
BOOK REVIEW/COMPTE RENDU

Margot Young, Susan B. Boyd, Gwen Brodsky, and Shelagh Day, eds., *Poverty: Rights, Social Citizenship, and Legal Activism*. Law and Society Series. Vancouver: University of British Columbia Press, 2007, 389 pp. \$29.95 paper (978-0-77481-288-7), \$85.00 hardcover (978-0-7748-1287-0)

Poverty experienced by some Canadians and their families today is exacerbated by several factors, including the oft-mentioned neo-liberal erosion of government social programs and the concurrent attenuation of individuals' entitlement to support, and also the failure of courts to protect basic human rights such as access to food, clothing, and housing. For the editors of *Poverty: Rights, Social Citizenship, and Legal Activism*, the lack of dedicated political, policy, and legal attention to eliminating poverty is out of tune with many citizens' shared sentiment that everyone possesses freedoms and economic and social rights protected by the *Canadian Charter of Rights and Freedoms*. In this volume, editors Margot Young, Susan B. Boyd, Gwen Brodsky, and Shelagh Day bring together a collection of essays intended to stimulate continued social, political, and legal anti-poverty activism for social justice.

Reflecting their authorship by professors of law, practicing lawyers, and poverty/human rights advocates, the essays in this volume are written for an audience familiar with sociolegal or legal studies. Although Margot Young's introduction reviews areas of scholarship relevant to social citizenship, poverty, and social and economic rights protected by Canadian law, it does so briefly. Scholars with different backgrounds and unfamiliar with the linkages among these areas will therefore find the terminology of all chapters and their contents somewhat difficult to follow. However, for scholars already concerned with the study of social citizenship and human rights this entire book will be informative, as it highlights how these concerns converge in the contemporary Canadian legal system. As it is not possible to review all 18 chapters I will focus on those that stand out as particularly strong contributions.

The context for this collection is the Supreme Court's decision in *Gosselin v. Quebec (Attorney General)*. Louise Gosselin brought a class-action law suit against a regulation under the 1984 *Quebec Regulation Respecting Social Aid*, which allowed the government to reduce the base

benefit of welfare payments to individuals under the age of thirty to one-third of the benefit paid to recipients over the age of thirty. Individuals under thirty could increase the benefits they received to an amount equal to, or \$100 less a month, received by those over thirty by enrolling in education and/or employment (welfare-to-work) programs. As not enough programs were available for individuals under thirty, many people were subject to inadequate levels of benefit support. Gosselin claimed that the regulation constituted age discrimination under section 15(1) and infringed the security of person protection under section 7 of the Canadian *Charter*, and violated the anti-discrimination guarantee under section 45 of the Quebec *Charter of Human Rights and Freedoms*. In 2002, the Supreme Court split five to four against Gosselin; the majority found no infringement of equality rights under sections 7 and 15(1) of the *Charter* and section 45 of the Quebec *Charter*. Despite the decision, the significance of this case cannot be understated. The first poverty case under the *Charter* to be heard by the Supreme Court of Canada, *Gosselin* epitomizes the difficulties faced by anti-poverty activists who turn to the courts to challenge the infringement of individuals' constitutional rights.

In Parts 1, "Reading Gosselin," and 4, "Legal Theory after Gosselin" essays examine various topics raised by *Gosselin*. Martha Jackman argues that the findings of the majority of the Supreme Court judges in *Gosselin* confirm "accepted truths" about welfare claimants (e.g., welfare claimants choose to live in poverty) and the role of governments (e.g., the *Charter* should not prevent governments from making policy choices). She shows how the findings of the majority demonstrate the judges' unwillingness to question these accepted truths by engaging in "reality checks," whereas the findings of the dissenting judges illustrate critical attempts to engage with the reality of living on social assistance. David Schneiderman offers an insightful analysis of the biased media coverage of *Gosselin* and how it perpetuated dominant rhetoric surrounding users and abusers of welfare that was disconnected from individuals' everyday lives on social assistance. David Wiseman's chapter illustrates the interplay between social policy and political agendas, and their roles in constraining court responses. Wiseman questions Canadian courts' institutional competence for handling *Charter* claims and draws attention to how they abstain from social rights adjudication by citing incompetence, especially the claim that their involvement may be perceived as interfering with fiscal concerns important in social policy making and administration.

Sociologists familiar with the study of social policy and scholarship on citizenship rights in an interdisciplinary manner, specifically the evolution of civil, political, and social rights, and the devolution of social

rights in neoliberal restructuring will find the chapters in Part 2 extremely valuable. Contributors to “Social Citizenship and the State” clearly establish whether and how individuals’ social and economic rights are claimed and adjudicated in court cases, with what inclusionary or exclusionary effects. These chapters correct the sometimes abstract quality of sociological discussions of social rights of citizenship that can overlook their legal salience. Bruce Porter’s chapter illuminates how poor individuals face a double burden in claiming social and economic rights — they must first defend a claim to adjudicative space in the midst of discriminatory, prejudicial, and exclusionary discourses before their rights claims will be heard. Sharon Donna McIvor’s and Janet E. Mosher’s chapters focus on how social citizenship encompasses demarcations of social inclusion and exclusion, such that legal perceptions of belonging influence individuals’ rights and make gender, race/ethnicity, and class-based inequalities manifest. McIvor reviews several legal cases to substantiate her argument that patriarchy and colonialism are at the root of historical and contemporary exclusions of Aboriginal women’s rights-based claims to sex equality. Mosher convincingly argues that Ontario social assistance policy exacerbates insider and outsider boundaries of citizens by acting as a border, differentiating between “full citizens” who are capable of self-reliance in the labour market and “second-class citizens” who are not and must turn to income support.

Essays that explore “Social Citizenship and International Contexts” constitute Part 3 of this book. Marjorie Griffin Cohen demonstrates how international law and trade agreements concerning corporate and individual rights can conflict with national processes designed to protect collective rights in Canada. Shelagh Day reveals that although Canadian governments have ratified United Nations treaties, they rarely respond sincerely to nongovernment reviews of their noncompliance with these treaties. Finally, Part 5, “Legal Activism Revived,” contains chapters that stress the need for continued activism to bring about change in organizations, legislation, and policy, and to maintain interest in eliminating poverty in Canada. It is fitting that in the concluding chapter Gwen Brodsky argues that the *Charter* must be viewed as containing social and economic entitlements in its rights to equality, life, liberty, and security of person, or else these very values and principles are betrayed. For Brodsky, the challenge is to create government commitment to this view so that social programs become understood as conduits for the realization of these rights.

In total, this volume is an indispensable resource for scholars endeavoring to widen their understanding of social citizenship, poverty, and rights in ways that intertwine social policy and law. As well, some or

all of the chapters will make valuable additions to graduate course syllabi on poverty, social movements, social policy, and the welfare state.

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