

THE PRINCIPLE OF EQUALITY BEFORE THE LAW VIS-A-VIS SOCIAL EXCLUSION

Dr. habil. Ewelina Cała-Wacinkiewicz, University Professor

University of Szczecin, Poland

e-mail: ewelina.cala-wacinkiewicz@usz.edu.pl; <https://orcid.org/000-0002-5439-4653>

Abstract. The aim of this study, whose material scope will be determined by the Polish (constitutional), international (human rights-related) and EU legal order, is to refer the principle of equality before the law to the subject matter of social exclusion. The doubt whether this principle provides a normative anchoring for the protection of an individual against social exclusion and to what extent from the perspective of efficiency of this protection a possible reference to the principle of equality before the law is sufficient has been placed in the framework of a research hypothesis. It is because if we recognize, *de lege lata*, that the formulation (identification) of the right to protection against social exclusion is premature, we must ask a question about programme guarantees of protection against exclusion, and in consequence, whether the principle of equality before the law plays the function of such a guarantor. The settlement of this question was made the research purpose of this study and the author uses the analytical method and the method of interpretation of the law in force in the course of her research.

Keywords: principle of equality; equality before the law; human rights; social exclusion

1. INTRODUCTORY NOTES IN THE CONTEXT OF THE PRINCIPLE OF EQUALITY BEFORE THE LAW

The principle of equality before the law is without a doubt one of those legal categories which, from the political perspective, are given rudimentary significance. It has a modelling effect on the Polish and international legal system, determining in a special way the standard of protection of rights of an individual and being an “essential element of the concept of rights, freedoms and responsibilities of man and citizen” [Masternak-Kubiak 2002, 119].

Semantic reconstructions of the principle of equality before the law, which is both an expression from the language of the law and from the language of the legal profession, take an important place in the Polish and international¹ literature on constitutional and international law, though there are also analyses that encode its meaning in an approach typical to

¹ See more in: Gowder 2013, 565-618; Acemoglu and Wolitzky 2021, 1429-465.

individual branches of the law.² Therefore, the essence of this principle is conceptualized in relation to broadly understood human rights, reflecting their anthropocentric character, immanently coupled with underlying dignity that is inherent to everyone. Its most important legal consequence – as seen by K. Complak – is the imperative to take up and enforce the principle of equality in an absolute manner [Complak 2002, 73]. And despite the fact that it is not difficult to interpret the importance of this principle from the lexical manner of understanding the term equality,³ capturing its normative content is undoubtedly an intellectually challenging task. This content cannot always be decoded from the laws in force, though equality *per se*, along with dignity and freedom, make up the “trinity” of legally protected values and a foundation of democratic countries. And although the literature does sometimes identify the paradox of heterogeneity (ambiguity) of the equality principle [Folak 2018, 25], the “idea of equality is a fundamental reference point of fairness and freedom” [Blicharz 2018, 59].

The aim of this study, whose material scope will be determined by the Polish (constitutional), international (human rights-related) and EU legal order, is not to present the different semantic contexts of the principle of equality before the law, but most of all to refer it to the subject matter of social exclusion.

The doubt whether this principle provides a normative anchoring for the protection of an individual against social exclusion and to what extent from the perspective of efficiency of this protection a possible reference to the principle of equality before the law is sufficient has been placed in the framework of a research hypothesis. The research hypothesis accommodates a doubt whether this principle provides a normative anchoring for the protection of an individual against social exclusion and a doubt of how sufficient, from the perspective of efficiency of this protection, a possible reference to the principle of equality before the law is. It is because if we recognize, *de lege lata*, that the formulation (identification) of the right to protection against social exclusion is premature, we must ask a question about programme guarantees of protection against exclusion, and in consequence, whether the principle of equality before the law plays the function of such a guarantor. The settlement of this question was made the research purpose of this study and the author uses the analytical method and the method of interpretation of the law in force in the course of her investigation.

² See the example of this issue in administrative law in: Król 2018, 91.

³ According to it equality means complete likeness, identity, sameness in relation to someone or something in terms of quantity, quality, value, or size, etc. Equality before the law means “a principle that involves identical treatment of all citizens who found themselves in a specific situation provided for by a legal standard” [Dubisz 2003b, 1079].

However, it needs to be reserved that the interest will not cover detailed semantic distinctions between the terms equality before the law and equality in the law because the research assumption adopted stipulates that it is the former that will be focused on. Given these ambiguities in the understanding of the term equality before the law, to put it simply, we must assume that it refers to a like treatment in the law application process [Cywiński 2014a, 414], thus to equal application of law towards all its addressees [Masternak-Kubiak 2002, 121]. The case is different for the category of equality in the law, which materializes in the process of making “such law that neither discriminates against, nor favours its addressees” [ibid.].

2. NORMATIVE SOURCES OF EQUALITY BEFORE THE LAW – AN OUTLINE

The instruction of Article 32 of the Polish Constitution of 2 April 1997⁴ is fundamental here. Pursuant to this provision, all persons shall be equal before the law and all persons shall have the right to equal treatment by public authorities (Article 32(1)). Moreover, no one shall be discriminated against in political, social or economic life for any reason whatsoever (Article 32(2)). The equality principle formulated like this in Article 32(1) means – as noticed by M. Masternak-Kubiak – an imperative of the same treatment of entities under the law within a specified class (category) [Masternak-Kubiak 2002, 122].

These provisions are not the only rules that refer to the category of equality. Apart from the preamble to the Polish Constitution (“equal in rights and obligations towards the common good”), other examples for this are accommodated in Article 6 (which ensures equal access to products of culture), Article 11(1) (which provides for equality in affiliating in political parties) and Article 33 (which stipulates equal rights of men and women and an equal right to education, employment and promotion, to equal compensation for work of similar value, to social security, to hold offices, and to receive public honours and decorations). The category of equality in the Polish Constitution was also quoted in the provisions of Article 64(1) (equal legal protection regarding ownership, other property rights and the right of succession), Article 68(2) (equal access to health care services, financed from public funds) or in Article 70(4) (equal access to education). Moreover, Article 96 (equality in elections to the Sejm), Article 127(1) (equality in elections of the President) and also Article 169(2) (equality in elections to constitutive organs of local government units) bring about equality in the context of electoral rights, leaving no doubt that this matter too is essential

⁴ Journal of Laws of 1997, No. 78, item 483 as amended [hereinafter: Polish Constitution].

from the perspective of the constitutional guarantee of specific rights and freedoms of man and citizen.

References to the equality category are more than frequent in human rights-oriented acts of international law. Thus, the preamble to the Universal Declaration of Human Rights of 10 December 1948⁵ talks about equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world and also about equal rights of men and women. Going further, the instruction of Article 1 explicitly refers to the equality principle, providing that all human beings are born free and equal in dignity and rights. A continuation of these provisions, especially important from the perspective discussed, is included in Article 7 of the Declaration, according to which all are equal before the law and are entitled without any discrimination to equal protection of the law. A special emphasis must also be given to putting the equality category together with access to an independent and impartial tribunal (Article 10) in terms of entering into marriage, during marriage and at its dissolution (Article 16(1)), with access to public service in one's country (Article 21(2)), with genuine elections (Article 21(3)), with equal pay for equal work (Article 23(2)) or finally, with access to higher education (Article 26(1)).

Going further, the preamble of the International Covenant on Civil and Political Rights signed at New York on 19 December 1966⁶ includes content that is analogical to the provisions of the preamble of the Universal Declaration of Human Rights relating to equality. This is significant in as much as it does not only prove the systemic nature of the legal measures in place, but most of all the existence of a certain consistency of values which lay at the basis of the international system of human rights protection. Moreover, the Covenant provides for: an equal right to enjoy all civil and political rights (Article 3), equality of all persons before courts and tribunals (Article 14(1)), equality in terms of guarantees for persons charged with a criminal offence (Article 14(2)), equal rights and responsibilities of spouses (Article 23(4)) and also equality in the context of the right to vote and to be elected and access to public service (Article 25). Moreover, the provisions of the Covenant (Article 26) expressed the principle of equality before the law and the right, without any discrimination, to the equal protection of the law.

The question of regulation of equality in the provisions of the European Convention for the Protection of Human rights and Fundamental Freedoms, signed at Rome on 4 November 1950,⁷ leaves us unsatisfied. The Convention

⁵ https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf

⁶ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.

⁷ Journal of Laws of 1993, No. 61, item 284.

does not refer to the category analysed either in general or in detail. However, in the European system, provisions of the Charter of Fundamental Rights of the European Union, adopted in its original wording on 7 December 2007,⁸ are a certain compensation of this state of affairs. It was incorporated into the system of the European Union's primary legislation by the Treaty of Lisbon of 13 December 2007.⁹ In the Charter, the category of equality was invoked as early as the Preamble as one of the values on which the European Union is built. And although pointing to equality as a foundation of a united Europe has an axiological justification, the fact that the term "equality" features in Title II of the Charter, i.e. Articles 20-26, is more important. The first of them already expresses explicitly the rule discussed providing that all are equal before the law. Equality of men and women was regulated in Article 23 of the Charter, according to which this equality must be ensured in all fields, including in terms of employment, work and remuneration. It was also noted, according to EU's broadly implemented equality policy, that the principle of equality is not an obstacle in maintaining or accepting measures that ensure specific benefits to people of a gender that is not represented sufficiently.

This review of legal regulations in force yields two-fold conclusions. First of all, under the Polish Constitution and international regulations, references to the category of equality are both general (by referring to the essence of the principle of equality before the law) and detailed (by juxtaposing the category analysed with specific institutions to which it applies). This means that the equality principle guaranteed constitutionally and internationally, is not suspended in a normative vacuum, but additionally it gains its in-depth meaning in connection with other provisions that refer to parity. Secondly, the principle of equality before the law is a normative guarantor of equality of all before the law. Therefore, it plays the role, as seen by M. Master-nak-Kubiak, of not only a guideline in the process of creating and applying the law, but it has become a subjective right to equal treatment [Master-nak-Kubiak 2002, 137].

3. ESSENCE OF SOCIAL EXCLUSION AND ITS NORMATIVE DETERMINANTS

The beginnings of the reflection on social exclusion go back to the 1960s, and the term itself, as seen by M. Piechowiak, emerged in the context of social policy in relation to the subject matter of hardship, poverty and deprivation [Piechowiak 2009, 128]. Therefore, exclusion has evolved from a strictly

⁸ OJ C 83, 19.7.2008, p. 389-403 [hereinafter: Charter].

⁹ Journal of Laws of 2009, No. 203, item 1569.

political and economic phenomenon to a sociological one, approached in the context of a breakdown of social bonds [Grotowska-Leder 2005, 25]. One of the first people to take up this subject matter was R. Lenoir who analysed *les exclus* for groups who were unable to find a place in the remuneration network and whose civil and social rights were so restricted [Lenoir 1974, Makarewicz-Marcinkiewicz 2015, 150]. It is this poverty that is most frequently quoted in the context of social exclusion, though homelessness, unemployment and disability are also discussed. Some authors, somewhat touching the extreme, also try to demonstrate an exclusive nature of the law [Kwaśniewski 2010, 189; Cywiński 2014b, 507].

In the lexical context, the term “exclusion” is assigned a negative meaning brought down to “exclusion, elimination, rejection” [Dubisz 2003a, 800].¹⁰ From this perspective, the term social exclusion will also accommodate such a phenomenon, state or process, at the basis of which lies permanent exclusion (elimination, rejection) of a certain person or a certain group of persons from social life (so-called “pushing one to the periphery of society” [Szatur-Jaworska 2005, 64]). Therefore, exclusion cannot be temporary, it cannot be based on a passing cause. It is because not all transformations (changes) of a situation of a specific person will be classified as social exclusion, but only those that result in permanent impossibility of participation in community life as such.

Social exclusion was originally associated with poverty. However, relevant literature highlights that this term has a broader dimension than the concept of poverty and it covers an exclusion from institutions and a social exclusion. Poverty means a lack of or poor access to goods and services, while exclusion covers rejection from a place and relations in society. Social exclusion refers to a situation of unequal access to rights and institutions and to a drastic breakdown on social relations [Dziewięcka-Bokun 1998, 5]. If we were to make poverty a phenomenon that results in social exclusion and that demonstrates its essence and is a case study at the same time, then the focal point of the analysis must be shifted towards the permanence of this exclusion. If exclusion were only about a certain degree of hardship, poverty or misery, then we would not need to create a new semantic category that specifies social categories known and researched for years already. These comments apply also to the other phenomena described in the context of social exclusion.

The subject matter of social exclusion is increasingly taken up at the fora of international organizations which treat it as a social fact that the international community must face. The burden of activity in this regard is assumed mainly by the European Union and the Council of Europe who, in

¹⁰ See Doroszewski 1960, 672.

the context of exclusion, highlight the objective impossibility of participation in community life.

The weight of this subject matter is demonstrated by the fact that primary legislation of the European Union often uses the term “social exclusion”, though there are no provisions that would contain a legal definition of this concept. Therefore, pursuant to Article 9 of the Treaty on the Functioning of the European Union (which is part of the Treaty of Lisbon), in defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health. This guideline determines the direction of actions taken by the European Union, intended mostly to promote social policy as such. Without showing its significance, any initiatives and actions would be devoid of specific justification. Moreover, still in the context of social policy, Article 151 of the Treaty includes, i.a., a certain programme reference to another international agreement, that is the European Social Charter¹¹ signed at Turin on 18 October 1961, and to social rights included in it. In their context, the European Union and its Member States aim their activities to promote employment, to improve living and working conditions (to allow their equalization and at the same time to maintain progress), to ensure adequate social protection, dialogue between social partners, development of human resources that allows the improvement and maintenance of the employment level and, emphasis-worthily, preventing exclusion. On top of this, these assumptions were reinforced by means of a disposition of Article 153(1)(h) and (j), which regulate complementariness of actions of the European Union. According to it, the European Union supports and complements the actions of Member States in, i.a., integration of persons excluded from the labour market and in fighting social exclusion. The EU’s secondary legislation, which is worth highlighting, also regulates these questions, referring to the very important improvement of understanding the issues of social exclusion and poverty, social protection policy and social integration.¹²

¹¹ Council of Europe, European Social Charter, 18 October 1961, ETS No. 035.

¹² Decision No 50/2002/EC of the European Parliament and of the Council of 7 December 2001 establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion (OJ L 170, 29.6.2002, p. 1); Decision No 1672/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Community Programme for Employment and Social Solidarity (OJ L 315, 15.11.2006, p. 1-8); Decision No 283/2010/EU of the European Parliament and of the Council of 25 March 2010 establishing a European Progress Microfinance Facility for employment and social inclusion (OJ L 87, 7.4.2010, p. 1-5).

The European Social Charter invoked in the Treaty on the Functioning of the European Union, in its revised version opened for signature on 3 May 1996, regulates in its Article 30 the right to protection against poverty and social marginalisation. This means that the Council of Europe, which deals with protection of human rights, notices the weight of actions for the protection against social exclusion of these entities. Therefore, the agreement stipulates that in order to ensure effective exercise of the right to protection against poverty and social marginalisation, the states undertake, *inter alia*, to take measures as part of a general and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance.

This brief review of legal regulations shows that the acts of international law analysed use the category of social exclusion to juxtapose it with, as has been argued, universally known phenomena of poverty, unemployment or homelessness, etc. And although from the international law perspective (including the perspective of human rights) there are no grounds to formulate the right to protection against exclusion, the laws in force certainly create a certain standard of protection against it.

However, we must remember that without an effectively run social policy at the international (also European) level, we cannot create effective instruments to counteract social exclusion. A systemic approach to taking such measures is incredibly important in protection against them. As noted by M. Zdanowicz, exclusion is something that produces effects for an individual but is independent of this individual [Zdanowicz 2009, 183]. Thus, the direction of incorporation of international measures into national legal orders is valid in as much as the existence of a multi-layer system of protection against social exclusion is considered necessary and where such system runs from the international level, to the European layer, to the national dimension. Such multicentricity of protection is a guarantee of its effectiveness.

4. SUMMARY – ON THE RELATION OF SOCIAL EXCLUSION WITH THE PRINCIPLE OF EQUALITY BEFORE THE LAW

Summing up, we need to point out that the phenomenon of social exclusion seen holistically, which has become a subject of scholarly investigations relatively recently, is not accommodated under phenomena we know and have described. It is not only because the category of social exclusion is a collective category which is not self-reliant and by which we describe states, processes and phenomena that are considered to result in exclusion, but because social exclusion, as a certain intellectual abstract, cannot be examined without bringing it down to a specific phenomenon, state or process. Such

relativization of exclusion is, therefore, a necessary condition to investigate its essence in-depth. Relevant literature sometimes puts forward a hypothesis that “social exclusion is a new name for old, unresolved social problems, created and popularized to convince us that there has been a radical change in the structure of these problems [Makarewicz-Marcinkiewicz 2015, 149]. If we reject even extreme views, there is no doubt that the semantic polysemy that lies at the root of the category analysed, along with its independent nature and requirement to relativize it each time, greatly hampers its description. Also, they prejudge *de lege lata* that we cannot approach protection against social exclusion as a construct of a subjective right, as is the case of the subjective right to equal treatment. As much as equality before the law is one of those categories which in the Polish and international legal order take an important place thanks to being attributed the rank of a principle, the category of protection against social exclusion is still quite poorly developed in legal standards and legal commentary. And although it does feature in the language of the law, it is often replaced by other categories with a similar meaning (e.g. marginalisation).

As a result, as long as there is no normative specification of the concept of social exclusion and its forms (types), there will be no valid grounds to believe that protection against exclusion has a systemic nature. Guarantees of protection against social exclusion, which may be derived from principles or a common axiology of the European and national legal order (e.g. from the category of dignity or the principle of equality before the law) and relevant protective procedures, are a different issue altogether. These, however, mostly concern individual phenomena that are now qualified as subject of social exclusion (e.g. homelessness), not exclusion as such. Summing up the analysis so far, we must refer to the question from the introduction which is formulated in the form of a research hypothesis: does the principle of equality before the law provide a normative anchoring for the protection of an individual against social exclusion and to what degree a possible reference to the principle of equality before the law is sufficient from the perspective of efficiency of this protection?

There is no doubt that if we demonstrate the essence of exclusion (which results in social inequality), then we must refer to the principle of equality before the law. However, even though social exclusion is associated with violation of the principle of equality, it cannot be approached only in the context of this principle [Piechowiak 2009, 145]. It needs to be remembered, as is emphasised in views of legal scholars and commentators, that “violation of the principle of equality takes place only when a certain differentiation acquires the features of discrimination or privilege” [Masternak-Kubiak 2002, 122]. Social exclusion is not so much about discriminatory (unequal) treatment of people who are in a relatively similar position, but more about

“insufficient scope of protection that individual rights guarantee” [Tuleja 2009, 149].

Given that legislative acts use the category of social exclusion and frame it as a social and legal fact, guarantees of protection against social exclusion should be inscribed in the human rights protection system. Since no act of Polish or international law regulates *expressis verbis* the right to protection against social exclusion, a specific anchoring for this protection needs to be each time sought in the principle of equality before the law. This principle, being part of the law application process, will not only constitute a normative safeguard against social exclusion, but also a minimum requirement for the standard of protection against exclusion *in toto*. This means that this principle provides the minimum content of protection against social exclusion, though effectiveness of this protection must be secured by laws in force that regulate this issue in detail. There is no doubt that both the Polish and international legislator have quite a lot to do in this regard. As results from how the concept of social exclusion is understood, it is not enough that there are legal regulations in force that merely use this category; we need regulations that will ensure efficient protection against phenomena that result in exclusion. Its effective combating (limitation) requires certain work at the grassroots. P. Tuleja believes that not much will change without eliminating poverty, unemployment or homelessness [Tuleja 2009, 160]. We must remember that protection against exclusion requires systemic action. This is why the principle of equality before the law may provide a normative anchoring for the protection of an individual against social exclusion, though from the perspective of efficiency of this protection a possible reference to the principle of equality before the law is not sufficient.

The research hypothesis framed the research problem also into another, more practical, direction. A lack of a basis to refer to the right to protection against social exclusion does not release one from the obligation to search on a normative ground for instruments and tools of effective protection against exclusion. This is where we should seek the validity of the question whether the principle of equality before the law and the related measures (procedures) of protection of this principle may serve as such a tool. As has been pointed out, this principle may be used in the context of social exclusion where we are dealing with the act of the authorities' application of law because it may result in a discriminatory situation and thus violation of the equality principle discussed. However, we need to take into account that on the ground of the presented semantic rules relating to social exclusion it is mainly a certain social fact, which also allows a reversal of the thought process. Even though there are adequate instruments and legal procedures, a person suffering from exclusion may not use and enjoy them (for various reasons). Despite undesirable social effects of such a situation, there is no

legal obligation for one to use the tools of protection against social exclusion (sphere of freedom of every man). Thus, there is no violation of the principle of equality or any other unjustified differentiation of the legal position of such a person and the problem of exclusion remains unresolved. This confirms for the second time the correctness of the accepted course of reasoning which lay at the foundation of solving the research problem placed in the framework of the hypothesis. The principle of equality before the law may be a normative anchoring for the protection of individual against social exclusion, but it will not release states and international community from the task to create effective instruments of this protection.

REFERENCES

- Acemoglu, Daron, and Alexander Wolitzky. 2021. "A Theory of Equality Before the Law." *The Economic Journal* 131 (636):1429-465.
- Blicharz, Jolanta. 2018. "Związek między zasadą równości a zasadą sprawiedliwości społecznej w polskiej konstytucji i orzecznictwie trybunału konstytucyjnego. Próba spojrzenia ogólnego." In *Praworządność, decentralizacja, przedsiębiorczość. Księga jubileuszowa Profesora Leona Kieresa*, edited by Karol Kiczka, Tadeusz Kocowski, and Witold Małecki, 59-69. Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego.
- Complak, Krystian. 2002. "O prawidłowe pojmowanie godności osoby ludzkiej w porządku RP" In *Prawa i wolności obywatelskie w konstytucji RP*, edited by Bogusław Banaszak and Artur Preisner, 63-79. Warszawa: C.H. Beck.
- Cywiński, Zbigniew. 2014a. "Równość wobec prawa." In *Socjologia prawa. Główne problemy i postacie*, edited by Andrzej Kojder, and Zbigniew Cywiński, 414-16. Warszawa: Wydawnictwo Uniwersytetu Warszawskiego.
- Cywiński, Zbigniew. 2014b. "Wykluczenie prawne." In *Socjologia prawa. Główne problemy i postacie*, edited by Andrzej Kojder and Zbigniew Cywiński, 507-11. Warszawa: Wydawnictwo Uniwersytetu Warszawskiego.
- Dubisz, Stanisław, ed. 2003a. *Uniwersalny słownik języka polskiego*. Vol. 2. H-N. Warszawa: Wydawnictwo Naukowe PWN.
- Dubisz, Stanisław, ed. 2003b. *Uniwersalny słownik języka polskiego*. Vol. 3. P-Ś. Warszawa: Wydawnictwo Naukowe PWN.
- Doroszewski, Witold, ed. 1960. *Słownik języka polskiego*. Vol. 2. D-G. Warszawa: Państwowe Wydawnictwo "Wiedza Powszechna".
- Dziewięcka-Bokun, Ludmiła. 1998. "Ekskluzja społeczna w Europie." *Polityka Społeczna* 10:5.
- Folak, Łukasz. 2018. "Paradoksy dotyczące zasady równości." In *Równość w prawie administracyjnym*, edited by Jerzy Korczak, and Piotr Lisowski, 21-44. Warszawa: Wolters Kluwer.
- Gowder, Paul. 2013. "The Rule of Law and Equality." *Law and Philosophy* 32 (5):565- 618.
- Grotowska-Leder, Jolanta. 2005. "Ekskluzja społeczna – aspekty teoretyczne i metodologiczne." In *Ekskluzja i inkluzja społeczna. Diagnoza – uwarunkowania – kierunki*

- działań*, edited by Jolanta Grotowska-Leder, and Krystyna Faliszek, 25-44. Toruń: Wydawnictwo Akapit.
- Kwaśniewski, Jerzy. 2010. "Wpływ norm prawnych na procesy wykluczenia społecznego." In *Prawo i wykluczenie. Studium empiryczne*, edited by Anna Turska, 189-206. Warszawa: C.H. Beck.
- Lenoir, René. 1974. *Les exclus: un Français sur dix*. Paris: Seuil.
- Makarewicz-Marcinkiewicz, Agnieszka. 2015. "Ekskluzja społeczna – zjawisko społeczne czy 'temat zastępczy'?" *Wrocławskie Studia Politolologiczne* 18:149-59.
- Masternak-Kubiak, Małgorzata. 2002. "Prawo do równego traktowania." In *Prawa i wolności obywatelskie w konstytucji RP*, edited by Bogusław Banaszak, and Artur Preisner, 119-37. Warszawa: C.H. Beck.
- Piechowiak, Marek. 2009. "Konstytucja wobec wykluczenia społecznego." In *Współczesne wyzwania wobec praw człowieka w świetle polskiego prawa konstytucyjnego*, edited by Zdzisław Kędzia, and Antoni Rost, 125-45. Poznań: Wydawnictwo Naukowe UAM.
- Król, Paweł. 2018. "Autonomiczność zasady równości w prawie administracyjnym." In *Równość w prawie administracyjnym*, edited by Jerzy Korczak, and Piotr Lisowski, 91. Warszawa: Wolters Kluwer.
- Szatur-Jaworska, Barbara. 2005. "Uwagi o ekskluzji i inkluzji na przykładzie polityki społecznej wobec ludzi starych." In *Ekskluzja i inkluzja społeczna. Diagnoza – uwarunkowania – kierunki działań*, edited by Jolanta Grotowska-Leder, and Krystyna Faliszek, 63-72. Toruń: Wydawnictwo Akapit.
- Tuleja, Piotr. 2009. "Prawa jednostki do ochrony przed wykluczeniem a konstytucyjne zadania państwa." In *Współczesne wyzwania wobec praw człowieka w świetle polskiego prawa konstytucyjnego*, edited by Zdzisław Kędzia, and Antoni Rost, 147-63. Poznań: Wydawnictwo Naukowe UAM.
- Zdanowicz, Mieczysława. 2009. "Ochrona uchodźców przed wykluczeniem społecznym." In *Współczesne wyzwania wobec praw człowieka w świetle polskiego prawa konstytucyjnego*, edited by Zdzisław Kędzia, and Antoni Rost, 183-97. Poznań: Wydawnictwo Naukowe UAM.