

Commentary on the Book *Poor, disabled and homeless people in the social welfare system* by M. Małecka-Łyszczek and R. Mędrzycki

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Abstract: This paper discusses the book *Poor, disabled and homeless people in the social welfare system* by M. Małecka-Łyszczek and R. Mędrzycki. The Authors rightly point out that the division they adopted in the title cannot be isolated because poverty, disability and homelessness, are overlapping factors, deepening and perpetuating the social exclusion of individuals and families affected.

Keywords: social welfare, poverty, homeless, disabled.

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In 2021, a monograph by M. Małecka-Łyszczek and R. Mędrzycki entitled “People who are poor, disabled and homeless in the social welfare system” was published by Wolters Kluwer Publishing House [in Polish] (Małecka-Łyszczek & Mędrzycki, 2021).

The monograph under discussion is aimed at the particularly significant and topical issue of social exclusion of the poor, the disabled and the homeless. The very idea of the subject of the monograph presents itself interestingly because, in the Polish publishing market, there is no title that would present in detail the subject of social exclusion understood as a specific administrative and legal situation of these three groups of people and the tasks of social welfare aimed at their social inclusion. The topic concerns a socially important issue, which is also essential for the science of administrative law and practice. The content is an extensive topic, so the Authors’ selection of the content covered in the book deserves recognition. In singling out groups of people for legal analysis of their social exclusion and the possibility of social inclusion through the institution of social assistance and social economy, the Authors rightly point out that the division adopted by them cannot be isolated because poverty, disability and homelessness, are factors that can overlap, deepening and perpetuating the social exclusion of individuals and families affected (Małecka-Łyszczek & Mędrzycki, 2021, p. 13).

As can be seen from the introduction to the monograph and further reading of its contents, among its objectives was to analyze the institution of social assistance *sensu stricto*, regulated

by the provisions of the Act of March 12, 2004, on Social Welfare (Ustawa, 2004), in the face of social exclusion of poor, disabled and homeless people, and the impact of social economy on the social inclusion of these people (Małecka-Łyszczek & Mędrzycki, 2021, p. 11).

In the first chapter of the monograph, the Authors correctly presented the prevention of social exclusion as an objective facing the institution of social welfare to be implemented. It was rightly noted that social exclusion is one of the more complex social problems currently facing the countries of the European Union, including Poland. Presenting the concept of social exclusion against the background of the views of the doctrine, the analysis of it against the background of the provisions of EU law and national law was appropriately subjected, which leads to the obvious conclusion about the lack of a legal definition of this phenomenon in domestic law. However, this does not prejudge the absence of references to the phenomenon of social exclusion both in European Union law, mainly in soft law acts, and in national law. It has been rightly pointed out that social exclusion should be combined with axiology in administrative law, which should coincide with the axiology of helping people subjected to social exclusion. This axiology is determined by principles such as dignity, solidarity, subsidiarity, freedom and justice, for example. The Authors outline the most important concepts related to the indicated principles in this aspect.

The second chapter of the monograph contains interesting considerations of social assistance in the face of the phenomenon of poverty and the poor. Poverty remains inextricably linked with social exclusion, and it is multidimensional and diverse and can be a cause and effect of social exclusion. According to Article 7(1) of the Social Welfare Act, poverty is one of the prerequisites for providing social assistance benefits. It is also one of the oldest and most basic reasons justifying the provision of social assistance. Because the title of the chapter refers to the prevention of exclusion of the poor through the institution of social assistance, the chapter needed to consider social assistance benefits for the poor. The value of the considerations contained in the second chapter is not only the presentation of individual benefits but also the embedding of the issues raised against the background of the definition and classification of the concept of social exclusion.

The issues of disability as a cause of social exclusion and the place of disabled people in the social welfare system are the subject of the third chapter of the monograph. It should be mentioned that disability is of interest to sociology, pedagogy, and medical science. However, the legal perspective on disability and the legal situation of disabled people is also essential. The Authors rightly point out that in scientific discourse, legal acts and colloquial speech, the concept of a person with a disability is increasingly being used in place of the concept of a disabled person. The term 'person with a disability' appears in the English-language version of the United Nations Convention on the Rights of Persons with Disabilities instead of the term disabled person because "the noun form does not specify a characteristic, but only one of the circumstances of life" (Małecka-Łyszczek & Mędrzycki, 2021, p. 83). It should be considered particularly important to discuss the issue of persons with disabilities regarding the Social Welfare Act. The chapter then discusses the axiology of providing social assistance to persons with disabilities and analyzes the various benefits these persons can apply for under the provisions of the law.

The considerations in the fourth chapter of the monograph should be considered particularly valuable. They are devoted to the phenomenon of homelessness, which violates a person's dignity, threatens people's health and, often, life, and causes people in the crisis of homelessness to be socially excluded on an unprecedented scale. The Authors rightly point out the defi-

cits in the activating forms of social assistance for the homeless but emphasize the importance of such a form, which is an individual program for leaving homelessness (Ustawa..., 2004). However, the program itself does not solve a homeless person's problems, as it is necessary for him to be proactive in solving the problems behind finding himself in a homelessness crisis. The issue of a homeless person's failure to comply with the provisions of the program also remains problematic since, according to Article 11(2) of the Social Welfare Act (Ustawa..., 2004), a homeless person's failure to cooperate with a social worker may be grounds for limiting the amount or size of a benefit, refusing to grant a benefit, revoking a decision to grant a benefit or withholding cash social welfare benefits. This is not about the homelessness exit program itself but about the benefits accompanying it. For, as the Authors emphasize, the program of leaving homelessness is a plan, and each case of failure by a homeless person to comply with its provisions should be approached taking into account the complex and multifaceted life situation in which such a person finds himself (Małecka-Łyszczek & Mędrzycki, 2021, p. 189).

The monograph's fifth chapter presents the importance of social economy for the social inclusion of those most vulnerable to social exclusion. The social economy is an essential instrument for counteracting social exclusion, but the poor recognition of its concept and forms affect its effectiveness in the fight against social exclusion (Małecka-Łyszczek & Mędrzycki, 2021, p. 198). The Authors are correct in claiming that a gradual and permanent change in this approach is necessary, as social economy entities are the most sustainable and flexible form of social assistance *sensu largo*. Of particular interest in Chapter 5 are the examples of social economy entities in the sphere of counteracting social exclusion. This is because it is in social economy entities that one should see an effective and innovative tool for supporting social inclusion of people who, due to their difficult situation caused, for example, by poverty or the crisis of homelessness, cannot overcome it on their own. Hence, their reintegration function towards such people is crucial.

Through their importance, many of the themes discussed in the monograph constitute the importance of the issues taken up in work. The Authors undertook a complicated topic, while many of the issues presented in the book are still unjustifiably on the sidelines of considerations conducted by representatives of the science of administrative law (such as homelessness). An undoubted advantage of the monograph is that it is generally well embedded in the conceptual apparatus of the science of administrative law. The work was written based on properly selected and substantial literature. The work is also characterized by good style, and it formulates numerous conclusions *de lege lata* and postulates *de lege ferenda*.

In conclusion, the assessed monograph, due to the scientific values raised in the review, can be a valuable source of knowledge not only for representatives of the legal sciences dealing mainly with the issues of social exclusion, social assistance and social economy as well as practitioners, with particular emphasis on employees of organizational units of social assistance.

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