Małgorzata Kuć

THE ROLE OF POST-PENITENTIARY ASSISTANCE IN COUNTERACTING THE SOCIAL STIGMATISATION AND MARGINALISATION OF FORMER CONVICTS RELEASED FROM PENITENTIARY FACILITIES

Introduction

The stigmatisation and marginalisation of former convicts renders the process of their social readaptation more difficult, which poses a significant issue for the system meant to support them, the purpose of which is to reintroduce former convicts to free society. The purpose of the article is to discuss the processes related to marginalisation and stigmatisation within the context of post-penitentiary assistance, which is considered to be a method of mitigating the mechanisms behind the stigmatisation and marginalisation of former convicts. The stigma carried by convicts and their attempts at navigating post-release life should be viewed as posing a significant challenge to those released from penitentiary facilities, their families and the societies to which they return as well.

1. Concept of marginalisation

In the literature, the concept of marginalisation is used interchangeably with the concept of social exclusion, and the two are sometimes also considered synonymous. Marginalisation is an established concept in English-language literature, while exclusion is more popular in French-language sources. However, some scholars do differentiate between these concepts. Marginalisation can be viewed as a process of socially excluding certain groups of people due to the relative incompatibility of their conduct with the social

Dr. MAŁGORZATAKUĆ, Department of Criminal Law, Faculty of Law, Canon Law and Administration, the John Paul II Catholic University of Lublin; correspondence address: Al. Racławickie 14, 20-950 Lublin, Poland; e-mail: edyta03@poczta.onet.pl; https://orcid.org/ 0000-0002-8224-4935

norms of a given society, of excluding individuals and social groups from public life or, more globally, entire societies from their social environment. Marginalisation can be defined as "being situated on the peripheries of public life, which is not yet completely inaccessible to the individual or group, while exclusion involves being unable to participate in various spheres of public life, i.e. finding oneself outside it" [Oliwa-Ciesielska 2021]. In addition, "marginalisation results in exclusion or is a state of temporal exclusion or of exclusion from certain spheres of life, and exclusion unequivocally involves marginalisation" [ibid.]. Marginalisation can therefore be analysed both as a process and as a certain state.

Apart from marginalisation, another concept used in the relevant literature is marginality, which is defined as the "non-participation of individuals and social groups in those spheres of life where it is justified – based on specific criteria – to expect participation from such individuals and groups" [Szarfenberg 2021]. This definition also emphasises the role of expectations which are in line with accepted norms. Social exclusion is similarly defined as "the inability to participate in those aspects of public life which are considered important – the economic, political and cultural. Extreme social exclusion occurs when the inability to participate in those spheres of public life reinforce instead of balancing one another" [ibid.]. Extreme exclusion can lead to the alienation of the excluded, which may result in them returning to a life of crime when left without proper support.

Social exclusion stems from a lack (on the part of the individual or group) of appropriate resources, particularly resources which may be considered attractive or whose division may be difficult for the group (e.g. rare goods). An individual or group may be marginalised due to poverty, unemployment, homelessness, belonging to a particular profession, different racial or ethnic origin, religion, beliefs, substance addiction, disability (physical or mental) or a criminal past. This article deals with the marginalisation and stigmatisation of former convicts, analysed within the context of post-penitentiary assistance as a method of mitigating these processes. For the purpose of this article, stigmatisation is analysed with the help of social labelling theory.

2. Social labelling theory

Stigmatisation is the process of assigning marks of moral inferiority to individuals as a consequence of social control [Lemert 1967, 42]. A key theory from the perspective of analysing the subject at hand is social labelling (stigmatisation) theory, which explicates the phenomenon of secondary deviance. This theory was originally developed by Edwin Lemert, who in his work Social Pathology [Idem 1951] explained the foundations of the relationship between secondary deviance (e.g. returning to a life of crime), primary deviance (one's first violation of a legal norm and the causes of this violation) and the ways in which society reacts to such behaviours [ibid., 77]. The theory is an example of a theoretical approach which seeks an explanation for the origins of criminal behaviour in social nature factors. It is used primarily to analyse the causes of recidivism [Kuć 2015b, 213]. This theoretical approach is based on the premise that social reactions to criminal behaviour play a key role, especially the reactions of "significant others" - authorities and reference groups [ibid.]. To explicate the social stigmatisation process, Lemert used the term deviance, which he defines in two variants: primary deviance and secondary deviance.

Primary deviance is the first violation of a norm by an individual, which may be a consequence of the individual being affected by various factors, including biological, mental and social. Lemert believes that this type of deviance is not highly significant as it does not determine the individual's status. This is not the case for secondary deviance, which is a result of the individual's reaction to the negative response of society to their behaviour. To explicate this process, Lemert used the concept of the looking-glass self. The term refers to an individual internalising a negative view of them held by society as the individual's own view. This self-assessment is the result of interactions between the individual and the group. Upon internalising this view, the individual begins to think in the same way as others think about them, and begins to behave in a way which aligns with society's assessment [ibid., 213-14]. When society negatively assesses an individual and considers them a deviant, criminal, hooligan or someone who is mentally ill, it socially labels that individual, tagging them as inferior. Such individuals begin to act in accordance with the label and status assigned to them as a result of the social rejection. This mechanism results in that person being forced into the role of a deviant and criminal [ibid., 214]. A society which views criminal behaviours negatively tags those who engage in such behaviours as criminals, assigning to them a certain set of features characteristic of how criminals behave [ibid.].

Lemert's theory is of utility when explicating the process of gradual rejection and marginalisation of individuals who violated the social and legal norms of their society. From the point of view of this theory, deviance is understood to mean a status assigned to an individual as a result of the process of social labelling [Kuć 2015a, 43]. In addition to Lemert, social labelling has also been analysed by E. Goffmann [Goffmann 2007]¹ and F. Tannenbaum [Tannenbaum 1938].

In his labelling theory, Tannenbaum notes that a stigmatising social reaction not only affects how an individual behaves, but also leads to that individual self-labelling. As the process of isolating the individual from society progresses, it accelerates their entry into a community of similar individuals (deviants, criminals), which leads the individual further towards behaviours typical of their social label [ibid., 19-20]. Howard S. Becker, who has significant contribution to this matter, wrote in his book Outsiders. Studies in the Sociology of Deviance: "Social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labeling them outsiders. From this point of view, deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an offender. The deviant is one to whom that label has successfully been applied; deviant behavior is behavior that people so label" [Becker 1963, 9]. Becker is of opinion that act by itself is not deviant but it becomes as such when it is labeled as deviant in social reaction. According to this concept, deviant is a person, whom social audience pointed out as "the guilty one" and attaching this way the social label.

Analyses of stigmatisation, marginalisation and social exclusion emphasise the dynamic and interactive nature of the exclusion, whereby the risk factors and their consequences are intertwined, resulting in difficult situations

¹ Goffman points to the fact that society does not believe that a stigmatised individual is completely human. This type of thinking leads society to employing various forms of discrimination against the individual, restricting their opportunities in life.

which may require individualised assistance. This is of particular significance when designing support and help strategies at the central (state strategies) and local levels (implementation of such strategies using available manpower and funds), which may result in certain individuals and even entire groups being omitted. This applies to individual families and their financial and social status, in which case it is not possible to comprehensively assess the actual extent of the exclusion or the possibility of exclusion, and also in a broader sense, which involves such related issues as unemployment, low income, poor living conditions, returning to the criminal community (or a risk of doing so, particularly in the case of recidivists), poor physical and mental health, family breakdowns and other factors which require more thorough analyses.

3. Executing an imprisonment sentence as convicts preparation for functioning as part of the free world

The persistent paradox of imprisonment is that its purpose is to prepare the perpetrator to function properly (fully and without disorders) in free society (in accordance with its legal and social norms) by isolating them from that society [Kuć 2017, 180]. Imprisonment sentences are executed in conditions which differ greatly from freedom conditions (though, in line with the prison normalisation concept, a prison is to make use of solutions which are employed in the outside world, if possible, e.g. with regard to work or inmate education). Remaining in penitentiary isolation (this applies particularly to long-term sentences) generates many difficulties related to the inmate's adaptation to freedom. It is often the case that an inmate serving a sentence loses contact with their family and loved ones [Kieszkowska 2009, 102; Mrózek 2014, 50], and experiences difficulties finding accommodation or work after their reinstatement. These factors render it difficult to readapt, i.e. to adapt once again to freedom. These factors lend great significance to preparing convicts for release, specifying the responsibilities of penitentiary administrators, probation officers and entities authorised to co-enforce verdicts and readapt prisoners [Kuć 2017, 180-81].

Shortly after incarceration, an inmate's resocialisation and social readapttation needs are diagnosed [Szałański 2006, 107-23]. Depending on the system in which the inmate is serving their sentence (according to Article 81 of the Polish Penal Enforcement Code,² an inmate may serve their sentence in conformity with a rehabilitation programme, a therapeutic system or a common system), they are subjected to a variety of influences aimed at correcting that inmate's attitudes and behaviours related to the value and norm systems used in a given society, which the inmate violated by committing a crime. The system of penitentiary measures used in the process of correctional treatment includes: labour (Article 121-129 PEC), education (Article 130–134 PEC), cultural, educational and sporting activities (Article 135–136a PEC), family contact, therapeutic measures and disciplinary rewards and penalties (Article 137–149 PEC).

In the view of the Penal Enforcement Code, an imprisonment sentence realizes fallowing objectives:³ 1) enables convicts to return to society and function within it according to the its rules; 2) counteracts crime resumption; 3) protects society against delinquency. Article 67(1) PEC specifies that the purpose of executing a sentence of imprisonment is to engender in the inmate the willingness to cooperate in developing socially desirable attitudes, in particular a sense of responsibility and a need to abide by the law, i.e. refrain from returning to a life of crime. This provision mentions specific prevention, which is an effect achievable as a result of exerting a resocialising influence on the perpetrator [Ostrowska 2009, 91-203].

The relevant literature distinguishes between the minimum and maximum goals of resocialisation. The minimum goals include acquiring the ability to abstain from criminal behaviours and avoid criminogenic situations, while the maximum goal stipulates that convicts should: 1) internalise the belief that criminal behaviour is fruitless; 2) organise their personal life in a manner which excludes participation in criminogenic situations; 3) integrate with their family while balancing their role as a giver and taker; 4) avoid violating moral norms and customs in public life; 5) learn to control their emotions; 6) avoid using and abusing intoxicants; 7) find employment or persist in seeking

² Act of 6 June 1997, the Penal Enforcement Code, Journal of Laws of No. 90, item 557 as amended [hereinafter: PEC].

³ Depending on chosen theory, punishment has different aims. Views of penalty objectives can be divided, in the doctrine, into absolute, relative and mixed theories – see Konarska-Wrzosek 2002, 17-36; Stańdo-Kawecka 2000, 15-20; Utrat-Milecki 2006.

it; 8) engage in other positive social activities; 9) maintain strategic life goals [Machel 2003, 22-23, Idem 2009, 54-55].

An important aspect of resocialisation measures is the tailoring of the rehabilitation process so that the methods and measures employed match the personality of the inmate to the greatest extent possible. This individual approach principle is best reflected in the programmed rehabilitation system, where convicts participate in customised resocialisation systems which offer the best conditions for fulfilling the purpose of the imprisonment penalty, as intended by the legislator [Szczygieł 2006, 175]. Work with convicts according to the penitentiary individualisation rule, helps to react properly to convict's individual problems, for example alcohol or drug addiction, aggression. More than often, these problems trigger the offence. Their determination by penitentiary diagnosis, allows to adjust actions to every convict thus helps reduce or eliminate individual problems and adapt to post-release life.

A significant part in mitigating the social marginalisation is played by the rule of respecting convict's dignity, described in Article 4 PEC. This law regulation is the executive continuation of Article PEC, that states penalties and other penal measures, provided in that law code, are used with regard to humanitarianism, in particular to respect for the human dignity. The consequence of accepting that rule is prohibition of putting convict to torture, inhumane and humiliating penalizing or behavior towards convict, which otherwise, unequivocally play the stigmatizing role in the environment of correctional facility.

For the inmate, serving an imprisonment sentence is onerous physically due to spatial restrictions, and mentally due being unable to satisfy certain needs, particularly mental needs [Ciosek 1993, 255]. In addition, isolation is a source of a variety of negative mental consequences such as tension, frustration and stress, which may render the social readaptation process significantly more difficult [Pospiszyl 2000, 135-36; Ciosek 1993, 50]. Incarceration in a penitentiary institution also results in the gradual loss of the ability to live in the free world, which in turn facilitates the internalisation of learned helplessness [Szymanowski 1989, 162]. State of learned helplessness is created by harmful and unpleasant impulses, that there is no chance to escape from. It is mainly related to long term marginalized persons that often use the social services support. Those are: unemployed, homeless, living in po-

verty, helpless or handicapped. This group also includes former inmates of penitentiary facilities. Range of learned helplessness outcomes is broad, just to mention [Mazur and Kuć 2019, 135-42]: 1) cognitive – people afflicted with learned helplessness stop to understand simple messages. They are enable to learn new things; 2) emotional – people experience lack of motivation to act. They do not get involved in any of the activities; 3) emotional – depression, apathy, hostility, tiredness.

Another major consequence of isolation confirmed by research is increased aggression [Szałański and Michalski 1998, 163-69]. For these reasons, former convicts leaving penitentiary facilities experience difficulties in navigating the free world, particularly after having been isolated for a long period of time. The specific problems with adjustment vary and are dependent on the circumstances surrounding the sentence, as well as the circumstances in which the individual finds themselves after returning to their original environment. A significant environment-related issue is family breakdown, which frequently involves being unable to return home or recreate the conditions which existed before imprisonment. A consequence of the stigmatisation of convicts is the stigmatisation of their families, which results in a complicated family life.

Similar issues arise from the difficulties former convicts experience while attempting to re-enter the labour market, which applies in particular to individuals who perpetrated crimes against property or human life and health. Of particular importance in this context is the issue of public trust in general and of the employer in particular. The trust that society shows towards a former inmate determines whether their readaptation is a success. Unemployment, frequently combined with a lack of proper education and professional skills, difficulties with finding employment and lack of trust stigmatise the individual and their family, as well as constituting a sign of marginalisation which may potentially lead them back to a life of crime. Former convicts are also marginalised as a result of their addictions (alcohol or drugs), which they are unable to manage and for which they are unwilling to seek professional help. This failure to manage one's issues may potentially result in conflicts within the family, difficulties in finding employment or in gaining the trust of the community. When analysing the social marginalisation and stigmatisation of former convicts, it is important to remember that the issue is of particular relevance to repeat offenders, who are better adapted to prison conditions (prisonisation) and find it much more difficult to live in the free world. The relevant literature lists the following characteristics of repeat offenders which may render the readaptation process more difficult [Szymanowska 2006, 190]: long criminal career; lack of family support; lack of self-criticism; inability to establish emotional relationships; drug or alcohol addiction.

4. Post-penitentiary assistance

Post-penitentiary assistance refers to the entirety of diverse actions taken by authorised institutions, the purpose of which is to render it easier for those released from penal facilities to readjust to living in the free world. The scope of post-penitentiary assistance is specified by the provisions of the Polish Penal Enforcement Code, providing various entities (Penitentiary Service,⁴ probation officers,⁵ associations, foundations, organisations and institutions which are authorised to provide resocialisation and readaptation support to convicts pursuant to Article 38 PEC, as well as churches, religious associations and persons of trust) with the tools necessary to help those released from penal facilities. In accordance with these provisions (Article 38-43 PEC, Article 164-168 PEC), funds acquired from the Victims and Postrelease Assistance Fund (Article 43 PEC) may be allocated to various forms of help extended to former convicts.

Article 41(1) PEC specifies the purpose of post-penitentiary assistance as rendering it easier for convicts to readapt, in particular by preventing their return to crime. Post-penitentiary assistance can also be extended to the families of convicts. The legislator specifies the scope of assistance, stipulating that it may take the form of material or medical aid, help with finding employment and accommodation, as well as legal counselling. All of the aforementioned forms of assistance are to be offered to the extent they are nece-

⁴ Act of 9 April 2010 on the penitentiary service, Journal of Laws No. 79, item 523 as amended.

⁵ More on the topic: Act of 27 July 2001 on probation officers, Journal of Laws of 2014, item 795; resolution of the Minister of Justice of 13 June 2016 on the methods and modes of performing actions by probation officers in penal enforcement cases, Journal of Laws, item 969.

ssary. Pursuant to Article 41(2) PEC, this assistance is extended by government and local authority organs and probation officers, and may also be extended by entities specified in Article 38(1) PEC [Szczygieł 2002, passim].

Pursuant to Article 38(1) PEC, associations, foundations, organisations and other institutions whose purpose is to fulfil the purposes specified in Chapter VII of the PEC, as well as churches and other religious associations and persons of trust may contribute to the execution of penalties and penal, compensation, security and preventive measures, particularly those related to imprisonment and forfeiture. The role of such entities is to participate in resocialisation, social, cultural, educational, sporting and religious activities in penal or detention facilities (Article 38(2) PEC), carried out in consultation with the director of a given penal facility or detention centre. This purpose may be fulfilled in the form of participation in councils and other collective bodies tasked with providing assistance to convicts and their families, as well as coordinating the cooperation of society with penal and detention facilities.

The scope of the help offered by the authorised entities includes material, legal and medical assistance, as well as help in finding employment [Kuć 2017, 182]. The funds for providing assistance, including in particular funds for providing convicts released from penitentiary facilities with temporary accommodation, can be acquired by authorised entities from the Victims and Post-release Assistance Fund (Article 43(8)(3) PEC). In the process of helping former inmates of penitentiary facilities, the significant role is played by non-governmental organisations, including [Kucyper 2013, 61]: 1) H.Ch. Kofoed Resocialization, Rehabilitation and Social Assistance Association responsible for stimulating former convicts leaving penitentiary facilities and groups that are in danger of marginalisation and delinquency to social and work activity. This institution is the probation penalty place; 2) "Sławek" Association – helps convicts, former convicts and their families, provides various post-penitentiary support programs, profession courses, employs former convicts to help them with re-entering the labour market; 3) "Barka" Mutual Help Foundation - organizes communities that become living and work centers. Usually these are small ecological farms that make a profit to support themselves by running a business; 4) St. Brat Albert Family Help Catholic Association - helps former inmates of penitentiary facilities in reentering the society, runs post-penitentiary farms where former convicts can work, helps in getting out of homelessness and becoming independent; 5) "Emaus" Helping Association for Persons to Be Set Free – organizes communities where homeless and unemployed former inmates of penitentiary facilities can work and live; 6) "Probacja" Malopolski Association – provides temporary living aid for former convicts and their families, acts as an intermediary in looking for jobs for convicts leaving penitentiary facilities; 7) "Patronat" Penitentiary Association – provides spiritual, financial and legal support for prisoners, former convicts leaving penitentiary facilities and their families.

Institutional help for former convicts leaving penitentiary facilities is also provided by labour office helping with finding employment. This objective is achieved by organizing employment consulting, helping with active employment inquiries, initiating and financing professional schooling and internships or awarding scholarships. Inseparable role in adjusting to new social circumstances is played by probation officers. They provide information and advisory support that is mostly directed to persons without families, homes and work [Porębska 2009, 56].

The Resolution of the Minister of Justice of 13 September 2017 on the Post-release Assistance Fund – the Justice Fund⁶ specifies different forms of aid that can be granted by this found. Section 2 of the Resolution of the Prime Minister of 28 December 2016 on the cooperation of entities on the execution of penalties, penal measures, compensation measures, security and preventive measures and forfeiture, as well as the social control of their execution, lists examples of actions which may be taken by associations, foundations, organisations, institutions and persons of trust as part of their participation in the execution of penalties and penal, security and preventive measures, as well as the social control of their execution. These include: 1) initiating, organising and carrying out tasks aimed at preventing crime and the return to criminal activities, as well as fostering socially-desirable attitudes in convicts; 2) fulfilling tasks which are part of resocialisation programmes in the form of social, cultural, educational, sporting and religious activities for convicts; 3) providing convicts and their families with the necessary material, medical

⁶ The Resolution of the Minister of Justice of 13 September 2017 on the Post-release Assistance Fund – the Justice Fund, Journal of Laws, item 1760.

and legal assistance in justified cases; 4) deliberately remaining in contact with convicts; 5) preparing the incarcerated for life after release from the penal or detention facility or the location in which they are being subjected to security measures, including in the form of providing them with the help necessary to find employment and accommodation.

An important task of the authorised entities is to prepare convicts for a life after release during a special release preparation period. Article 164(1) PEC specifies this to be a period of up to 6 months before the planned parole or before the end of the penalty. It constitutes a period which may be necessary to prepare the inmate for a life after release, particularly to establish a relationship with a probation officer or entities specified in Article 38(1) PEC. The length of this period is generally specified by a penitentiary commission with the inmate's consent. However, the period may also be specified by a penitentiary court in its decision to grant or deny parole, if the court deems it necessary (Article 164(2) PEC). In consultation with the inmate, the probation officer or authorised entities assess the extent and methods of providing the help needed to socially readapt during the preparation period (Article 165(3) PEC) [Kuć 2017, 186]. This intensified treatment, aimed at establishing contact with the outside world in the pre-release period, puts emphasis on the inmate's relation with free society.

During the preparation period, the inmate should, if possible, serve their sentence in an appropriate facility that is located as close to their future place of residence as possible (Article 165(1) PEC). The appropriate organs or institutions extend the necessary help to former convicts who find it difficult to find employment, accommodation or the required medical help (Article 166(1) PEC). The director of the penal facility, upon releasing the inmate, informs them about possible ways of seeking the assistance they require (Article 166(2) PEC). Convicts released from penal facilities who do not possess sufficient funds and have no access to any means of support in the outside world may receive financial assistance from the director of their penal facility upon release in the amount equal to 1/3 of the average monthly wage or an equivalent amount (Article 166(3) PEC).

Another important contributor to counteracting the stigmatisation and marginalisation of former convicts is social care [Stępniak 2006, 135-46].

The legal basis of social care are specified in the Act of 12 March 2004 on social care.⁷

Conclusion

Social stigmatisation and marginalisation render it significantly more difficult for former convicts to socially readapt. The wide and varied range of post-penitentiary assistance is of great significance as far as counteracting the stigmatisation and marginalisation of former convicts is concerned. Material help and assistance in finding accommodation renders it possible to satisfy the fundamental social and welfare-related needs of former convicts, reducing the probability that they will attempt to satisfy those needs by resorting to criminal activities (theft). Psychological assistance and therapy renders it possible to cope with low self-esteem, stress, addiction, helplessness and social rejection. Medical help offers former convicts an opportunity to return to health, while legal assistance helps legally solve difficult life situations (e.g. divorce, alimony, child custody disputes in the family sphere, applying for a loan in the financial sphere and settling disputes with employers in courts in the employment sphere).

In addition to the institutional help mentioned above, the family, friends and the local environment in which the inmate functions in the neighbourly, professional and social senses are also of major importance. These communities play an important role as they constitute the immediate surrounddings for various human interactions, offering convicts opportunities for well-rounded development and readaptation to socially-acceptable standards [Fidelus 2009, 39].

REFERENCES

- Becker, Howard. 1963. *Outsiders. Studies in the Sociology of Deviance*. New York: The Free Press.
- Ciosek, Mieczysław. 1993. Izolacja więzienna. Gdańsk: Wydawnictwo Uniwersytetu Gdańskiego.
- Fidelus, Anna. 2009. "Integracja społeczna podstawą procesu readaptacji byłych przestępców." *Probacja* 2:37-48.

⁷ Act of 12 March 2004 on social care, Journal of Laws of 2016, item 930 as amended.

- Goffmann, Erving. 2007. Piętno. Rozważania o zranionej tożsamości. Gdańsk: Gdańskie Wydawnictwo Psychologiczne.
- Kieszkowska, Anna. 2009. "Problemy readaptacyjne osób opuszczających placówki resocjalizacyjne." *Probacja* 2:99-110.
- Konarska-Wrzosek, Violetta. 2002. Dyrektywy wyboru kary w polskim ustawodawstwie karnym. Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika w Toruniu.
- Kucyper, Krzysztof. 2013. "Instytucjonalne formy wsparcia w pomocy potspenitencjarnej." Zeszyty Naukowe Wyższej Szkoły Humanistas Pedagogika 8:55-66.
- Kuć, Małgorzata. 2015a. Kryminologia. Warsaw: C.H. Beck.
- Kuć, Małgorzata. 2015b. Leksykon kryminologii. Warsaw: C.H. Beck.
- Kuć, Małgorzata. 2017. Prawo karne wykonawcze. Warsaw: C.H. Beck.
- Lemert, Edwin. 1951. Social Pathology. New York: McGraw-Hill.
- Lemert, Edwin. 1967. *Human Deviance, Social Problems and Social Control.* Englewood Cliffs: NJ: Prentice-Hall.
- Machel, Henryk. 2003. *Więzienie jako instytucja karna i resocjalizacyjna*. Gdańsk: Arche.
- Machel, Henryk. 2009. "Aktualne tendencje resocjalizacji penitencjarnej w polskich zakładach karnych." In *X lat obowiązywania kodeksu karnego wykonawczego*, edited by Stefan Lelental, and Grażyna B. Szczygieł, 149-60. Białystok: Temida 2.
- Mazur, Jadwiga, and Małgorzata Kuć. 2019. Marginalizacja ujęcie wielowymiarowe. Przejawy, skutki, przeciwdziałania. Warsaw: Scholar.
- Mrózek, Łukasz 2014. "Zjawisko wykluczenia społecznego więźniów i osób opuszczających ośrodki penitencjarne. Analiza problemu i możliwości przeciwdziałania zjawisku." *Studia Socialia Cracoviensia* 6, no. 2 (11):175-88.
- Oliwa-Ciesielska, Monika. 2021. "Marginalizacja i wykluczenie społeczne jako trwałe cechy rzeczywistości społecznej." www.problemypolitykispołecznej.pl/images/ czasopisma/35/PPS-35-109-125pdf [accessed: 10.01.2021].
- Ostrowska, Krystyna. 2009. "Psychologia resocjalizacyjna a karanie kryminalne." In *X lat obowiązywania kodeksu karnego wykonawczego*, edited by Stefan Lelental, and Grażyna B. Szczygieł, 91-104. Białystok: Temida 2.
- Porębska, Katarzyna. 2009. "Wsparcie społecze w warunkach izolacji jako wyznacznik skutecznej readaptacji." *Probacja* 2:49-53.
- Pospiszyl, Kazimierz. 2000. Psychopatia. Warsaw: Wydawnictwo Zak.
- Stańdo-Kawecka, Barbara. 2000. Prawne podstawy resocjalizacji. Cracow: Zakamycze.
- Stępniak, Piotr. 2006. "Praca i pracownicy socjalni w przeciwdziałaniu przestępczości. Propozycje modelowe." In Wykonywanie kary pozbawienia wolności w Polsce – w poszukiwaniu skuteczności, edited by Henryk Machel, 135-46. Gdańsk: Wydawnictwo Uniwersytetu Gdańskiego.

- Szałański, Jan, and Jan Michalski. 1998. "Wskaźniki syndromu agresji u przestępców osadzonych w zakładach karnych i poddanych probacji." In *Wina – kara – nadzieja – przemiana*, edited by Jan Szałański, 155-79. Łódź–Warsaw–Kalisz: Wydawnictwo Uniwersytetu Łódzkiego.
- Szałański, Jan. 2006. "Zadania diagnozy i psychokorektury w procesie optymalnej readaptacji psychospołecznej więźniów." In Wykonywanie kary pozbawienia wolności w Polsce – w poszukiwaniu skuteczności, edited by Henryk Machel, 107-24. Gdańsk: Wydawnictwo Uniwersytetu Gdańskiego.
- Szarfenberg, Ryszard. 2021. "Ubóstwo i wykluczenie społeczne." www.rszarf.ips. uw.edu.pl/uiws/01uiws.pdf [accessed: 15.01.2021].
- Szczygieł, Grażyna B. 2002. Społeczna readaptacja skazanych w polskim systemie penitencjarnym. Białystok: Temida 2.
- Szczygieł, Grażyna B. 2006. "Społeczna readaptacja skazanych próba oceny." In Wykonywanie kary pozbawienia wolności w Polsce – w poszukiwaniu skuteczności, edited by Henryk Machel, 173-82. Gdańsk: Wydawnictwo Uniwersytetu Gdańskiego.
- Szymanowska, Aleksandra. 2006. "Czynniki sprzyjające i utrudniające readaptację społeczną recydywistów." In Wykonywanie kary pozbawienia wolności w Polsce – w poszukiwaniu skuteczności, edited by Henryk Machel, 183-96. Gdańsk: Wydawnictwo Uniwersytetu Gdańskiego.
- Szymanowski, Teodor. 1989. Powrót skazanych do społeczeństwa. Warsaw: PWN.

Tannenbaum, Frank. 1938. Crime and the Community. Boston, New York: Ginn & Co.

Utrat-Milecki, Jarosław. 2006. Podstawy penologii. Teoria Kary. Warsaw: Wydawnictwo Uniwersytetu Warszawskiego.

The Role of Post-Penitentiary Assistance in Counteracting the Social Stigmatisation and Marginalisation of Former Convicts Released from Penitentiary Facilities

Abstract

The processes of social stigmatisation and marginalisation of former convicts form a serious obstacle to their social re-adaptation, The effects achieved as part of penitentiary resocialisation while serving a prison sentence are insufficient for them to become independent in free society, combined with the reaction of social reluctance and rejection. The purpose of this article is to present the role of institutionalised post-penitentiary assistance in counteracting social stigmatisation and marginalisation of former convicts. The article explains the notion of social stigmatisation and marginalisation, the meaning of resocialisation activities within the context of preparing an convict for releasing him/her from a correctional facility, as well as the scope and forms of post-penitentiary assistance. For the purposes of explaining stigmatisation, the author used theories of social stigma. Keywords: marginalisation, stigmatisation, deviation

Rola pomocy postpenitencjarnej w przeciwdziałaniu stygmatyzacji i marginalizacji społecznej osób zwalnianych z jednostek penitencjarnych

Streszczenie

Procesy stygmatyzacji i marginalizacji społecznej byłych skazanych stanowią istotną przeszkodę w ich społecznej readaptacji. Efekty osiągnięte w drodze resocjalizacji penitencjarnej w trakcie odbywania kary pozbawienia wolności są niewystarczające dla ich usamodzielnienia się w środowisku wolnościowym w zestawieniu z reakcją niechęci społecznej i odrzucenia. Celem artykułu jest przedstawienie roli zinstytucjonalizowanej pomocy postpenitencjarnej w przeciwdziałaniu stygmatyzacji i marginalizacji społecznej byłych skazanych. W artykule wyjaśnione zostało pojęcie stygmatyzacji i marginalizacji społecznej, znaczenie oddziaływań resocjalizacyjnych w kontekście przygotowania skazanego do zwolnienia z zakładu karnego oraz zakres i formy pomocy postpenitencjarnej. Dla potrzeb wyjaśnienia stygmatyzacji posłużono się teoriami naznaczenia społecznego.

Słowa kluczowe: marginalizacja, stygmatyzacja, dewiacja

Informacje o Autorze: Dr MAŁGORZATA KUĆ, Katedra Prawa Karnego, Wydział Prawa, Prawa Kanonicznego i Administracji, Katolicki Uniwersytet Lubelski Jana Pawła II; adres do korespondencji: Al. Racławickie 14, 20-950 Lublin, Polska; email: edyta03@poczta.onet.pl; https://orcid.org/0000-0002-8224-4935