

Course Outline

COURSE:	LAWS 4904 C - Topic: Poverty, Welfare and Regulation
TERM:	Winter 2007-08
PREREQUISITES:	Fourth year Honours standing
CLASS:	Day & Time: Monday 2.35 – 5.35 pm Room: 134 UC (University Centre)
INSTRUCTOR:	Professor Rosemary Warskett
CONTACT:	Office: Loeb 587 Office Hrs: TBA Telephone: 613-520-2600 x. 8096 Email: Rosemary_warskett@carleton.ca

Students with disabilities needing academic accommodations in this course are required to contact a coordinator at the Paul Menton Centre to complete the necessary *letters of accommodation*. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangement. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is March 14, 2008 for April examinations. For further information, please see, http://www.carleton.ca/pmc/students/accom_policy.html

COURSE OBJECTIVES

This course explores the way in which governments regulate aspects of the lives of low income and poor people. The structure of the course recognizes the importance of theoretical debates, both classical and contemporary, in the development of social welfare policy. In this respect the course will give an overview of classical legal approaches to poverty and social welfare including the work of Bentham, Malthus, & Marx. Contemporary theoretical approaches will draw on original work by T.H. Marshall, Iris Marion Young & Nancy Fraser. In particular we will examine debates over social entitlement versus charity; definitions of justice; citizenship and rights; application of the *Charter*; and the role of the Canadian state with respect to poor and low income Canadians.

We will examine various kinds of poverty found in Canada, exploring in particular how certain kinds of regulation perpetuates the subordination of poor people and children, especially in the present context of neo-liberal globalization. We will also examine the actions and demands of poor people to redress their situation. Included will be a focus on the working poor; people on welfare; poor children and their mothers; aboriginal peoples; migrant workers; and homeless and transient people. This course will have particular interest for students interested in human rights, intersections of class, gender & race and the role of the Canadian state with respect to poverty.

REQUIRED READING

The course pack for the course is available in the **Carleton University Bookstore**. It has most of the required readings for the course. Other required readings can be found on-line as noted below in the course content. Also most readings in the course pack are on reserve in the library.

COURSE CONTENT**1. January 7: Introductions and Organization of the Course.**

Discussion: Overview of the course and participation.

2. January 15: Classical & Contemporary Approaches to Poverty, the State & Law.Required Reading:

G.H Sabine, *A History of Political Theory* (London: Holt, Rinehart and Winston, Inc. 1961)
 Bentham's Theory of Law pp. 680-682; Liberal Economic Philosophy of Law pp. 686-694; Present
 Meaning of Liberalism 740-742; Marx 756-761. JA81.S3 1963
 T.H Marshall & Tom Bottomore, *Citizenship and Social Class* (London: Pluto Press, 1992) Pp. 3-7; 44-51;
 55-57; 83-93. HN400S6.M37
 Fraser, Nancy, "From Redistribution to Recognition? Dilemmas of Justice in a 'Post-Socialist' Age," *Justice Interruptus: Critical Reflections on the "PostSocialist" Condition* (New York: Routledge, 1997)
 pp.11- 39. JC578.F73

3. January 21: Defining Poverty in Canada

Who are the Poor in Canada? How should we define poverty? How do Canada's poverty rates compare internationally?

Required Reading:

W.G. Picot & John Myles, "Income Inequality & Low Income in Canada: An International Perspective."
 (Ottawa: Statistics Canada, 2005) CA1 BS2 2005 S40.ENG. Online Text
 Shereen Ismael, *Child Poverty and the Canadian Welfare State: From Entitlement to Charity*, Ch 1 "The
 Problem of Child Poverty in Canada" (Edmonton: The University of Alberta Press, 2006), pp. 1-17.
 HQ792.C3186 2006

4. January 28: S. 7 of the Charter & Welfare BenefitsRequired Reading:

Gosselin v. Quebec (Attorney General), [2002] 4 S.C.R. 429 [Gosselin] excerpts
 Dianne Pothier, "But It's for your Own Good." in Margot Young et al. (eds.) *Poverty: Rights, Social
 Citizenship, and Legal Activism* (Vancouver: UBC Press, 2007), pp. 40-56 KE4382.P69 2007
 Martha Jackman, "Reality Checks: Presuming Innocence and Proving Guilt in *Charter Welfare Cases*," in
 Margot Young et al. pp. 23-39 KE4382.P69 2007

5. February 4: Citizenship & Human Rights Approaches to Addressing Poverty

Janet E. Mosher, "Welfare Reform and the Re-making of the Model Citizen," in Margot Young et al. pp.
 119-138 KE4382.P69 2007

Janet Siltanen, "Social Citizenship and the Transformation of Paid Work: reflections on Possibilities for
 Progressive Change," pp. 349-379, in V. Shalla & W. Clement, eds. *Work In Tumultuous Times:
 Critical Perspectives* (Montral & Kingston: McGill-Queen's University Press, 2007).

Arthur Schafer, *The Expressive Liberty of Beggars: Why it Matters to Them and to Us* (Ottawa: CCPA,
 2007) online www.policyalternatives.ca

1st. assignment due.

6. February 11: Working PoorRequired Reading:

Amanda Araba Ocran, "Across the Home/Work Divide: Homework in Garment Manufacture and the Failure of Employment Regulation" Chapter 6 in Susan B. Boyd ed. *Challenging The Public/Private Divide: Feminism, Law, and Public Policy* (Toronto: University of Toronto Press, 1997) pp.144-167.

HQ1236 5.C2C48

Dan Zuberi, *Differences that Matter: Social Policy & the Working Poor in the United States and Canada* (Ithaca NY: Cornell UP, 2006) Conclusion. HC110.P6 Z83 2006

Andrew Jackson "A Tale of Two economies" (Ottawa: CLC, Sept. 2006) Online

Andrew Jackson, "The Economics of the Minimum Wage" (Ottawa: CLC, May 2007) Online

<http://canadianlabour.ca/index.php/jobs>

WINTER BREAK February 18 -22**7. February 25 Social Welfare, Single Parents & Children**Required Reading:

Margaret Little, *No Car, No Radio, No Liquor Permit: The Moral Regulation of Single Mothers in Ontario, 1920-1997* (Toronto: Oxford University Press, 1998) Ch. 6 'The Struggle Over the Meaning of Deserving, 1965-1995.' Pp. 139-163.

Wendy Mckeen, *Money in their Own Name* Ch. 6 "Child Poverty Discourse in the Late 1980s to Mid-1990s: 'Writing Women Out.'" (Toronto: University of Toronto Press, 2004), pp. 89-107.

Falkiner et al. v. Ontario (Attorney General) 2004 excerpts

8. March 3: Aboriginal peopleRequired Reading:

Report of the Royal Commission on Aboriginal Peoples

Online www.ainc-inac.gc.ca/ch/rcap

Vol.1-Looking Forward Looking Back: 13- Conclusions;

Vol.2 – Restructuring the Relationship: 6 –Conclusion;

Vol. 3 Gathering Strength: 1 – New Directions in Social Policy

The Law Commission of Canada (ed.) *Indigenous Legal Traditions* (Vancouver/Toronto: UBC Press, 2007) ch2 Ted Palys & Wenona Victor "Getting to a Better Place."

Sharon Donna McIvor, "Aboriginal Women Unmasked," *Canadian Journal of Women & the Law* (2004) 16 (1).

9. March 10: Immigrant & Migrant WorkersRequired Reading:

W.G.Picot et al. "Chronic low income & Low-income Dynamics among Recent Immigrants." (Ottawa: Statistics Canada, 2007) online text

Gillian Creese, "Racializing Work/Reproducing White Privilege," In V. Shalla & W.Clement. pp.192-226.

Donna Baines and Nandita Sharma, "Migrant Workers as Non-Citizens: The Case Against Citizenship as a Social Policy Concept." *Studies in Political Economy* 69 (2002).

Film *El Contrato*. Dir Min Sook Lee, National Film Board of Canada, 2003

10. March 17: Legal Activism & PovertyRequired Reading:

Margot Young, "Why Rights Now? Law and Desperation." in Margot Young et al. pp. 317-336
 KE4382.P69 2007
 Workers' Action Centre, *Working on the edge* (Toronto: 2007).
Dunmore v. Ontario (Attorney General) SCR , 2001 excerpts.

11. March 24: The State and Social Policy: From Social Welfare to Neoliberalism

David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005) ch3. The
 Neoliberal State, pp.64-86. HD87.H374 2005
Crown V. Kimberley Rogers excerpts.

2nd assignment due**12. March 31: Course Overview, Take Home examination & Evaluations****OTHER RELEVANT LITERATURE**

Abu-Laban, Yasmeen and Christina Gabriel, *Selling Diversity: Immigration, Multiculturalism, Employment Equity and Globalization* (Peterborough: Broadview Press, 2002).
 Armstrong, Pat & Hugh Armstrong, *The Double Ghetto: Canadian Women and Their Segregated Work* 3rd.
 Edition (Oxford University Press: Toronto, 1993)
 Shereen Ismael, *Child Poverty and the Canadian Welfare State: From Entitlement to Charity* , Ch5 "Social Policy Reform and the Normalization of Child Poverty" (Edmonton: The University of Alberta Press, 2006).
 Jhappan, Rhada "The Equality Pit or the Rehabilitation of Justice" in R. Jhappan (ed.) *Women's Legal Strategies in Canada* (Toronto, University of Toronto Press, 2002) pp.175-234. **KE509.W656 2002**
 Clarence Lochhead & Katherine Scott, *The Dynamics of Women's Poverty in Canada* (Ottawa: Status of Women Canada, 2002) Online Text
 Ken Norman, "The Charter as an impediment to Welfare Rollbacks: A Meditation on "Justice as Fairness" as a "Bedrock Value" of the Canadian Democratic Project." In Margot Young et al.
 Ontario Human Rights Commission, "An Intersectional Approach to Discrimination: Addressing Multiple Grounds in Human Rights Claims," Discussion Paper, Oct, 2001. <http://www.ohrc.on.ca>
 W.G.Picot et al. "Chronic low income & Low-income Dynamics among Recent Immigrants." (Ottawa: Statistics Canada, 2007) online text
 Stasiulis, Daiva & Abigail B. Bakan "Negotiating the Citizenship Divide: Foreign Domestic Worker Policy and Legal Jurisprudence" Chapter 6 in R. Jhappan (ed.) *Women's Legal Strategies in Canada* (Toronto, University of Toronto Press, 2002) pp.237-294. **KE509.W656 2002**
 Wanda Wieggers, "The Framing of Poverty as "Child Poverty" and its Implications for Women," (Ottawa: Status of Women Canada, 2002) **Ca1 SWA 2002 F66.EXF**
 Iris Marion Young, "Displacing the Distributive Paradigm" Ch1 *Justice & the Politics of Difference* (Princeton: Princeton University Press, 1990).

EVALUATION PROCEDURES

Short Paper	due Feb. 4 th .	20%
Short Paper Due	due March 24	30%
Take Home Examination		40%
Participation		10%

Students must complete all assignments in order to pass this course.

1. Participation: Worth 10% of the overall mark for the course.

The evaluation of this component will be based equally on attendance and the quality of class participation.

The course will be conducted as a seminar requiring informed and analytical interventions by all participants. Everyone is expected to come to every session prepared to discuss the readings.

Also participants will be required to take responsibility for leading the discussion on certain agreed upon readings. An important aspect of these presentations is to identify the questions raised in the literature and those the literature fails to address. These presentations will be no longer than 10 minutes and should be designed to stimulate discussion. In class 2 we will draw up a schedule of presentation responsibilities.

2. 1st . Short paper due Monday February 4th, worth 20% of the overall grade. The paper must not exceed 750 words (excluding footnotes, etc.). Please make sure you keep to this word limit and print the number of words at the end of the paper. The assignment will be handed out in class near the beginning of January.

3. 2nd Short Paper, due Monday March 24th. worth 30% of the overall grade for the course. The paper must not exceed 1,500 words (excluding footnotes, etc.). Please make sure you keep to this word limit and print the number of words at the end of the paper. The assignment will be handed out in class

Both short papers must be individually-prepared and well-researched, with proper citation, footnotes or endnotes, and bibliography. You may use a legal, political or sociological referencing system, but please make sure that your referencing is consistent throughout the paper.

Qualities expected are reasoned analysis (logical arguments rather than pure description or pure subjective opinion), good organization and use of sources, comprehensive, up-to-date treatment of the subject matter, originality, accuracy (in grammar, spelling), conciseness, and clarity. Use gender-appropriate language (e.g., avoid use of male gender where both genders are relevant).

Papers must be typed or computer-printed on standard sized paper, with a title page but no bound cover. Pages must be numbered and fastened securely. **Please include a large addressed envelop in which I can return your 2nd short paper**

The paper may be given to me directly or deposited in the essay "drop-box" located in the corridor outside the Departmental Office, Room C473, Loeb Building, Carleton University campus.

Students **must** keep a computer copy or photocopy of the two short papers and take-home examination for themselves. This is in case your work goes astray for whatever reason. Credit will not be given for work (i) which has previously been submitted for credit in this course; (ii) submitted for credit in any other course; or (iii) submitted after the University's final submission deadline; or for work containing plagiarism. **You must complete all assignments in order to pass this course.** For further instructions regarding assignments, and grading, etc., students are referred to the Department of Law's **Policy and Procedure Statement**.