ČR E 16380.
- HAYEK, F. A. *Právo, zákonodárství a svoboda 2. Fata morgana sociální spravedl spravedlnosti*. Praha : Academia, 1991. 131 s. ISBN 80-200-0278-2.
- HORÁKOVÁ, M. K problematice bezdomovství. *Sociální politika*, 1995, 10, s. 6-9. ISSN 1802-5854.
- KOLEKTIV AUTORŮ. *Slabikář finanční gramotnosti*. Praha : COFET, 2009. 448 s. ISBN 978-80-254-4207-4.
- KROUPOVÁ, A. Výchova k lidským právům ve škole – příklad multikulturní tolerance a interkulturní komunikace. In *Kapitoly z multikulturní tolerance*. Praha : Člověk a jeho práva, 2002, svazek 17, s. 15-33. ISBN 80-902345-5-9.
- MATOUŠKOVÁ, I. *Kompendium z psychologie*. Praha : BIVŠ, Aktris, 2009. 168 s. ISBN 978-80-7265-065-3.
- MATOUŠKOVÁ, I.; SPURNÝ, J. Pracovní spokojenost a pracovní adaptace. In *Soudobé trendy v jakosti řízení*. Praha : ISQ, 2009. s. 5-15. ISBN 978-80-7265-145-0.
- NEDOMOVÁ, A. a kol. *Trh s bydlením a jeho sociální souvislosti*. Pracovní texty. Praha : Sociologický ústav AV ČR, 1999.
- PAVELKOVÁ, J. *Antropologicko–sociální studie problematiky bezdomovců a žebráků v České republice*. Brno : ECON, 2010. 256 s. ISBN 978-80-86433-50-9.
- PAVELKOVÁ, J.; PREUSS, K.; DOLEŽAL, M. Příspěvek k otázce nezaměstnanosti. *Speciální pedagogika*, 2010, roč. 20, č. 1. s. 51-66. ISSN 1211-2720.
- PREUSS, K. Strategy: Important Source of Information for Fundamentals Surrounding of Enterprise. In *Sociální, ekonomické, právní a bezpečnostní otázky současnosti*. Praha : SVŠES, 2010, s. 387-391. ISBN 078-80-86744-84-1.
- RUCZAJ, M. Přerodžďování a deficit zodpovědnosti. *Agora – studentské noviny*, 2004, č. 8,

s. 7. MK E 14663.

VRBKOVÁ, L. *Už nikdy dlužníkem*. Praha : COFET, 2009. 97 s. ISBN 978-80-904396-0-3.
<http://www.krzlinsky.cz/docDetail.aspx?docid=74212&doctype=ART>; [online]. 2010, [2011-01-25].

Contact address:

Doc. RNDr. Jaroslava Pavelková, CSc.

The College of Banking
Nárožní 2600/9
158 00 Praha 5
The Czech Republic
Tel.: +420 251 114 524
E-mail: jpavelkova@bivs.cz

PhDr. Karel Preuss, CSc.

The College of Banking
Nárožní 2600/9
158 00 Praha 5
The Czech Republic
Tel.: +420 251 114 545
E-mail: kpreuss@bivs.cz

MUDr. Miroslav Doležal

The College of Banking
Nárožní 2600/9
158 00 Praha 5
The Czech Republic
Tel.: +420 251 114 525
E-mail: mudrdolezal@bivs.cz

INSTRUCTIONS FOR AUTHORS

Allow me to introduce a new expert journal – Clinical Social Work. We would like to offer you an opportunity to contribute to its content as we would like to aspire to create a collection of real experiences of social workers, doctors, missionaries, teachers, etc. CWS Journal is published by the International Scientific Group of Applied Preventive Medicine I-GAP in Vienna, Austria.

The journal is to be published quarterly and only in English language as it will be distributed in various foreign countries.

We prefer to use the term ‘clinical social work’ rather than social work even though it is less common. In the profession of clinical social work, there clearly is some tension coming from unclear definitions of competence of social workers and their role in the lives of the clients; the position of social work in the structures of scientific disciplines especially in cases where people declare themselves to be professionals even though they have no professional educational background. These are only few of the topics we would like to discuss in the CWS Journal.

Your contribution should fit into the following structure:

1. Editorial
2. Interview, Case Reports
3. Review
4. Original article
5. Letters

Instructions for contributors:

All articles must be in accordance with the current language standards in English, current ISO and the law on copyrights and rights related to copyrights.

Your contributions are to be sent via e-mail (addressed to: michalolah@gmail.com) as an attachment or on a CD via regular postal service. In both cases written and saved in MS Word (no older version than year 2000).

Style Sheet Requirements:

Maximum length: 3500 words

Letter type: Times New Roman

Letter size: 12

Lining: 1

All articles must include:

Name of the article and author’s address in English

Article abstract of 150 words in English

Brief professional CV of the author (100 words)

Publishing languages: English, German

Each article contains:

1. Name of the article and author’s address in English
2. Abstract in English, which consists of at most 150 words
3. Short CV of the author in English, which consists of at most 100 words
4. Text of the article consisting of at most 3500 words

CLINICAL SOCIAL WORK (CSW)

Each article must be an original never published before. When using references, parts of other articles or publications it is inevitable to quote them and provide information about the source.

We reserve the right to formally edit and reduce the text if needed. Academic articles undergo an anonymous critique. Each author will receive a prior statement of publishing his/her article.

When writing a review it is necessary to attach a copy of the cover of the book.

Thank you for your cooperation

Yours sincerely

Michal Oláh, Ph.D.

Edition of journal

Copyright © 2011 CLINICAL SOCIAL WORK

All rights reserved. No part may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without prior written permission from the Editor-in-Chief: michalolah@gmail.com.