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Judith McCormack

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BOOK REVIEW

Disorderly People: Law and the Politics of Exclusion in Ontario,
eds., Joe Hermer & Janet Mosher

Reviewed by Judith McCormack*

Disorderly People is a collection of essays¹ with a strong sense of immediacy and relevance, despite the fact that it originated in a conference in 2000 on Ontario's neo-vagrancy legislation, the so-called *Safe Streets Act*.² This is largely because the authors have placed the legislation within a broader legal and social policy analysis of poverty and exclusion which remains both current and trenchant. If anything, the last couple of years have merely confirmed the soundness, and perhaps even the prescience, of many of their insights.

The authors are unlikely to be celebrating, however, because their views on the increasing marginalization of different economic and social groups are bleak indeed. Each essay in the collection presents a snapshot from a particular discipline such as law, sociology, geography or criminology, on topics which range from homelessness and begging to correctional policy. Regardless of the discipline, however, the picture that emerges is a disturbing one. In fact, it is difficult to avoid the impression that the current legislative and social policy landscape in these areas is characterized by almost equal measures of duplicity and stupidity.

The essays in the collection tackle issues relating to a number of disenfranchised populations, including street youth, welfare recipients, and prisoners. These are the people who have been socially constructed as the "disorderly people" of the book's title, and demonized for political purposes by the Ontario government. As law professor Dianne Martin observes in her essay, this allows politicians to avoid more challenging questions with respect to the sources of poverty, crime and homelessness, while they market facile law-and-order bromides which bear little relationship to rational social policy.

Law is directly implicated in all this, as these essays make clear. Legislation and the justice system function both as vehicles and locations for some of these scapegoating initiatives. However, the law involved is often little more than a facade for the manipulation of popular opinion for political purposes. Martin points out that statutes such as the *Safe Streets Act* are legally redundant; existing legislation is usually

* Judith McCormack is Executive Director, community legal clinic/clinical education program, and adjunct member of the Faculty of Law, University of Toronto.

1. Joe Hermer & Janet Mosher, eds., *Disorderly People*, (Halifax, N.S.: Fernwood Publishing, 2002). 121 pp.
2. S.O. 1999, c. 8.

sufficient, and of course, such legislation does not actually make our streets any safer. This fact serves to emphasize her premise that legislation is being used as a political commodity, something which is marketed and occasionally even brand-named, as in the case of “Christopher’s Law”. As Martin argues, crime and crime control are post-modern political products that sell.

If crime sells, so does punishment. The government’s abrupt shift in corrections policy from decarceration and rehabilitation-based programs to a harsh, militaristic regime is similarly at odds with the reality of intelligent correctional measures. As criminologists Dawn Moore and Kelly Hannah-Moffat point out, this shift amounts to a repackaging of discredited offender management approaches which at best, do not work, and at worst, nurture criminality and deviance. Their analysis of the new government rhetoric in this area pinpoints a troubling satisfaction in the suffering of criminals, which is also reflected in the building of inhuman mega-jail warehouses, the cutting of life skills and employment programs in detention centres, and the locking down of inmates in their cells for up to twenty-three hours a day. Moore and Hannah-Moffat make it clear that the government is not implementing meaningful correctional policy, but peddling vengeance and cost-cutting as a symbolic response to a manufactured crisis.

Both the manufacturing of a crisis and the adoption of spurious solutions show up in again in the context of the government’s approach to social assistance, where the promotion of welfare fraud as a political issue has been accompanied by the heightened surveillance of welfare recipients. This scrutiny includes “snitch lines”, which as law professor Janet Mosher points out, enlist neighbours, landlords and others in around-the-clock spying. She argues in her paper that the construction of the poor as disorderly people means that they have been repositioned with respect to both public and private space. On the one hand, they are not entitled to privacy at home; on the other, they are excluded from “the public” and their activities in public spaces, such as begging, are proscribed. She observes that at least one effect is to privatize public spaces by importing into it norms of exclusion and partiality. The exclusion of the poor from public spaces also renders them less visible, along with important issues about poverty, its causes, and whom it serves.

The exclusion of the poor from public spaces changes the moral geography of the city as well. Legal restrictions on the use of such spaces contribute to the social death of the homeless, according to geographer Sue Ruddick – a social death that requires the active patrolling of a figurative border between the homeless and other members of society. She argues that legislation such as the *Safe Streets Act* is one of a number of “architectures of eviction”,³ and functions as a set of instructions that teach the rest of us how to see and respond to others in need, as well as limiting places for engagement with them.

3. Sue Ruddick, “Metamorphosis Revisited: Restricting Discourses of Citizenship” in Joe Hermer & Janet Mosher, eds., *Disorderly People: Law and the Politics of Exclusion in Ontario* (Halifax, N.S.: Fernwood Publishing, 2002) at 62, quoting R. Deustche, “Architecture of the Evicted” (1990) *Strategies: A Journal of Theory, Culture, Politics* 3.

The dominant picture of law in these essays is a dismal one. In essence, the relevant legislation is operating as an accomplice to unscrupulous political strategy, with little in the way of structural integrity or coherent principles. At the same time, the collection also reflects the fact that law may have a more complex and ambiguous role to play in this area. Two law professors in the collection hold out some hope of engaging the law in the service of the disenfranchised as well. Richard Moon argues that denying a person the right to ask others for help in the only forum that may be open to him or her amounts to a fundamental breach of the freedom of expression guarantee in the *Canadian Charter of Rights and Freedoms*.⁴ David Schneiderman's territory is the constitutional division of law-making powers; he uses a federalism analysis to conclude that the *Safe Streets Act* is, in essence, criminal legislation, and that as a result it is beyond the legal powers of the province to enact.

The collection is rounded out and given anecdotal punch by the voices of street youth themselves. Sociologist Bill O'Grady and ethnographer Robert Bright provide a more visceral glimpse of the operation of law in this area by documenting their research among "squeegee kids", and the effect of police crackdowns on their activities.

On the whole, the essays are succinct and incisive – indeed, even the introduction by co-editors Joe Hermer and Janet Mosher is useful. If anything, the papers may be a little too succinct; the ones that are larger in scope sometimes read like summaries of more in-depth work. However, this keeps the book accessible, and the effect is to provide an introductory slice of multi-disciplinary thought in this area. The varied lenses employed by the authors also mean a considerable amount of cross-illumination is available, and the overall effect is refreshing. Indeed, the collection shines as a specific example of how law and political discourse intersect in a particularly corrosive way with respect to the least powerful segments of our society.

4. Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.

