REVIEW OF *POVERTY: RIGHTS, SOCIAL CITIZENSHIP, AND LEGAL ACTIVISM* EDITED BY MARGOT YOUNG, SUSAN B. BOYD, GWEN BRODSKY AND SHELAGH DAY

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Margot Young, Susan B. Boyd, Gwen Brodsky & Shelagh Day, eds., *Poverty: Rights, Social Citizenship, and Legal Activism* (Vancouver: UBC Press, 2007), 389 pp.

Louise Arbour has likened the present state of human rights in the international context to a pillar of glass: these rights are invisible, decorative, and support nothing.[1] Her sharp metaphor seems equally applicable to the treatment of human rights — in particular, social and economic rights — on the domestic front. Many Canadians take pride in the fundamental rights and freedoms entrenched in the *Canadian Charter of Rights and Freedoms*,[2] but as the essays in *Poverty: Rights, Social Citizenship, and Legal Activism*[3] show, many fail to see how those rights are infringed by the existence of poverty. This failure to see can also be observed in Canadian courts: for example, *Gosselin v. Quebec (Attorney General)*,[4] the very case that instigated *Poverty*, illustrates how the courts have resisted using the *Charter* to protect economic and social rights or to hold governments accountable for policies that perpetuate poverty. Within Canadian society, one can easily observe a divide

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1 Louise Arbour, "International Human Rights Advocacy: Opportunities and Limitations" (Lecture delivered at the Faculty of Law, University of Victoria, 19 September 2008) [unpublished], cited with the speaker's permission.

2 *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c.11 [*Charter*].

3 Margot Young, Susan B. Boyd, Gwen Brodsky & Shelagh Day, eds., *Poverty: Rights, Social Citizenship, and Legal Activism* (Vancouver: UBC Press, 2007) [*Poverty*].

4 *Gosselin v. Quebec (Attorney General)*, 2002 SCC 84, [2002] 4 S.C.R. 429 [*Gosselin*].

between those who see poverty as a personal misfortune, and those who see it as a systemic, socially created (or at least reinforced) problem — a failure of the state rather than the individual, and, more specifically, a failure of the state to protect basic human rights.[5] Over recent years, those who align with the latter view have witnessed — likely with some disbelief, and perhaps despair — the neoliberal restructuring of the Canadian welfare state and the reinforcement of neoliberal attitudes by the courts.[6] For instance, in *Gosselin*, a majority of the Supreme Court of Canada found that the Québec welfare/workfare program that differentiated between recipients based on age did not offend Louise Gosselin's right to equality (a 5:4 split of the Court), nor did its pittance of financial support offend her right to security of the person (a 7:2 split of the Court), as guaranteed by the *Charter*.[7] To those who strive to use the law to combat poverty this decision can justifiably be seen as a setback, but the essays in *Poverty* show that it can also be a site for creative rethinking of the challenges of using the law to protect economic and social rights. After making some general comments on the collection as a whole, I will discuss the essays in each of its five sections, followed by brief concluding comments.

Poverty is an effort to reassess the treatment of poverty in Canadian law following the Supreme Court's judgment in *Gosselin*. The book holds faith that litigation of poverty cases can be successful in protecting economic and social rights. It offers insight into the realities of legal antipoverty advocacy, while promoting critical analysis and inquiry into the legal, political, and social structures that inform that pursuit. Although some of *Poverty*'s authors are more explicit in their approaches than others, all seem to endorse a critical approach to law — an approach that pays attention to power dynamics and values lived realities, that eschews false objectivity in favour of context and

5 For example, consider how poverty is defined by different groups: the Fraser Institute Poverty Lines define poverty as the lack of anything required for physical survival, whereas the Cost of Living Guidelines developed by the Social Planning and Research Council of B.C. measure poverty by both physical survival and ability to participate in the community. See Canadian Council on Social Development, "Chapter 2: Working Definitions of Poverty," online: *The Canadian Fact Book on Poverty 2000* <http://www.ccsd.ca/facts.html>.

6 Many authors have analyzed the influence of neoliberalism in the restructuring of the welfare state. For example, see Ernie Lightman, "Caught in the middle: the radical right and the Canadian welfare state" in Howard Glennerster & James Midgley, eds., *The Radical Right and the Welfare State: An International Assessment* (Hemel Hempstead, U.K.: Harvester Wheatsheaf, 1991) 141. Other authors have analyzed the impact of that restructuring on particular groups. For example, see Janine Brodie, "Restructuring and the New Citizenship" in Isabella Bakker, ed., *Rethinking Restructuring: Gender and Change in Canada* (Toronto: University of Toronto Press, 1996).

7 In her review of *Poverty*, Professor Kim Brooks gives a more detailed background and summary of *Gosselin*. See Kim Brooks, "*Poverty: Rights, Social Citizenship and Legal Activism*," Book Review (2008) 20 Canadian J. of Women and the Law 155.

what Martha Jackman calls "reality checks."[8] These authors value the voices of those living in poverty, see poverty as a systemic (rather than individual) issue, and hold substantive equality as an essential and achievable goal that can be pursued through the law despite setbacks such as *Gosselin*. *Poverty*'s most insightful analysis is of the past uses and future potential of rights discourse in the poverty law context (found in the final two sections of the collection). The authors' focus on legal advocacy in a courtroom setting is, however, of some concern: given the crisis facing many Canadian legal institutions (in terms of cost, complexity, and delay),[9] one can imagine how many poverty law cases will be excluded from the courtroom in the first place for more "practical" reasons.[10] The collection would have been strengthened by commentary on legal advocacy and activism on the ground — for example, the role for clinics or other outreach settings in advancing the rights of the poor.[11] Nonetheless, *Poverty* deserves praise for steering clear of nostalgia: the collection critiques the present relationships between the law, the state, and poverty, and discusses how they might be manipulated. Although its scope is mostly restricted to the use of the courts to advance social and economic rights, *Poverty* will be of interest to antipoverty advocates more generally, as well as litigators and students of law.

Poverty begins with Margot Young's introduction, wherein she describes the origins of the collection, provides the background and context of the *Gosselin* case, and describes the structure of the collection. Part One, titled "Reading *Gosselin*," is comprised of essays that examine and contextualize the judgments in *Gosselin*. In her essay "Reality Checks: Presuming Innocence and Proving Guilt in *Charter* Welfare Cases," Martha Jackman criticizes Chief Justice Beverley McLachlin's majority judgment for simply accepting that poverty is an individualized phenomenon.[12] As an alternative, Jackman pursues a contextual analysis to reveal the presumptions (on the one hand) of innocence and neutrality that accompany prevailing legal principles,[13] and

8 Jackman, *supra* note 3 at 23.

9 For example, see the report of the Civil Justice Reform Working Group, *Effective and Affordable Civil Justice* (November 2006), online: B.C. Justice Review Task Force <http://www.bcjusticereview.org>, where the words "Too expensive, too complex, and too slow" are used to describe British Columbia's present civil justice system.

10 I recognize that issues of access and participation in the court process are addressed, to some degree, in David Wiseman and Melina Buckley's contributions to the collection. See notes 53 and 69 below.

11 As advocated by, for example, Dugald Christie, "*Pro Bono* Clinics in British Columbia" (2003) 61 The Advocate 337.

12 Jackman, *supra* note 8 at 33 and 35.

13 *Ibid.* at 24.

(on the other) of guilt that underlie judicial decision making in welfare cases.[14] "Reality checks," she argues, are essential if claims for economic and social rights are to be effectively heard by our courts: this involves "test[ing] what is asserted to be true against the concrete evidence of real life experience, as best it can be grasped."[15] Dianne Pothier's essay "But It's for Your Own Good," draws out the paternalistic and discriminatory assumptions behind the claims about "best interests" in the contexts of poverty and disability.[16] She questions the judicial treatment of "dignity," suggesting that if we unpack the assumptions that underlie its traditional usage in the courts, we will see these discriminatory assumptions at work. For example, in *Gosselin* the effect of the "for your own good" analysis is to decontextualize the lived experience of Louise Gosselin (and the impacts of workfare on her), and to rationalize the paternalistic approach of workfare.[17] David Schneiderman's essay "Social Rights and 'Common Sense': *Gosselin* through a Media Lens" rounds out this first part of *Poverty*. He documents the media's praise of the majority judgment, and its distortion of the claims and arguments made in the case,[18] showing how deeply the neoliberal distaste for welfare has taken root in Canadian society.[19] These three essays provide thoughtful context for the decision; they would benefit not only antipoverty scholars and activists, but any student or lay person reading *Gosselin*.

Part Two of the volume, titled "Social Citizenship and the State," moves beyond (but still makes reference to) the *Gosselin* case, turning to a broader discussion of citizenship in the neoliberal state. Bruce Porter and Sharon Donna McIvor celebrate incremental progress in protecting human rights as against the state. Porter reminds the reader of Jim Finlay's momentous challenge to Manitoba's obligations under the *Canada Assistance Plan*[20] in the early 1990s: indeed, it is only in recent history that social rights have been considered justiciable in our courts.[21] Although poverty law cases may be "lost," it is important, he argues, to remember that the ability to claim adjudicative space for poverty law issues is itself a victory.[22] McIvor looks at the history of Indigenous women's struggles to be heard by domestic courts and inter-

14 *Ibid.* at 25.
15 *Ibid.*
16 Pothier, *supra* note 3 at 43.
17 *Ibid.* at 50.
18 Schneiderman, *supra* note 3 at 68.
19 *Ibid.* at 57.
20 R.S.C., 1985, c. C-1 [*CAP*].
21 Porter, "Claiming Adjudicate Space: Social Rights, Equality, and Citizenship," *supra* note 3 at 80.
22 *Ibid.* at 77 and 89.

national bodies.[23] She argues that, irrespective of the legal result, "it is [the] willingness to take action, to protest, to use courts, to use the media, and to take advantage of the various fora" that determines success.[24] Part Two then shifts from these more accessible historical reflections to more legally technical analyses of citizenship and legislative frameworks. Whereas other academic commentators have discussed the neoliberal state and its shift to market citizenship,[25] Janet E. Mosher, in her essay titled "Welfare Reform and the Re-Making of the Model Citizen,"[26] brings this analysis into the rights context: that is, in order to receive nonmarket benefits, the neoliberal state requires the welfare recipient to give up her civil liberties (for example, by being subject to snitch lines and punitive fraud policies).[27] Mosher describes the ideal neoliberal citizen in his "autonomous, self-made, ...atomistic" glory, and reveals the neoliberal state's view of "state provision...as the antithesis of citizenship."[28] Workfare, which emerges from this idea of citizenship,[29] casts poverty as blameworthy dependence (as does the rationalization of demeaning welfare programs that treat the poor as criminals[30]) thereby justifying the diminution of recipients' civil liberties. Rounding out this section of *Poverty* are two intriguing legislative case studies that draw out neoliberal assumptions about citizenship. Lucie Lamarche[31] argues that the Quebec *Poverty Act*,[32] while claiming to combat social exclusion, actually reinforces a regressive view of rights[33] (as only enforceable when they fit into the state's financial and political plan[34]). Finally, Barbara Cameron compares the accountability framework of the *Canada Assistance Plan* with the *Social Union Framework Agreement* (*SUFA*).[35] The former (which was in place between 1966 and 1996) promoted an idea of social citizenship (at least to some degree) by outlining performance standards in its statute: these standards were expressed as

23 McIvor, "Aboriginal Women Unmasked: Using Equality Litigation to Advance Women's Rights," *supra* note 3 at 96.

24 *Ibid.* at 112.

25 See for example, Janine Brodie, "Restructuring and the New Citizenship" in Isabella Bakker, ed., *Rethinking Restructuring: Gender and Change in Canada* (Toronto: University of Toronto Press, 1996) 126 at 130-33.

26 Mosher, *supra* note 3 at 119.

27 *Ibid.* at 131.

28 *Ibid.* at 123.

29 *Ibid.* at 127.

30 *Ibid.* at 131.

31 Lamarche, "The 'Made in Quebec' Act to Combat Poverty and Social Exclusion: The Complex Relationship Between Poverty and Human Rights," *supra* note 3 at 139.

32 *An Act to Combat Poverty and Social Exclusion*, R.S.Q. ch. L-7.

33 Lamarche, *supra* note 31 at 155.

34 *Ibid.* at 156.

35 Cameron, "Accounting for Rights and Money in the Canadian Social Union," *supra* note 3 at 162.

entitlements to individual citizens.[36] In the latter, the purposes and goals of the federal transfer payments are set out in a multilateral agreement.[37] Under *CAP*, the executive could be held accountable by the legislature, whereas under *SUFA* the executive is only held accountable to the public by means of vague performance measures.[38] Cameron does not champion either the *CAP* or the *SUFA* (indeed, she is critical of both), but draws out the importance of accountability frameworks in the provision of social welfare programming. Although the latter three essays in Part Two are more technical (in terms of legal and legislative language) than the first two, they would nonetheless be accessible to those studying law or social policy, and to those interested in politics and the social welfare state.

The third part of *Poverty*, titled "Social Citizenship and International Contexts," delves into the relationship between Canada's commitment to international agreements and its domestic social responsibilities. Marjorie Griffin Cohen argues against the inclusion of social clauses in international trade agreements.[39] She argues that because such agreements are focused on the corporation or individual they are ill equipped to support collective rights.[40] Canada's habit of signing international human rights treaties to bolster its international reputation — but failing to implement them domestically — is roundly criticized by Shelagh Day.[41] Day describes and commends the work of nongovernmental organizations that report on domestic compliance with treaties — indeed, this is one way in which Canada's noncompliance with international human rights treaties may be exposed.[42] However, despite ongoing censure at the international level,[43] many human rights have remained "paper commitments" in Canada.[44] Part Three closes with discussions of models in place to protect social and economic rights in Northern

36 *Ibid.* at 164.

37 *Ibid.* at 171.

38 *Ibid.* at 175.

39 Cohen, "Collective Economic Rights and International Trade Agreements: In the Vacuum of Post-National Capital Control," *supra* note 3 at 183.

40 *Ibid.* at 185.

41 Day, "Minding the Gap: Human Rights Commitments and Compliance," *supra* note 3 at 201.

42 *Ibid.*

43 For example, the 2006 report of the United Nations Committee on Economic, Social and Cultural Rights, *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Canada*, UN Doc. E.C.12.CAN.CO.4, E.C.12.CAN.CO.5, which contains seven paragraphs of "positive aspects" and twenty-three of "principal subjects of concern."

44 Day, *supra* note 41 at 216.

Ireland[45] and South Africa.[46] The analysis of Northern Ireland's model is more forward looking and strategic, whereas the discussion of the South African model focuses on past judicial treatment. Although these examples are no doubt valuable to consider and provide illuminating comparisons to the Canadian situation, given that they could probably be achieved only by a constitutional amendment (or come as a result of a peace process), it seems unlikely that they could be realized in Canada. These four essays will likely be of interest to those who follow or study international human rights law. However, because it is theoretically impossible to use domestic courts to hold governments accountable to their international commitments (absent domestic implementation or incorporation),[47] it is more difficult to see how this part of *Poverty* will directly benefit the legal activist. Under the constitutional division of legislative jurisdiction in Canada, the federal government retains the international treaty-making power;[48] however, the federal government cannot bind the provinces to implement international treaties where the subject matter falls within provincial jurisdiction.[49] Even so, Canadian courts have suggested that international human rights instruments should inform statutory interpretation[50] and, further, that international law may inform the meaning of the Canadian Constitution.[51] This part of *Poverty* encourages its readers to both recognize and challenge the limits of using international instruments to enforce domestic rights. Regardless of their legal force, arguments based on international legal instruments and obligations may be persuasive in both legal and political realms.

The final two parts of *Poverty* are vital to the collection: here, authors reassess the relationship between courts and legislatures and the development of equality under the *Charter*. Part Four, titled "Legal Theory after *Gosselin*," begins with David Wiseman's essay, "Taking Competence Seriously."[52]

45 Grainne McKeever & Fionnuala Ni Aolain, "Enforcing Social and Economic Rights at the Domestic Level: A Proposal," *supra* note 3 at 221.

46 Karrisha Pillay, "Litigating Socio-Economic Rights in South Africa: How Far Will the Courts Go?," *supra* note 3 at 240.

47 Where domestic legislation conflicts with a treaty obligation, the courts give precedence to the former. See John Currie, *Public International Law* (Toronto: Irwin Law, 2001) 226.

48 Gibran Van Ert, *Using International Law in Canadian Courts* (The Hague: Kluwer Law International, 2002) 74-84.

49 See *Attorney General for Canada v. Attorney General for Ontario*, (*sub. nom. Labour Conventions Case*), [1937] A.C. 326, [1937] 1 D.L.R. 673 (J.C.P.C.).

50 See *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817, per Justice L'Heureux-Dubé at paras. 69-70.

51 See *Suresh v. Canada (Minister of Citizenship and Immigration)*, 2002 SCC 1, [2002] 1 S.C.R. 3, per the Court at para. 60.

52 Wiseman, *supra* note 3 at 263.

Wiseman argues that exaggerated concerns about judicial competence have prevented courts from protecting *Charter* rights in poverty cases.[53] While acknowledging factors that may make courts an inappropriate forum for dealing with poverty,[54] he suggests that the decision to defer to the legislatures or find an issue nonjusticiable should not presume the "abstract superiority of their procedures"; rather, it should be based on the "real world operation of these procedures."[55] Picking up on a thread in Pothier's essay — the discriminatory assumptions that underlie judicial understandings of dignity[56] — Denise Réaume continues the discussion of this aspect of *Charter* jurisprudence in her essay "Dignity, Equality, and Second Generation Rights."[57] Réaume shows that the concept of dignity is, at present, vague – and that it can too easily be used as "an empty placeholder for other less presentable reasons."[58] Armed with a more critical understanding of dignity, Réaume suggests our courts might see that "[t]he need created by poverty is every bit as urgent as the need for medical care" and, further, that "[i]ts alleviation is every bit as integral to human dignity."[59] Her essay presents a persuasive analogy between a set of facts recognized as dignity-impairing (the denial of adequate health care to deaf patients by failure to provide sign-language interpretation[60]), and a set of facts like those in *Gosselin*: "one can meaningfully argue that impaired access to the kinds of material and social supports necessary to meaningful participation in our society does deny human dignity and therefore amounts to a violation of equality."[61] Ken Norman closes Part Four of *Poverty* with a discussion of how the Rawlsian notion of "justice as fairness" could influence a court's treatment of social welfare cutbacks.[62] That is, when cutbacks effectively result in "the social exclusion of those who are worst off in society," those cutbacks cannot be seen to accord with *Charter* values — indeed, such exclusion "poses

53 *Ibid.* at 264 and 276.

54 Examples include the difficulty of dealing with multiple parties and interests in the traditional adjudicative process, the courts' inability to monitor remedies (ibid. at 269), and judicial conservatism (*ibid.* at 270).

55 *Ibid.* at 276.

56 Pothier, *supra* note 16 at 50.

57 Réaume, *supra* note 3 at 281.

58 *Ibid.* at 281. In *R. v. Kapp*, 2008 SCC 41, [2008] 2 S.C.R. 483, the Supreme Court moved away from using the idea of dignity to determine if a person's right to equality has been infringed. Regardless of this shift, Réaume's essay helps analyze the problems with the concept of dignity. For commentary on this point, see Bruce Ryder, "*R. v. Kapp*: Taking Section 15 Back to the Future" (2 July 2008), online: *The Court* <http://www.thecourt.ca/2008/07/02/r-v-kapp-taking-section-15-back-to-the-future/>.

59 Réaume, *supra* note 57 at 292.

60 As in *Eldridge v. British Columbia (Attorney General)*, [1997] 3 S.C.R. 624.

61 Réaume, *supra* note 57 at 293.

62 Norman, "The *Charter* as an Impediment to Welfare Rollbacks: a Meditation on 'Justice as Fairness' as a 'Bedrock Value' of the Canadian Democratic Project," *supra* note 3 at 297.

a profound threat to the liberal democratic project."[63] In all, this section of the collection provides thoughtful analysis of some of the concepts that underlie the courts' view of poverty law cases — concepts like competence, dignity, and justice — and makes suggestions for future arguments. Although some legal knowledge is presumed by the authors, it should not make their writing inaccessible to those without legal training.

Margot Young's essay "Why Rights Now? Law and Desperation"[64] begins Part Five of *Poverty*, titled "Legal Activism Revisited." Young argues that when political commitment to substantive equality exists only on paper — or worse, when there is not even room to debate social justice issues in mainstream politics — litigating rights can be an important strategy.[65] In order to fulfill the potential of that strategy, courts must reframe their approach to poverty cases: "[w]hen we ignore how relations of power shape choice...we... legitimate the substantial injustice of marginalized, impoverished, and disempowered groups' everyday lives."[66] Sadly, the courts may be the last hope in the battle to protect social and economic rights and to stop the dismantling of the welfare state. At the same time, Young acknowledges the difficulties of this path of activism by chronicling the Supreme Court of Canada's failure to ensure substantive equality.[67] Young's is perhaps the most skeptical essay of the collection, but by openly acknowledging and discussing her skepticism (likely shared by many antipoverty activists) towards rights-based strategies, she actually strengthens the collection as a whole. Still, some readers may not believe that the courts can serve as an adequate tool to address widespread poverty. Picking up on this concern, Melina Buckley outlines an argument for the right to legal aid.[68] She argues that access to legal aid is essential for poor people to have meaningful access to courts, and therefore to protect their right to equality. Buckley writes that "by failing to take into account the legal aid needs of those who are poor, the government sustains unequal access to, and benefit of, the law."[69] Consistent with Buckley's critique, the Supreme Court has held that access to the courts is not an absolute right.[70] In the final essay of

63 Norman, *ibid.* at 307.

64 Young, *supra* note 3 at 317.

65 *Ibid.* at 320.

66 *Ibid.* at 329.

67 *Ibid.* at 330.

68 Buckley, "The Challenge of Litigating the Rights of Poor People: the Right to Legal Aid as a Test Case," *supra* note 3 at 337.

69 *Ibid.* at 348.

70 *British Columbia (Attorney General) v. Christie*, 2007 SCC 21. The Supreme Court upheld the constitutionality of provincial sales tax on legal services although it may make legal services inaccessible.

the collection, Gwen Brodsky deconstructs the messages sent by governments to courts in *Charter* litigation.[71] She insists that we must "instill in governments a sense of responsibility for real, credible leadership on the question of rights"[72] — that the "source of discrimination lies in societal attitudes rather than law."[73] Although pointing out the government's failures and hypocrisies in *Charter* litigation may be the first step in this process, one wonders how such a shift in attitude may be achieved when the political pendulum seems to be stuck to the right. These three essays represent valuable proposals for action, and although each proposal has its challenges, together they will no doubt form an important part of the dialogue among legal antipoverty activists who move forward, with anxious hope, toward eradicating poverty in Canada.

Poverty is a timely collection given Canada's continuing shift to neoliberal policies, consistent failure to live up to international human rights obligations, ever-widening income gap, and the increasing unrest of antipoverty activists. When Louise Gosselin was a young woman, "[t]here was a recession and somebody had to pay."[74] Indeed, in tough economic times governments too often seek to save money by cutting back social welfare spending — anyone cautiously watching for the impact of the current recession on Canada's poor will appreciate the insights of *Poverty*'s authors. This collection positions itself alongside critical writing on advocacy and analyses of the welfare state focused on specific dimensions of poverty (gender, race, ability, etc.).[75] As a whole, *Poverty* will educate and challenge anyone interested in the social, political, and judicial treatment of poverty in Canada and should be essential reading for any student, writer, or litigator in this field. This collection will

71 Brodsky, "The Subversion of Human Rights by Governments in Canada," *supra* note 3 at 355.

72 *Ibid.* at 366.

73 *Ibid.* at 363.

74 Gwen Brodsky, Rachel Cox, Shelagh Day & Kate Stephenson, Author's Note to *Gosselin v. Québec (Attorney General)* 18 Canadian J. of Women and the Law 189. The Women's Court rewrite of *Gosselin* is a refreshing alternative to the Supreme Court's version. The Women's Court makes an insightful analogy between Québec's welfare/workfare program and the game of musical chairs: "Through training, less skilled players could improve their likelihood of getting into a chair and thereby being a winner in the game. However, at the end, some players will always be without chairs — that is, unless we stop treating this as a game" (at para. 66).

75 See, for example, Maureen Baker & David Tippin, *Poverty, Social Assistance, and the Employability of Mothers: Restructuring Welfare States* (Toronto: University of Toronto Press, 1999) at 37-69; Ellen M. Gee, Karen M. Kobayashi & Steven G. Prus, "Ethnic Inequality in Canada: Economic and Health Dimensions" in David A. Green & Jonathan R. Kesselman, *eds.*, *Dimensions of Inequality in Canada* (Vancouver: UBC Press, 2006) 249; M.H. Rioux & M.J. Prince, "The Canadian Political Landscape of Disability: Policy Perspectives, Social Status, Interest Groups and the Rights Movements" in Alan Puttee, *ed.*, *Federalism, Democracy and Disability Policy in Canada* (Kingston: McGill-Queen's University Press, 2002) 11.

also be of interest to those who study or participate in international human rights movements. Though some background legal knowledge would make reading easier at times, it would be accessible to a politically savvy reader. The first three sections help the reader understand the context of and judgment in *Gosselin*, as well as the legal treatment of poverty both in Canada and in the international context. The final two sections suggest arguments and discuss essential considerations for anyone aiming to protect the rights of the poor through the law. The authors of this collection are not limited by nostalgia for the pre-neoliberal welfare state; rather, they recognize faults in all systems, and suggest taking advantage of the opportunities afforded by the circumstances. While expressing hope about the potential of *Charter* litigation to protect social and economic rights and achieve substantive equality, the essays in *Poverty* do so in a healthily self-critical manner. Although the human rights of Canada's poor may presently be likened to a pillar of glass, one might hold hope that the writings in *Poverty* will influence people working in a variety of spheres to rethink how the law impacts the poor. Indeed, the essays in *Poverty* show the kind of critical and creative thinking that might help build a more resilient structure.