UNWORTHY OF SPACE: AN INVESTIGATION OF HEGEMONIC IDEOLOGIES WITHIN THE TREATMENT OF PEOPLE WITH PHYSICAL DISABILITIES AND POVERTY-STRICKEN INDIVIDUALS

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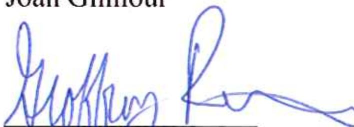
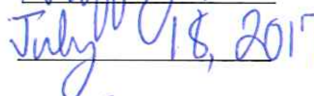
Supervisor's Signature: 

Date Approved: 

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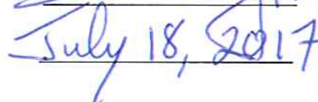
Date Approved: 

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Abstract

This paper will engage in an investigation of the socio-spatial oppression experienced by people with physical disabilities (PWPD), and the poverty-stricken populace in Ontario. We will begin by exploring the histories of both aforementioned groups with the intention of ascertaining when, and for what reasons societal exclusion and oppression commenced. We will continue on to an examination of the manner in which disability and poverty have been perceived and accounted for within Canadian, and more specifically, Ontario law. Then an investigation of the capitalist ideologies that are evidently present in the enactment of both the *Accessibility for Ontarians with Disabilities Act* (AODA), and the *Ontario Safe Streets Act* (OSSA), that function to socially, politically, and economically oppress both groups to the benefit of the hegemonic will take place. We will then examine the socio-spatial neglect experienced by PWPD, and individuals living in poverty, and the manner in which the AODA and the OSSA have been complicit in the marginality experienced by both groups. In comparing the societal exclusion of both, while simultaneously examining the ideologies used to justify such treatment, this paper intends to make apparent the numerous similarities in the hegemonic oppression experienced by the aforesaid groups, and posit that engaging in activism as a collective may assist in obtaining equality.

Introduction

The ability to oppress others occurs when one particular group has more access to power and privilege than another group, and subsequently, uses this unequal distribution of power to operate as a means to maintain their dominance (David, Derthick 3). Thus, oppression functions as a tool in positioning individuals into distinct dichotomies that label some superior, while simultaneously labelling others inferior (David, Derthick 3). Individuals who possess this superior position, often use this access to power and privilege, to impose their worldviews of society on others, while concurrently relegating those deemed inferior, to a locale where they are denied access to both societal and political resources (David, Derthick 3). Although there are numerous facets of one's identity that can unjustifiably relegate them to a position of inferiority, for the sake of this Major Research Paper (MRP), people with physical disabilities (PWPD), and the poverty-stricken populace, will be of pertinent concern. For our purpose, PWPD can be defined as anyone with a physical impairment that limits or alters the way in which the individual navigates space, thus becoming disabling due to the built environment being structured according to able-bodied norms (Wen and Fortune xvi). Additionally, poverty-stricken is defined as, "…an economic situation in which individuals or families cannot afford basic living needs…"and do not have the resources available to them to alter their socio-economically disadvantaged locale (Zongsheng and Yunbo 241).

If we look historically at PWPD, and individuals deemed to be poverty-stricken, it becomes evident, that oppression has been, and continues to be, a lived reality for both groups (Chambliss 69; Stiker 40). Although there are several similarities apparent within the oppression experienced by both the aforementioned groups, the focus of this MRP will be to investigate the overt, and covert similitudes of oppression experienced by both groups spatially. As explained in Peter Freund's article titled "Bodies, Disability and Spaces: The Social Model and Disabling Spatial Organizations", "The social organization of space is not merely a place where social interaction occurs, it structures such interaction" (694). Thus, public space is much more than merely "a configuration of asphalt and concrete"; instead, it is also used as a locale in which oppressive ideologies permeate (Freund 694). Consequently, it functions to dichotomize who is seen as worthy, and who unworthy, of accessing space (Freund 694). Since PWPD and the poverty-stricken

populace both deviate from socially accepted norms of what constitutes a productive citizen, the use of space may be limited, and in some instances, abolished entirely (Freund 694).

A key element in the spatial oppression experienced by the aforesaid groups is the concept hegemony. As described by Johnathan Joseph in his book titled *Hegemony: A realist Analysis*, "The concept of hegemony is normally understood as emphasizing consent in contrast to reliance on the use of force. It describes the way in which dominant social groups achieve rulership or leadership on the basis of attaining social cohesion or consensus" (1). Through hegemonic control, the ruling class receives consent to their dominant positionality "… through the complex construction of political projects and social alliances" (Joseph 1). When the concept of hegemony is applied to capitalist societies, such as Canada, the state functions to serve the interests of the upper class (Hoffman 5). However, what is deemed to be the hegemonic norm, is not merely based on economics; instead, individuals who also deviate from being white, male, able-bodied, and heterosexual, are also relegated to a status of inferiority and are often subject to ostracization and oppression, both politically and socially (Batacharya 66). Subsequently, PWPD and poverty-stricken individuals do not simply experience oppression due to their failure to partake in Capitalism as hegemony sees fit, they are also oppressed because they fail to fit the mould constructed by hegemonic ideologies of normalcy (Sallach 42).

In order to examine the ways in which hegemony- and its resultant norms, work to oppress PWPD, and those that are poverty-stricken, an examination of two pieces of legislation will take place. The *Accessibility for Ontarians with Disability Act* (AODA), is a provincially enacted statute with the stated purpose of identifying and removing "barriers with respect to goods, services, facilities, accommodations, employment, buildings, structures, and premises on or before January 1, 2025" (*Accessibility for Ontarians Act* s.1 (a)). Although the stated purpose of the AODA is beneficial to people with disabilities, and in many instances, its implementation is too, when analyzed in detail, the shortcomings of the AODA make apparent, that hegemonic tactics and intents are an existing factor, in this equality-based piece of legislation. Despite the AODA's enactment, we continue to see potential scenarios where PWPD are unable to access space,

leading one to ask why are PWPD only permitted to access space in certain instances? Such an inquiry will be investigated further.

Additionally, an examination of the provincially enacted Ontario *Safe Streets Act* (OSSA) will take place. The OSSA claims to have the intended purpose of ensuring streets function smoothly with no obstructions by regulating how and where individuals are permitted to "solicit", and by punishing those who contravene the Act (*Safe Streets Act* s. 2; s.3; s.5). Although the content of the Act makes apparent that the legitimate purpose of this statute is to rid the streets of begging and squeegeeing, a straightforward ban on such activities would not have survived a constitutional challenge (Moon 66). Subsequently, the word soliciting was implemented to hide the true oppressive nature of the OSSA (Moon 66).

As mentioned by David Schneiderman, "In Contemporary societies, citizenship is constructed now more than ever around the value of the market" (79). Therefore, citizenship is offered to those who partake in the "multiple market exchanges that proliferate in everyday life" (Schneiderman 79). Engaging in paid labour is central to industrial societies as a means of supporting yourself, and additionally, as a means to being perceived as an individual worthy of citizenship, which entails the right to occupy public space (Oliver, "Disability and Dependency" 9). Therefore, this MRP will argue that since PWPD are often unable to partake in paid labour due to physical barriers that intervene in their ability to participate; and since the poverty-stricken populace who must resort to begging and squeegeeing for survival, are often held responsible for their poverty, with no consideration of overarching issues in our socioeconomic system, both groups are seen as counter-hegemonic, and thus spatial and societal oppression are seen as warranted (Oliver, "Disability and Dependency" 9; Hunt 294; Batacharya 66). Through an analysis of the AODA, and the OSSA, this paper will make blatantly clear the way legislation is used in both overt and covert manners to oppress. Although the lived realities of these two often oppressed groups might appear to be dissimilar, the overarching purpose of this MRP is to make known that when hegemonic power functions to benefit the hegemonic elites, oppression of groups deemed substandard can be quite similar despite their palpable differences.

In order to provide clarity for all readers, this paper will be divided into headings. We will begin by examining how PWPD have been perceived historically until the present day. We will also examine the way disability has been accounted for within Ontario law, with a focus on the enactment of the AODA. We will proceed on to examine how poverty was viewed historically, and the enactment of vagrancy laws both in Canada and England. We will additionally examine the enactment of the OSSA into Ontario law. Then the concept hegemony will be explored, and the ways in which hegemonic ideologies are complicit in spatial regulation. We will proceed on to examine the similarities seen within both groups' experienced oppression, and the manner in which hegemonic ideologies are entrenched in both the AODA and the OSSA that function to ensure access to space for the aforementioned groups remains restricted. We will conclude with an examination of potential ways in which two groups experiencing oppression for varying reasons may be able to work together to fight for equality and the banishment of hegemonic norms. Thus, activism as a collective may be warranted as a means of combating hegemonic rule.

Disability Explored

History of Disability

As spoken of in Martha L. Rose's book titled *The Staff of Oedipus*, "... The ancient Greek world was inhabited by people with a wide range of physical disabilities. In any given public gathering place, one would have seen a much greater variety of physical conditions than one would see in the developed world today" (9). Thus, it was an everyday occurrence to see individuals affected by numerous conditions (Rose 9). In fact, PWPD were such an integral part of society, that it is often difficult for historians to find information on this groups of individuals when engaging in research, as they were not regarded as being any different than those we would classify as able-bodied (Rose 95-98). Since physical disabilities were quite common, there was no medicalization taking place-as we so frequently see today; subsequently, PWPD were not viewed as being in constant need of medical attention (Rose 99). Instead, PWPD were seen as capable individuals; attitudes of pity and condescension were not associated with disabilities like they are in modern day societies (Rose 99). PWPD participated in a wide array of "social, economic, and military roles" (Rose

99). Even those with severe physical disabilities were integrated into communities that accommodated all ranges of ability, the military, for example, provided labour for men who could not walk (Rose 99).

It was not until the Industrial Revolution began that the origins of disability as a form of discrimination began (Slorach 69). As mentioned in Roddy Slorach's book titled *A Very Capitalist Condition*, "From the mid-19th century onwards, new advances in chemistry and electricity gave science and technology a growing role. This in turn led to mass education systems rapidly becoming crucial to industrial development" (69). Two factors played a prominent role in the development of disability discrimination: firstly, the growth of factory production; secondly, the segregation of people with disabilities in institutions (Slorach 70). The onset of industrialization placed a lot of jobs that were previously done on the land into factories where machinery was used in a much more efficient manner, thus goods were being produced at a significantly cheaper cost (Slorach 71). "It was, therefore, the economic necessity of producing efficient machines for large scale production that established "ablebodiedness" as the norm for production…production for profit undermined the position of physically impaired people within the family and the community" (Slorach 71). Ironic is the fact that the new industrialized system required able-bodied individuals, however, many persons now working in mines and factories were often injured or killed by the unsafe working conditions, consequently increasing the population of individuals with disabilities (Slorach 73). Individuals deemed disabled, and therefore, unable to work, were sent to new institutions such as workhouses and special schools (Slorach 74). In the mid-1860's a survey was taken in England of those deemed "the sick poor" isolated in workhouses, and it was determined that, "a harsh and repulsive regime intended for the repression of idleness and imposture had been and was still applied to persons suffering from acute diseases, permanent disability, or old age" (Slorach 74). As apparent, not only were people with disabilities isolated from their communities' due to their perceived inability to partake in the newly formulated industrial society, they were then punished for having disabilities which were in many cases the result of injuries from working within the newly formulated industrial workplace (Slorach 74).

In the late 19th century, we see an intensification of the marginalization and stigma experienced by people with disabilities due to pseudoscientific claims (Mosert 158). In Charles Darwin's book titled *Origins*

of Species, he expounded a theory of evolution based on natural selection titled "the survival of the fittest" (qtd. in Slorach 94). Darwin's theory stated "… that organisms with variations best adapted to their particular environment were the ones most likely to survive, thus shaping the development of species" (Darwin qtd. in Slorach 94). Scientists and political theorists quickly began applying Darwin's theory to humans, which led them to ponder about whether or not providing medical treatment and social services for people with disabilities was a good idea since it assisted those who were not meant to survive to continue living and potentially procreating (Slorach 95). Darwin's cousin Francis Galton, coined the term "eugenics", which means "of noble birth" to describe this line of thinking (Slorach 94). Many industrialists, whose biggest concern was profit accumulation, were often focused on comparing and ranking units of capital according to their value, including the labour power of workers- they too were eugenicists (Slorach 95). The eugenics movement called for government policies to improve the biological quality of humanity through the implementation of selective breeding (Slorach 96). Through eugenic ideologies, individuals with both physical and mental disabilities, were believed to be associated with social problems including "vagrancy, alcoholism, prostitution, and unemployment" (Slorach 96).

Evidence of eugenic ideologies being implemented remained quite evident within World War II, where the Nazi regime's implementation of compulsory sterilization was their first priority within the biomedical field (Lifton 25). Consequently, individuals deemed as "life unworthy of life", due to being "hereditarily sick" with numerous conditions including physical deformities were sterilized (Lifton 25). Between 1934 and 1939, it is estimated that 400,000 people with disabilities were sterilized; another 2000 lost their lives while being sterilized (Joseph and Wetzel 3).

The abuse of PWPD, and more broadly, people with disabilities in general, did not subside with compulsory sterilization (Hudson 508). In 1939, Hitler and the Nazi regime moved on to euthanizing children with disabilities (Hudson 508). An estimated 5000-8000 disabled children were euthanized by 1945 (Hudson 508). Although adults with disabilities were already sterilized, and thus unable to procreate, killing them was deemed essential for economic reasons (Friedlander 62). Although money being spent on caring for the disabled within institutions had already been dramatically reduced, the Nazi regime wished to further

minimize the funds being spent on disabled individuals, while simultaneously ensuring rooms in hospitals were available for wounded soldiers and not occupied by persons with disabilities (Friedlander 62). Despite the claim that killing adults with disabilities was economically motivated, the amount of money that went into formulating the adult euthanasia program, far outweighed the funds saved by murdering them (Friedlander 63). Evidently, Hitler and the Nazi Regime simply did not want people with disabilities around due to eugenic ideologies (Friedlander 64). Instead of explicitly making this known, the killing of people with disabilities took place under the guise of economic benefit, thus functioning to hide the true discriminatory intent of the murders. (Friedlander 64). The only exception that could potentially save the life of a disabled individual waiting for extermination, was if they could engage in free labour, thus making evident that disabled peoples' lives were only valuable if they could partake in capitalist initiatives (Friedlander 63).

Although euthanizing was being done in a secretive manner, eventually the German public found out, and due to extreme protest and disapproval, the operation was called off (Evans 67). 70,000 disabled adults lost their lives in Germany prior to the operation being stopped (Evans 67). Although Operation T4- as it was called, did come to an end, the killing of disabled adults continued on until the end of the war in 1945 (Evans 68). Some were starved to death in institutions; some were shot to death; and others had experiments performed on them while still alive (Seeman 8; Evans 8). It is important to note that although many disabled people were sterilized and euthanized in Germany, many disabled individuals in the German-occupied east also experienced the same treatment. In both Poland and the Soviet Union, disabled patients were often shot by those that administered the T4 program (Benedict and Kuhla 258). In many instances, these deaths were for the sole purpose of requiring space to be used as barracks or munition storage depots (Benedict and Kuhla 258).

Even after the war concluded, deaths in German institutions persisted due to lack of medical treatment; prior starvation leading to a weakened immune system thus more susceptible to diseases; limited food supply; no heating; and complete abandonment from staff (Seeman 8). It is estimated that 20,000 people died in institutions during the post-war period (Evans 9).

To exacerbate the already horrendous situation, disabled victims were never given recognition by government or legal authorities as persons who had been persecuted (Evans 19). Consequently, survivors of both the sterilization and euthanasia programs did not receive restitution for the time they had spent in the killing wards or for being forcibly sterilized (Evans 19). Additionally, the post-war German state failed to recognize the sterilization of disabled individuals as racial persecution; instead, it was determined that the compulsory sterilization program had followed proper legal procedure (Evans 19). Consequently, disabled victims had no chance of achieving legal redress, and no chance of seeing the culprits punished (Evans 19). As apparent, even when the war came to an end, people with disabilities had to continue to fight to be seen as equal; a task that has yet to be achieved.

Disability Oppression Today

Although the oppression experienced today by individuals with disabilities is vastly different than that of the World War II era, it nonetheless remains endemic. In an article by Len Barton titled "The Struggle for Citizenship: The Case of Disabled People", a disabled feminist said:

> We receive so many messages from the nondisabled world that we are not wanted, that we are considered less than human. For those with restricted mobility or sensory disabilities, the very physical environment tells us we don't belong. It tells us that we aren't wanted in the places that nondisabled people spend their lives- their homes, their schools and colleges, their workshops, their leisure venues…. (236)

As evident, people with disabilities continue to live in an able-bodied world, and are often excluded from societal participation; thus, they continue to occupy a marginalized locale in society (Barton 23). People with disabilities experience oppression and inequality in many realms, they experience significant "cultural, material, and political disadvantages" (Barton 236). As noted in an article by Colin Barnes, "…people with impairments are viewed as unfortunate, useless, different, oppressed and sick" (46). Since work in Western culture is central to proper societal participation, and since in many instances, PWPD are often unable to work, they are seen as a burden to society (Barnes 46). However, what often fails to be recognized, or perhaps, intentionally goes unrecognized, are the constructed barriers that limit the

participation of PWPD (Barnes 46). Disability has for a long time been viewed in accordance with the medical model of disability where the physiological condition itself is viewed as the problem (Areheart 186). Therefore, disability, according to the medical model, is seen as an individual problem and appropriate assistance, whether it be for rehabilitation purposes, or medical efforts to find a cure, is seen as warranted (Areheart 186). Within the medical model, not only is society in no way held responsible for PWPD lack of participation within the workforce, but they are seen as an additional drain due to the finances that go into medically caring for them, and the additional finances that go into providing them with support such as the Ontario Disability Support Program (ODSP) (Areheart 186). Subsequently, physical barriers that limit PWPD capacity to access space are viewed as a consequence of having a disability (Areheart 186). Since disabilities are considered to be the disabled person's problem, they are perceived as being a financial burden to the system, and as an unnecessary obligation placed on the state (Areheart 186). Such an understanding of PWPD relegates them to being seen as "useless" and therefore, worthy of oppression (Barnes 46).

Instead of blaming PWPD-and all individuals with disabilities, for their social exclusion, we must instead investigate the ways in which society is complicit in the marginalization of these individuals, thus we look to the social model. As described in an article by Ruth Butler and Sophia Bowlby, the social model:

> …argues that people who lack particular physical or mental abilities have been rendered disabled by a society whose organization marginalizes them economically, politically, and socially and ignores their interests in the creation of the built environment. From this perspective, the physical impairments-bodies- of so called disabled people are not the problem, it is society that is the problem. (412)

The social model posits that an individual is born with an impairment, or may develop an impairment, however society and its organization is what "disables" an individual (Butler, Bowlby 412). Thus, impairment, within the social model, is defined as the actual physiological "condition of being deaf or blind, or having impaired mobility or being otherwise impaired" (Russell and Malhotra 211). Whereas, disability is "… all the things that impose restrictions on [individuals that have impairments]; ranging from individual prejudice to institutional discrimination, from inaccessible public buildings to unusable transport systems,

from segregated education to excluding work arrangements, and so on" (Oliver, "The Social Model in Context" 20). As noted by Michael Oliver, "…the consequences of this failure do not simply and randomly fall on individuals but systemically upon disabled people as a group who experience this failure as discrimination institutionalized throughout society" ("The Social Model in Context" 21). As apparent, people with disabilities experience oppression in various realms, thus we must ensure all is done to remove all societal barriers to inclusion and participation.

Although the oppression that people with disabilities are confronted with now is blatantly different than that of the World War II era, we must be sure to always acknowledge what took place. As mentioned in Suzanne Evans book titled *Forgotten Crimes: The Holocaust and People with Disabilities*:

> The conditions that made the Nazi regime's murderous programs possible in Germany more than a half-century ago- apathy when confronted with affronts on human dignity, the presence of a charismatic leader who devalues and dehumanizes anyone different, negative attitudes and stereotypes about people with disabilities, and the manipulation of science and technology to achieve seemingly unthinkable goals-persist today in many parts of the world. We thus cannot assume that the atrocities the Nazis committed against the disability community were a unique event never to be repeated. (170)

Therefore, we must continue on fighting for equality for individuals with disabilities. We must work to ensure that history does not repeat itself, and instead, equality for all people with disabilities becomes a living reality. We now move on to an examination of how disability rights are accounted for within Ontario legislation.

Disability in Ontario Law

Despite the fact that Ontario is home to many internationally recognized centres and institutions that focus on inclusion and disability studies, such as: The Adaptive Technology Resource Centre at the University of Toronto; Ryerson's School of Disability Studies; and York University's Disabilities Studies Graduate Program, we are nonetheless falling behind many countries when it comes to inclusion (Florida 3).

Prior to an examination of Ontario's disability legislation, we must first mention the *Canadian Charter of Rights and Freedoms*, which applies exclusively to government actions, and includes people with mental or physical disabilities as individuals worthy of protection. Section 15 of the Charter states:

Equality Rights

Equality before and under law and equal protection and benefit of law

> 15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Affirmative action programs

> (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. (*Canadian Charter of Rights and Freedoms* s.15 (1), (2))

As evident, section 15 of the Charter guarantees the right to equality before and under the law, and to equal protection and benefit of the law, without discrimination based on, among other things, physical or mental disability. As stated in a chapter of a preliminary consultation paper titled "Disability and the Law in Ontario", "The Charter's equality rights provisions have been very important in advancing the rights of persons with disabilities, articulating the right to inclusion and participation, and advancing the principle of accommodation" (5). As apparent, the Charter has played a significant role in assisting persons with disabilities in achieving the limited amount of equality they now have.

Ontario's laws that relate to PWPD can be placed into two broad categories. The first category is "laws that provide access to benefits, supports, and accommodations for persons with disabilities" (Disability and the Law in Ontario 6). There are many laws within Ontario that recognize the unique circumstances of people with disabilities as either a broad group, or based on particular types of disabilities and functions to "…provide access to supports, benefits, and accommodations aimed at ameliorating disadvantage, providing supports or enhancing opportunities" (Disability and the Law in Ontario 6). For instance, the government of Ontario recognizes that persons with disabilities often have a difficult time locating and maintaining employment, thus people with disabilities often have significantly lower levels of income than their non-disabled counterparts (Disability and the Law in Ontario 6). Subsequently, this lack

of employment and low income often associated with disabilities is addressed within income support programs (Disability and the Law in Ontario 6). There are two income support programs that are particularly important, firstly, there is the Ontario Disability Support Program (ODSP), which is provided under the *Ontario Disability Support Program Act* (Disability and the Law in Ontario 6). This Act provides social assistance for individuals with disabilities who have the specified eligibility requirements (Disability and the Law in Ontario 6). Then there is the Workplace Safety Insurance program which provides both income and re-employment supports for individuals who are either temporarily or permanently disabled due to accidents in the workplace (Disability and the Law in Ontario 6).

Additionally, there are many statutes entitling persons with disabilities to adapted programming or policies with the intended purpose of ensuring equal opportunity to partake and benefit from government programs (Disability and the Law in Ontario 6). The most important of these is the provision under the "*Education Act* for individualized supports, teaching methodologies and programming for "exceptional pupils"" (Disability and the Law in Ontario 6). Other examples would include municipal bylaws or policies that provide for specialized transit services, and provisions for "disabled parking permits" under the *Highway Traffic Act* to ensure PWPD have the ability to park their vehicles as close as possible to their desired destination (Disability and the Law in Ontario 6).

The Ontario government also provides benefits to individuals with disabilities that have specific needs (Disability and the Law in Ontario 6). One such example is the home and vehicle modification program that the Ontario government funds to make any required alterations to homes and vehicles for individuals with disabilities (Disability and the Law in Ontario 6). An additional example would be the tax waived on purchases of certain types of assistive devices (Disability and the Law in Ontario 6).

The Ontario government has also ensured that there are numerous supports for children with disabilities including child development services provided through the *Child and Family Services Act* ; the *Day Nurseries Act* provides day nursery programs for children with disabilities; respite care is provided for the families of children with disabilities; and a Child Disability Benefit for families that are caring "for a child with a severe or prolonged physical or mental disability (Disability and the Law in Ontario 6).

Although having various economic supports in place for persons with disabilities and their families is without question beneficial to many financially, it often functions to exacerbate social oppression due to some members of the able-bodied populace feeling as if PWPD are burdensome to the system (Longmore 83). As noted in Michael K. Longmore's article, "The arguments of the early-twentieth-century eugenics and euthanasia movements have reappeared: people with disabilities are unproductive, their lives have low quality and little meaning, they burden their families, and they drain scarce social and economic resources" (83). As evident, when people with disabilities are using social services in which they require, they are demonized for draining tax funds (Longmore 83). Although many barriers to participation in the workplace are the result of inaccessibility due to hegemonic ideologies of normalcy, this often goes unseen, or perhaps seen but unacknowledged (Longmore 83). Subsequently, PWPD are often excluded from working because they are unable to access space as able-bodied individuals can, and often experience oppression due to their inability to navigate the built environment as able-bodied individuals do (Longmore 84). Consequently, PWPD often need economic assistance due to their inability to access space, and are then called a drain and oppressed for using social services (Longmore 84).

The second category is "laws promoting the removal of barriers for persons with disabilities" (Disability and the Law in Ontario 7). Statutes that fall within this category serve the essential purpose of acknowledging that persons with disabilities have and continue to experience disadvantage, thus the removal of barriers is pertinent (Disability and the Law in Ontario 7). Consequently, laws that fall within this category require both organizations and individuals to take proactive measures across a range of areas with the purpose of achieving equality and inclusion for persons with disabilities (Disability and the Law in Ontario 7). There are three statutes that fall within this category: The *Ontario Human Rights Code*; *Ontarians with Disabilities Act* (ODA); and the *Accessibility for Ontarians with Disabilities Act* (AODA) (Disability and the Law in Ontario 7).

Despite having three statutes to assist with the removal of barriers for persons with disabilities, there are weaknesses evident in each statute (Flaherty, and Roussy 7). As noted in Michelle Flaherty and Alain Roussy's article, "Human Rights legislation was among the first ways in which people with disabilities obtained rights and protections in Canada" and it applies to both government and private actors (7). Ontario

enacted its first anti-discrimination statute in 1944 (Flaherty, and Roussy 7). While Human Rights legislation initially addressed discrimination solely on the basis of race, the province eventually developed additional statutes to protect other vulnerable populations (Flaherty, and Roussy 7). Then in 1962, Ontario consolidated a number of existing anti-discrimination statutes and expanded the scope of protection available within those previously existing statutes (Flaherty, and Roussy 7). When the Code was modernized in 1981, protection from discrimination for people with disabilities was a key component of the alterations made (Flaherty, and Roussy 7). Although the Code claims that people with disabilities have the "… right to equal treatment with respect to services, goods and facilities, without discrimination", its enforcement mechanism is a reactive measure (*Canadian Charter of Rights and Freedoms* qtd. in Flaherty, and Roussy 8). The Code's enforcement is reactive due to it not applying to prospective breaches, thus the individual must experience the oppression prior to filing a claim, therefore, the party must establish a past wrong (Flaherty, and Roussy 9). Although the Code previously did not allow costs to be awarded, this has since been altered: Bill 147 was passed in 2013 and permits the Tribunal to order costs be paid if the presiding adjudicator sees fit (Bill 147). Despite this positive alteration to the Code, its enforcement mechanism continues to be reactive; thus, PWPD have to experience discrimination before it is dealt with instead of preventing it from occurring in the first place (Flaherty, and Roussy 9; Bill 147).

Then there is the ODA which mandates the creation of annual "accessibility plans", which must be created "by government ministries, municipalities, public transportation organizations, and "Scheduled organizations" including school boards, colleges and universities" (*Ontarians with Disabilities Act* qtd. in Flaherty, and Roussy 10). All plans must be made in consultation with people with disabilities to ensure there are no barriers to access for them (Flaherty, and Roussy 10). The ODA was implemented in 2001 due to recognition that both the Code and the Charter were inadequate to bringing about "significant and prompt change for people with disabilities and to break down the barriers that they face in everyday life" (Flaherty, and Roussy 11). Although the objective of the ODA appears to be progressive, there are no requirements that the accessibility plans are ever implemented; nor is it a requirement that the accessibility plans actually address barriers (Flaherty, and Roussy 12). Additionally, it provides no enforcement or complaint resolution mechanism (Flaherty, and Roussy 12).

Lastly, there is the AODA. The AODA, which is meant to build on the ODA without repealing it, was passed in 2005 (Flaherty, and Roussy 13). The stated purpose of the AODA is "…developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities with "respect to goods, services, facilities, accommodation, employment, buildings, structures, and premises on or before January 1, 2025" (*Accessibility for Ontarians with Disabilities Act* qtd. in Flaherty, and Roussy 13). The AODA applies to "every person or organization in the public and private sectors within Ontario (*Accessibility for Ontarians with Disabilities Act* qtd. in Flaherty, and Roussy 13). The Act makes known that various "standards development committees" be established with the intent of developing "accessibility standards" that will be considered by the provincial cabinet to adopt into regulation (*Accessibility for Ontarians with Disabilities Act* qtd. in Flaherty, and Roussy 13). Additionally, the AODA requires "that a person or organization to whom an accessibility standard applies shall comply with the standard within the time period set out in the standard", and they are required to file an annual accessibility report to ensure compliance is taking place (*Accessibility for Ontarians with Disabilities Act* qtd. in Flaherty, and Roussy 14). In addition, the Act requires "one or more" inspectors be appointed "within a reasonable time after the first accessibility standard is established" to ensure requirements within the standards are being followed (*Accessibility for Ontarians with Disabilities Act* qtd. in Flaherty, and Roussy 7).

The Act ensure inspectors are granted various powers to carry out inspections including the right to enter "lands and buildings" without a warrant, and when needed, inspectors can compel the reproduction of documents and records from businesses (*Accessibility for Ontarians with Disabilities Act* qtd. in Flaherty, and Roussy 14). The AODA also ensures there are financial consequences set out for non-compliance (Flaherty, and Roussy 14). As apparent, the AODA definitely has numerous beneficial aspects that function to assist individuals with disabilities. Since this statute definitely has numerous positive aspects to it, we must critically analyze it to see where its intentions and operation falls short of guaranteeing access to space for PWPD.

The AODA Critiqued

When initially drafting the AODA in 2005, one might have hoped that the legislatures would have passed a complete accessibility scheme, however, this is not the path taken; thus, the enactment of accessibility standards in a piecemeal fashion has created difficulties (Flaherty, and Roussy 19). As mentioned by Flaherty and Roussy, the fragmented adoption of accessibility standards over an unknown period of time "…has led to a protracted and seemingly ad hoc process that risks making unachievable the goal of having the province fully accessible by 2025" (19). Thus, the "step-by-step approach" that has been implemented makes it appear that the government "… is fumbling, plugging holes as they arise, without having a well thought out plan" (Flaherty, and Roussy 19). Additionally, the fragmented process being implemented can lead to potential inconsistencies within the enacted accessibility standards which up until 2016 included: The Information and Communications Standards; Employment Standards; Transportation Standards; Design of Public Spaces Standards (Accessibility Standards for the Built Environment); and the Customer Service Standards (Flaherty, and Roussy 19).

Although the AODA sets out financial consequences for non-compliance, it does not appear that the government is doing much to ensure enforcement (Flaherty, and Roussy 21). In December, 2013, which was 8 years since the initial enactment of the AODA, there had yet to be any inspections, compliance orders, or fines imposed under the AODA, despite the fact that compliance had been far from exemplary with only 30% of businesses meeting their reporting requirements (Flaherty, and Roussy 21). Additionally, the AODA does not have a complaint resolution process (Flaherty, and Roussy 21). Although the AODA is supposed to be proactive and not reactive, thus ensuring accessibility before problems arise, there should nonetheless be a complaint resolution process so that individuals with disabilities have a voice when compliance is not taking place (Flaherty, and Roussy 21).

In a 2014 review of the AODA titled "Second Legislative Review of the Accessibility for Ontarians with Disabilities Act, 2005", by Mayo Moran, she notes that the AODA has not lived up to the initial promise of ensuing persons with disabilities have the same chance of "learning, working and playing to his or her full potential" (55). Moran gives several recommendations to help the Act live up to its claimed

purpose and intentions. She begins by mentioning that since the AODA claims that the government of Ontario is going to lead the way in fulfilling requirements under the AODA, and since all five Integrated Accessibility Standards apply to the government as well as others, the government needs to begin by establishing "accessibility as a government-wide priority" (Moran 56). Moran suggests that someone be put in charge of ensuring the government does in fact lead the way by making sure all requirements under the standards are met by the specified timeframes (Moran 56).

Although organizations are supposed to be filing reports to ensure they are living up to the requirements stipulated within the standards, Moran notes that in 2013, the Accessibility Directorate of Ontario (ADO)- who was put in charge of managing the enforcement of the AODA, sent 2,500 notices for audits for private sector organizations since they failed to file reports that they had lived up to their obligations required at that time period (Moran 57). As evident, many organizations are not taking requirements of the AODA seriously; therefore, Moran recommended the need to implement an enforcement plan (Moran 57).

Although the AODA states that its purpose is to "…ensure that all Ontarians have fair and equitable access to programs and services and to improve opportunities for persons with disabilities", we can evidently see that the desired goal of the AODA and the outcomes, once implemented are vastly different. To make this point explicitly clear, we turn to another one of Moran's concerns with the AODA, which is of key concern to this MRP- that being the failure for the Accessibility Standards for the Built Environment to apply to previously existing buildings. In the Application section of the Built Environment Standards, it states:

> Application
>
> 80.2 (1) Except as otherwise specified, this Part applies to public spaces that are newly constructed or redeveloped on and after the dates set out in the schedule in section 80.5 and that are covered by this Part.
>
> (2) Except as otherwise specified, this Part applies to obligated organizations.
>
> (3) In this Part where in a standard or requirement there is a reference to an obligated organization, it is a reference to the obligated organization that constructs or redevelops any public space to which this Part applies and not to any other obligated organization that may have provided a permit, approval or other authorization or that may have an interest in the land where the thing to which the

standard or requirement applies is located. (Accessibility Standards for the Built Environment s.80.2 (1), (2), (3))

Additionally, in the Built Environment Standards in the section titled "Obtaining Services", it states:

> Application
>
> 80.40 (1) Obligated organizations shall meet the requirements set out in this Part in respect of the following:
>
> 1. All newly constructed service counters and fixed queuing guides.
> 2. All newly constructed or redeveloped waiting areas.
>
> (2) For the purposes of this Part, requirements for obtaining services in respect of service counters, fixed queuing guides and waiting areas apply whether the services are obtained in buildings or out-of-doors. (Accessibility Standards for the Built Environment s.80.40 (1), (2).)

As evident, the Built Environment Standards require that only "newly constructed or redeveloped" buildings meet the requirements. Similarly, organizations only have to follow the requirements for service counters and fixed queuing guides when they are being newly constructed, and requirements for waiting areas only apply to organizations that are newly constructed or redeveloped. Thus, the claim of the AODA wanting persons with disabilities to have "equitable access to programs and services" seems to only apply in certain circumstances. If the Standard truly wanted to guarantee full access to PWPD, it would ensure that all service counters, fixed queuing guides, and waiting areas are altered to ensure accessibility and not simply those that are newly constructed or redeveloped. Ensuring accessibility is clearly being done in a limited fashion; these stipulations make it appear that the government will only interfere in the capitalist ventures of organizations who are already planning to redevelop their establishment or are newly constructing a building.

In a study conducted by Richard Florida from the Martin Prosperity Institute titled, "Releasing Constraints: Projecting the Economic Impacts of Increased Accessibility in Ontario", he notes that the proportion of Ontarians that are of working age within Ontario is beginning to decline (4). Ontario will soon be facing a shortage of human capital, consequently, will be in desperate need of workers (Florida 4). Since Ontario has more than one million working-age persons with disabilities, which is 15% of the population, and only 54% of people with disabilities are in the labour force, Ontario could substantially benefit by increasing accessibility for these individuals (Florida 4). Additionally, only 34% of people with disabilities

have college or university degrees, which is 10.5% lower than their able-bodied counterparts, thus making education more accessible will also lead to people with disabilities being able to work in highly-qualified positions (Florida 16). It is estimated that if only 2% of persons with disabilities that are currently not employed in Ontario enter the workforce when the AODA is fully implemented, that would generate $500 million in economic benefits from both employment income, and reduced disability support payments yearly (Moran 90).

As evident, the AODA does not simply supply Ontario with millions of dollars in revenue, it also saves the government millions of dollars in support payments. Such facts make it explicitly clear how the implementation of the AODA does not simply assist people with disabilities, but also taxpayers, and the Ontario government. The fact that the AODA saves the government of Ontario millions of dollars and assists in bringing in millions of dollars in revenue, while simultaneously ensuring that organizations that are not newly constructed or redeveloped do not have to comply with the stipulations within the Standards for the Built Environment, may lead one to question why this Act act was implemented. Is the province genuinely focused on "ensuring Ontarians have fair and equitable access to programs and services and to improve opportunities for persons with disabilities"? Or perhaps the purpose of the AODA is to financially benefit the government, thus the guise of equality is used? Later on, we will explore such issues, but first, we move on to an exploration of poverty.

Poverty Explored

History of Poverty and the Development of Vagrancy Law

In Steven M. Beaudoin's book titled *Poverty in World History*, he explains that examining poverty in the pre-modern world can be quite difficult due to historians having few sources in which to base their investigation (15). As Beaudoin notes, "In many of the world's societies, statistics, like the concept of material poverty itself, is a relatively new idea. This, unfortunately, limits the detail and depth of our understanding" (15). Additionally, elites, and the states they served, were often much more interested in detailing their own actions and thoughts, especially if they reflected well on their sense of generosity and piety (Beaudoin 15). Difficulties in studying poverty in the pre-modern era is also the result of significant

diversity within societies, thus prior to the sixteenth century, the causes of poverty as well as the reactions to it, were primarily based on "…the internal dynamics of individuals' civilizations and their immediate surroundings" (Beaudoin 15). Despite numerous obstructions in attempting to study the history of poverty, many historians have grappled with such difficulties and been able to provide us with an abundance of information (Beaudoin 15).

For most pre-modern societies, poverty meant hunger, and almost everyone lived in threat of potential hunger (Beaudoin 16). The specific causes of poverty differed from region to region (Beaudoin 16). Similarly, since resources were scarce, attention to who should receive aid was based on individual cultural values of who was "deserving" of assistance (Beaudoin 16). Although the methods employed to deal with poverty in pre-modern civilizations were often quite different from place to place, misery and insecurity remained inescapably linked to poverty (Beaudoin 16). Despite technological breakthroughs that have taken place over centuries, the technology available prior to 1450 limited the supply of available food (Beaudoin 16). Food scarcity, often produced "pockets of need, no less dire for those afflicted, but not widespread starvation, was common in pre-modern societies" (Beaudoin 16). Thus, chronic hunger and undernourishment, but not starvation, was the common form of poverty in the pre-modern world (Beaudoin 16). In good years, the surplus of food would be given to those who did not have access to land in order to provide food for themselves, and also to the elite who despite having land and other resources may also be seen as poor if agricultural surpluses were limited (Beaudoin 17). "The history of poverty is found, then, not just among the destitute and infirm, but also among the multitudes whose lives weaved back and forth across the line separating hunger and subsistence" (Beaudoin 16). Economic security was a luxury that very few enjoyed, and since the potential of illness or harvest failure was a threat to everyone, it was widely understood that no one was immune from hunger and want (Beaudoin 26).

Only after the Commercial Revolution in the twelfth century, did poverty come to mean the absence of wealth, thus the incentive for profit accumulation altered the perception of poverty (Beaudoin 16). As noted by Beaudoin, "The institutions and traditions that the world's pre-modern civilizations developed to address and prevent deprivation separate into four broad categories: state-run establishments and practices, private institutions, family-based arrangements, and informal strategies" (30). The first three categories were

often only applied to those deemed "worthy" of assistance (Beaudoin 30, 34). The most common informal strategy used was begging or lawlessness, which was mostly utilized by "invalids" who were those that voluntarily separated from their native communities, and able-bodied individuals (Beaudoin 30, 34). Evidently, individuals who did not have access to assistance through "formal" mechanisms, and therefore, had to resort to vagrancy were allocated to a substandard social position.

In Williams J Chambliss's article titled "A Sociological Analysis of the Law of Vagrancy", we see that the first vagrancy statute was implemented in England in 1349, which read:

> Because that many valiant beggars, as long as they may live of begging, do refuse to labour, giving themselves to idleness and vice, and sometimes to theft and other abominations; it is ordained that none, upon pain of imprisonment shall, under the colour of pity or alms, give anything to such which may labour, or presume to favour them towards their desires; so that thereby they may be compelled to labour for their necessary living. (*Ordinance of Labourers 1349* qtd. in Chambliss 68)

The statute went on to say:

> ...every man and woman, of what condition he be, free or bond, able in body, and within the age of threescore years, not living in merchandize nor exercising any craft, nor having of his own whereon to live, nor proper land whereon to occupy himself , and not serving any other, if he in convenient service (his estate considered) be required to serve, shall be bounded to serve him which shall him require…And if any refuse, he shall on conviction by two true men ,…be committed to gaol till he find surety to serve…And if any workman or servant, of what estate or condition he be, retained in any man's service, do depart from the said service without reasonable cause or license, before the term agreed on, he shall have pain of imprisonment. (*Ordinance of Labourers 1349* qtd. in Chambliss 68)

Then in 1351, the statute was amended to include: "An none shall go out of the town where he dwelled in winter, to serve the summer, if he may serve in the same town" (*Ordinance of Labourers 1349* qtd. in Chambliss 68). As evident, this statute, titled "*Ordinance of Labourers 1349*", does not simply make it illegal for an able-bodied person to beg, thus, the individual must be working for someone, but it is also

illegal for anyone to provide “alms” for beggars (*Ordinance of Labourers 1349* qtd. in Chambliss 68). If anyone gets caught engaging in either of these offences, they may end up in prison (*Ordinance of Labourers 1349* qtd. in Chambliss 68). The alteration made in 1351 strengthened the statute by also making it illegal, and punishable by imprisonment, for an individual to live a vagrant lifestyle of travelling from place to place when the weather is nice, thus people were now forced to remain in the summer where they lived in the winter (*Ordinance of Labourers 1349* qtd. in Chambliss 68).

The *Ordinance of Labourers 1349* was enacted due to the Black Death which struck England in 1348, and had decimated the labour force (Chambliss 69). Consequently, England needed to take drastic measures since the economy was very much reliant on cheap labour (Chambliss 69). Although the Black Death severely impacted the available labour supply, prior to the start of the pestilence, there was already an inadequate supply of cheap labour for landowners (Chambliss 69). Due to crusades and various wars, landowners were in need of money; accordingly, they often sold serfs their freedom to obtain needed funds (Chambliss 69). The serfs desperately wanted their freedom for they could relocate to larger towns that were becoming more industrialized which could offer them increased freedom and a higher standard of living (Chambliss 69). Consequently, many serfs either went to larger towns, or joined the army (Chambliss 69). As soon as the Black Death reached England, and killed a considerable amount of the labour force, wages for the “free” man rose significantly (Chambliss 69). Although the wages increased for the “personally free labourers”, this did not assist in bettering the standard of living for serfs (Chambliss 69). Since landowners were struggling to pay the serfs’ wages, it was becoming increasingly difficult to maintain the serfs’ standard of living (Chambliss 69). Subsequently, many serfs, with the hope of bettering their position through freedom and the possibility of working in the new weaving industry, would flee (Chambliss 69). The statute *Ordinance of Labourers 1349* was enacted with one purpose “to force labourers (whether personally free or unfree) to accept employment at a low wage in order to insure the landowner an adequate supply of labour at a price he could afford to pay” (Chambliss 69). Thus, the new vagrancy statute was simply a replacement for serfdom (Chambliss 70). As evident, the implementation of law in a discriminatory, profit-driven manner is far from a modern-day invention. Individuals experiencing poverty have been marginalized at the hands of the rich for centuries. We now move on to an investigation of law and poverty in Canada.

Vagrancy Law in Canada

The first vagrancy law in Canada titled *An Act Respecting Vagrants,* was adopted in 1869 and was modeled upon the English legislation; in 1892, it was replaced with the *Criminal Code* of Canada (Sylvestre and Bellot 9). Section 207 of the *Criminal Code* included a list of twelve enumerated offenses that fell within the vagrancy section of the Code (qtd. in Sylvestre and Bellot 9). Anyone who was convicted of an offence under section 207 was labelled a "loose, idle, disorderly person, or vagrant" *(Criminal Code* of Canada qtd. in Sylvestre and Bellot 9). As noted in Prashan Ranasinghe's article, "vagrants" in nineteenth century Canada were perceived in three distinct ways: firstly, vagrants were thought to be "indolent, lazy and worthless"; secondly, they were seen to be "professional" or "habitual criminals"; lastly, they were perceived to be "morally depraved" or "outcasts" that were part of a "self-perpetuating class of citizens who lived without fixed abode" (60-61). In many instances, many of the vagrancy offences listed within section 207, were interpreted by the courts as not applying to "persons of good character", or "respectable citizens", thus making evident the discriminatory intent of such legislation (Sylvestre and Bellot 10). These vagrancy provisions remained unchanged until the 1950's, when five of the listed offences including "offences related to causing disturbances, public nuisance, and mischief were removed and relocated to different sections of the Code, while the other offences were significantly revised" (Sylvestre and Bellot 10). Currently, section 179 of the *Criminal Code* of Canada states:

> **1)** Every one commits vagrancy who
> **(a)** supports himself in whole or in part by gaming or crime and has no lawful profession or calling by which to maintain himself; or
> **(b)** having at any time been convicted of an offence under…[sections listed of sexual offences involving children], or of an offence under a provision referred to in paragraph (b) of the definition *serious personal injury offence* in section 687 of the *Criminal Code*, chapter C-34 of the Revised Statutes of Canada, 1970, as it read before January 4, 1983, is found loitering in or near a school ground, playground, public park or bathing area.
> **Punishment**
> **(2)** Every one who commits vagrancy is guilty of an offence punishable on summary conviction. (*Criminal Code* of Canada s.179 (1), (2))

Although the latter of the two listed offences has been "rendered inoperative due to judicial interpretation", they nonetheless remain as part of the *Criminal Code* (Ranasinghe 86).

We now move on to an examination of poverty within Ontario to make evident the economic landscape that made the production and justification of the enactment of the Ontario *Safe Streets Act* plausible.

Poverty in Ontario

Between 1941 and 1971, Ontario's population nearly doubled which reflected both the post-war baby boom, and high levels of immigration (Maxwell 7). Subsequently, by 1971, Ontario's population was 82% urban due to the economy being stimulated by a manufacturing boom, and an additional demand for consumer goods and housing that was postponed due to the Depression and subsequent war years (Maxwell 6). As put in Glynis Maxwell's article "…industrialization reinforced the need for a healthy and well-educated workforce" (6). At the same time, the non-profit and voluntary sector found it progressively more difficult to meet the demand for services of a rapidly expanding population (Maxwell 6). As a result, the Ontario government was called upon to develop policies and programs, and to provide public funding to meet the need for social programs (Maxwell 6). Although social programs were previously part of charitable services to individuals in need that were sustained by low-paid workers and volunteers, they were quickly becoming a large part of the economic life of Ontario (Maxwell 6). By the end of the 1960's, with assistance from federal-provincial cost-sharing agreements, "medicare was introduced; income supports to those with disabilities and those on general welfare assistance were improved; large quantities of affordable public housing were being built; and the Canada Assistance Plan (CAP) was put in place…" (Maxwell 6). There was modest but continual progress in the reduction of poverty (Maxwell 6).

By 1975, this was no longer the case: Ontario was experiencing slow economic growth, inflation, and growing fiscal deficit (Maxwell 6). Ontario began to call for certain sectors to use spending restraint (Maxwell 6). A review was conducted of Ontario's spending; it concluded that "…public spending by Ontario was out of control and threatened the economic future of Ontario" (Maxwell 6). Thus, Ontario began to decrease its social spending with dramatic restraints on income support programs (Maxwell 6).

By 1980, "dramatic increases in living costs, sluggish economic growth, and provincial spending restraints on social programs had combined to significantly reduce the already inadequate living standards of

social assistance recipients" (Maxwell 6). Much of the progress made in reducing poverty had been diminished (Maxwell 6). The economic problems remained prevalent in the 1990's leading to high unemployment and underemployment rates (Maxwell 11). Additionally, there was an increased need for flexibility in employment, thus there was an explosion in "…non-standard work relationships, such as temporary work and self-employment, part-time and contract work" (Esmonde 67). The reliance on non-standard employment offers employers greater profitability, while simultaneously offering employees less stability and a "…growing polarization of earnings" (Esmonde 67). By 1997, only 35% of Canadian workers held standard, full-time and permanent jobs (Esmonde 67). Although the general unemployment rate was relatively high, varying between 8-10%, the youth unemployment rate was at times close to 25%; as evident, youth were specifically impacted by Ontario's economic problems (Esmonde 67). Additionally, wages for workers under 35 had been decreasing since 1982 and at a rate much higher than their older counterparts (Esmonde 67). With all the alterations in the labour market taking place in the 1990's for young workers, poverty rates increased significantly (Esmonde 67). In 1989, families with heads under 25 had a poverty rate of 28%, by 1998, the poverty rate rose to 43.3% (Esmonde 67). Similarly, unattached individuals under 25 had an unemployment rate of 47.8% in 1989, this increased to 60.7% by 1998 (Esmonde 68). The alterations in the labour market meant that fewer young people had the ability to survive without seeking assistance from social programs (Esmonde 68). However, the erosion of income support programs that originated in the 1980's, left many in precarious positions (Esmonde 68). Income support programs were altered to ensure recipients would return to the labour market (Esmonde 68). In Jackie Esmonde's article, she says:

> Unemployment insurance has been slowly altered since the late 1980's, and fairly drastic changes were introduced in January of 1997. By extending the number of hours of work required to be eligible for benefits, unemployment insurance is no longer attainable for many part-time and temporary workers despite the fact that those engaged in such employment pay premiums. In 1997 only 15% of young workers received unemployment insurance as compared to 54% in 1989 and 22% in 1996. (68)

Additionally, in 1995, the Mike Harris conservative government introduced cuts to welfare benefits by 21.6% (Esmonde 68). This brought the average welfare cheque for a single person down to $520.00

monthly, when the average single bedroom in Toronto was $950.00 monthly (Esmonde 68). Finding affordable housing became increasingly difficult with the introduction of "vacancy decontrol" in the *Tenant Protection Act* which allows landlords to increase rent on an apartment by as much as they would like once the unit is vacated by the previous tenant (Esmonde 68).

It also became very difficult for young people to obtain income support through welfare (Esmonde 69). Not only did a 16 or 17-year-old have to demonstrate that there are "special circumstances", with abuse being one such instance, that prevents them from relying on their family for support, but they had to also attend school on a full-time basis to be eligible for benefits (Esmonde 69). If a recipient under 18 missed even a few classes, they could potentially have their welfare payments cut until they reached the age of 18 (Esmonde 69). Consequently, it became nearly impossible for street youth to receive welfare, and then to keep it due to numerous obstacles that often impeded their ability to attend school on a full-time basis (Esmonde 69). Both young and older youth were finding it significantly difficult to survive given all of the alterations to the economic system in Ontario (Esmonde 69). In reference to the increase in youth poverty, Esmonde says, "When placed within a political and economic context, the current rise in youth poverty can be seen as the predictable outcome of the kinds of economic restructuring dominant in the political sphere" (69).

Many youth, not knowing what else to do to survive, turned to squeegeeing or panhandling (Esmonde 69). Therefore, both subsistence strategies became progressively more visible within the city landscape as homelessness increased (Esmonde 69). Instead of identifying and rectifying the numerous alterations that had led to the evident increase in poverty, the Ontario Government decided to approach the situation as one of criminality, thus the enactment of the Ontario *Safe Streets Act* occurred (Esmonde 69).

Enactment of the Ontario Safe Streets Act

When the Ontario government put forth the proposal for the OSSA in 1999, it did so due to the numerous claims from both the authorities, and the general public that "panhandlers and "squeegee kids" were disrupting and aggravating pedestrians/motorists, intimidating them and making the streets unsafe" (Bates 12). Media outlets were constantly villainizing squeegee kids; newspapers would search for "the most

dramatic examples of squeegee-related disorder" and be sure to inform the public (Parnaby 296). Consequently, citizens' fears of potential escalating social disorder were legitimized by media outlets (Parnaby 296). By spring of 1998, "…claims of broken car antennas, damaged windshield wipers, and intimidation gave way to claims that squeegee kids were actually "accosting" people on the streets and frightening women in particular" (Parnaby 296). As noted by Parnaby, "The rhetorical convergence of femininity with fear of crime recurred numerous times"; subsequently the removal of squeegee kids was not only seen as an issue of crime control, but also a "chivalrous obligation" (297).

Then allegations of squeegee kids threatening officers began to appear in newspapers; now it appeared to the public that these kids were willing to challenge "those who represented the very principles of order and civility" (Parnaby 297). In response to societal outcry, Premier Harris made a promise to rid the city of squeegee kids entirely (Parnaby 298). Subsequently, he requested that the Ontario Crime Control Commission (OCCC) meet and come up with an effective solution to the squeegee problem (Parnaby 298). Since the Commission specialized in "fighting crime and disorder", the Premier felt that they were the right ones to put in charge of solving this problem (Parnaby 298). The poverty these young people were living in was never seen as problematic, only their alleged actions were. Coincidentally, a few months prior to the OCCC being put in charge of eliminating "the squeegee problem", they had produced their first report on the status of youth crime in Ontario and had determined that "Crime is caused by criminals, not by socio-economic factors" (Ontario Crime Control Commission Report on Youth Crime qtd. in Parnaby 298). Among the populations they had listed that required focused police attention were "aggressive panhandlers and squeegeers whom they characterized as "precursors to crime and community decay" (Ontario Crime Control Commission Report on Youth Crime qtd. in Parnaby 298). The Conservative position was evident: the fight against crime included fighting squeegeeing and panhandling (Parnaby 298). When the provincial legislature met in the winter of 1999 to discuss the OSSA, "fighting crime and regulating squeegee-kids were presented as being synonymous policy initiatives designed to placate the public's fear of crime and incivility" (Parnaby 298). Although the Ontario's left wing New Democratic Party disagreed with the enactment of the OSSA, saying that it targets the poor, Conservative MPP'S were sure to remind the opposition that eliminating "aggressive panhandling in general and squeegee kids in particular" were a vital

part of their overall crime control mandate, and one that helped get them reelected in June, 1999 (Ontario Legislative Assembly minutes, 15/11/99 qtd. in Parnaby 298). Consequently, the Conservative party made it appear that standing in opposition to the enactment of the OSSA meant opposing crime control and being inattentive to the public's desire for safety (Parnaby 299).

The OSSA came into effect on January 31, 2000 (O'Grady et al. 544). As mentioned in Richard Moon's article titled "Keeping the Streets Safe from Free Expression", the government of Ontario knew that a straightforward ban on squeegeeing was not likely to survive a constitutional challenge (65) Subsequently, the Act does not explicitly refer to squeegeeing or panhandling, instead, it refers to prohibitions on "soliciting", which is defined as: "To request, in person, the immediate provision of money or another thing of value, regardless of whether consideration is offered or provided in return, using the spoken, written, or printed word, a gesture or other means" (*Safe Streets Act* s.1).

As evident, the definition of soliciting within the OSSA is extremely broad so that it may be interpreted to include "any conduct that communicates need" (Esmonde 71). Thus, a homeless person who appears in need, perhaps by wearing soiled and tattered clothing, could violate the Act simply by being present in large areas of public spaces (Esmonde 71). Although the Act does not explicitly ban begging or squeegeeing, the definition of soliciting is limited to "in-person" requests for the "immediate provision of money or another thing of value, with or without the giving of something in exchange", therefore, it is implicitly speaking of these acts (Moon 65; *Safe Streets Act* s.1). Since something may or may not be exchanged, the OSSA is clearly not attempting to regulate commercial advertising and promotions (Moon 65). Even in some instances when "street vending and charitable solicitation may, in theory at least fall within the scope of the OSSA, the government has stated that their intent is to target "aggressive beggars and squeegee people, thus such actions will not be impacted (Moon 66).

The Act goes on to describe certain forms of soliciting that are prohibited, and divides them into two categories, soliciting in an "aggressive manner", and soliciting a "captive audience". The OSSA defines "aggressive manner" as "a manner that is likely to cause a reasonable person to be concerned for his or her safety or security". The Act then identifies acts that are deemed to be aggressive:

1. Threatening the person solicited with physical harm, by word, gesture or other means, during the solicitation or after the person solicited responds or fails to respond to the solicitation.
2. Obstructing the path of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation.
3. Using abusive language during the solicitation or after the person solicited responds or fails to respond to the solicitation.
4. Proceeding behind, alongside or ahead of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation.
5. Soliciting while intoxicated by alcohol or drugs.
6. Continuing to solicit a person in a persistent manner after the person has responded negatively to the solicitation. (*Safe Streets Act* s.2 (3))

If we look at two and four in the list of acts identified as engaging in soliciting in an "aggressive manner", it is evident that in many instances, some individuals' movements when in public, may appear to fall within these categories even if the purpose is not to "obstruct one's path", or to proceed "behind, alongside or ahead of the person solicited" (*Safe Streets Act* s.2 (3)). Thus, the Act was drafted in a very broad fashion to ensure all activities, including simply existing in public when homeless is criminalized.

As previously mentioned, the OSSA also prohibits the solicitation of a "captive audience". The Act states, "No person shall":

(a) solicit a person who is using, waiting to use, or departing from an automated teller machine;
(b) solicit a person who is using or waiting to use a pay telephone or a public toilet facility;
(c) solicit a person who is waiting at a taxi stand or a public transit stop;
(d) solicit a person who is in or on a public transit vehicle;
(e) solicit a person who is in the process of getting in, out of, on or off a vehicle or who is in a parking lot; or
(f) while on a roadway, solicit a person who is in or on a stopped, standing or parked vehicle. (*Safe Streets Act* s.3(2))

As previously mentioned, the OSSA claims to be after "aggressive soliciting", however, if this is the case, the Act is clearly over-inclusive since the location in which you "solicit" does not dictate if you are being aggressive (Moon 66). As noted by Richard Moon, "The government's goal was to enact a ban on begging and squeegeeing that would survive a constitutional review. They sought to do this by defining the

banned activity so that it was in some respects broader than begging (the term soliciting is defined in an apparently content-neutral way) and in other respects narrower (aggressive soliciting or soliciting in certain locations in banned)" (Moon 66). Consequently, the apparent partial ban on soliciting has the same impact as a general ban on begging and squeegeeing (Moon 66). It becomes quite palpable that the intended purpose of the enactment of the OSSA is to ensure poverty remains invisible.

The OSSA allows for penalties up to $500.00 for a first offence, and up to $1000.00 or imprisonment for a term of not more than six months for subsequent offences (*Safe Streets Act* s.5). Once an individual has been issued a ticket, the recipient has 15 days to "plead guilty and pay the fine, plead not guilty and schedule a trial or first attendance, or plead guilty with an explanation (Justice for Children and Youth 2005 qtd. in O'Grady, et al. 544). If a recipient fails to enact one of the three potential options, the individual will be issued a default certificate that requires the recipient to pay the fine and informs the individual that until the fine is paid, they will be unable to acquire or renew a driver's license (Justice for Children and Youth 2005 qtd. in O'Grady, et al. 544). Additionally, the recipient is informed that there is the possibility of an arrest warrant being issued if the individual repeatedly ignores court orders to pay fines (Justice for Children and Youth 2005 qtd. in O'Grady, et al. 544). In November, 2012, the City of Toronto made known on their website that accumulated fines do not disappear, after a period of time, the municipality will either retain a collection agency to recover the debt, or will use another form of civil enforcement (O'Grady et al. 544). Despite the fact that these individuals are in legal trouble for engaging in acts of "solicitation" due to them living in poverty, the state seems to think the way to penalize them is to fine them or potentially put them in jail for subsequent offences.

In the case of *R v. Banks*, 13 defendants were individually charged with offences under the OSSA, and were brought together on consent for a joint trial to allow for the constitutional validity of the new statutory provision could be determined in one proceeding (*R v. Banks*). The defendants in this matter argued that "the Act was ultra vires the provincial legislature as it was in relation to criminal law, a head of power reserved exclusively by Parliament …They also submitted that the Act violated ss.2b, 7,11(d) and 15 of the *Canadian Charter of Rights and Freedoms*" (*R v. Banks*). The defendants were all convicted of violating the OSSA and

it was determined that the Act is valid provincial legislation under the distribution of powers, such reason was given to defend the OSSA:

> The regulation of roads and traffic and conduct on roads is a provincial matter. The power to regulate the use of roads cannot be narrowly confined to the promotion of traffic safety. Further the power to regulate conduct extends to parks, sidewalks, and other public places, and includes pedestrian as well as vehicular traffic. (*R v. Banks*)

Additionally, it was determined that the OSSA did not violate any of the stated Charter sections. When it came to explaining the reasons why the OSSA was not in violation of section 15 (the equality section), the Court said:

> The impugned provisions do not violate s.15 of the Charter. The defendants were said to share the personal characteristic of "extreme poverty". While the weight of authority is against recognizing poverty in itself as an analogous ground of discrimination under s.15, the issue cannot be said to be fully settled. However, the defendants failed to establish that the Act discriminates against the extremely poor. The restrictions in the Act do not apply only to the poor. Moreover, the legislation cannot be said to have a prejudicial effect on the essential human dignity of the extremely poor by placing restrictions on the place and manner of solicitation. (*R v. Banks*)

Banks et al. appealed the decision claiming that "…the trial judge failed to properly identify the pith and substance of the legislation because he did not consider the intent of the legislation" (*R v. Banks*). The appellants also claimed that the OSSA should be considered criminal law, thus ultra vires the province, and that the trial judge erred in not finding that the Act violates the Charter. (*R v. Banks*). The judge dismissed the appeal claiming that the appellants failed to establish that the trial judge erred in his conclusions commenting that "The purpose of the Act was to ensure that members of the public were free to use the streets and highways safely without intrusive or harassing solicitation. There was no basis to conclude that the government was focusing on those who squeegee on the streets or beg in public for any reason other than the promotion of public safety" (*R v. Banks*). The appellants then applied for leave to appeal to the Supreme Court of Canada, however, on August 23, 2007 their appeal was dismissed (*R v. Banks*).

As evident, the Court relied heavily on the wording of the Act: since OSSA does not explicitly refer to squeegeers and panhandlers, the Court accepted the fact that the Act applies to anyone who solicits in the manners stated within the OSSA (Esmonde 73). The judge failed to acknowledge the "differential impact the legislation has on poor people", those economically well-off are not the ones on the streets soliciting, it is clearly those experiencing poverty (Esmonde 73). Consequently, the judgement fails to include a discussion of squeegeeing and panhandling due to the judge's acceptance that the Act is facially neutral with the intention of regulating roadways (Esmonde 79). As evidently portrayed within the verdict in *Banks*, the oppression experienced by those that are poverty-stricken is pervasive. Despite the fact that the OSSA profoundly impacts the poor, and in most cases, exclusively the poor, the Courts fail to recognize this and instead perpetuate additional inequality against those who are already in dire need.

In order to understand how the OSSA prejudicially impacts the poor, a Task Force was put together in Ottawa to investigate. The production of the Task Force was in response to protests that took place to draw attention to experiences of individuals on the streets including issues associated with the Ontario *Safe Streets Act* (Homelessness and SSA Task Force 5). Members of the Task Force included "representatives from the homeless community, City Council, the Alliance to End Homelessness, from shelter and day programs, the Ottawa police (both staffed and Board members), and staff from the Community and Protective Services Department…" (Homelessness and the SSA Task Force 5). The Task Force had several public meetings, as well as many private meetings with only formal members of the Task Force in attendance. The Task Force outlined 31 recommendations to the Health, Recreation and Social Services Committee, a few relevant to our discussion are:

> Recommendation 5. That the provincial and Federal governments be requested to reinstate and/or provide new funding for day programs, currently funded 100% by the city, to meet the needs of the individuals who experience homelessness or risk becoming homeless.
>
> Recommendation 6. That the city of Ottawa establish a mechanism, such as an ombudsman, so that people who are homeless or at risk of homelessness can address concerns that they have about the treatment they receive within City-funded service agencies including experiences under the *Safe Streets Act*.

> Recommendation 13. The Task Force recommends that the city of Ottawa lobby the province to change or repeal the *Safe Streets Act*.
>
> Recommendation 14. That the city of Ottawa recommend to the Police Services Board that, since the *Safe Streets Act*, theoretically, targets aggressive panhandlers and therefore impacts the homeless above all, that the Ottawa Police Services draft strict guidelines with respect to enforcement of the *Safe Streets Act* so that all citizens will know where they stand regarding their rights to public space and that these guidelines be widely circulated and debated by the public before being put into effect. (Homelessness and the SSA Task Force 1-2)

In addition to those listed above, other recommendations included the city providing space for homeless individuals to lawfully occupy without fear of persecution; and the City of Ottawa lobbying the Ontario government to increase Ontario Works rates to pre-1995 levels (Homelessness and the SSA Task Force 1-2).

The recommendations put forth by the Task Force make apparent the prejudicial impact the OSSA is having on the poverty-stricken population. The extent of the detrimental impact of the OSSA becomes explicitly clear when the report recommends that the city of Ottawa lobby the province to either change or repeal the Act. Clearly, the Act serves one purpose and one purpose only- to further oppress economically disadvantaged individuals to benefit those partaking in capitalist initiatives in a manner that coincides with state interests. We will now move on to an explanation of what hegemony is and how it functions in capitalist societies to make apparent its existence in both the AODA and the OSSA.

Hegemony

Hegemony, as coined by intellectual and politician Antonio Gramsci, is "…the process by which a particular social group or class comes to gain supremacy by cultivating the spontaneous consent of the subordinate class through the development and promotion of ideologies that act as unifiers" (qtd. in Hoffman 5). Hegemony is achieved when both the ruling class, and subordinate groups all share a "relatively coherent belief system" (Hoffman 5). The structuring of this belief system is a slow process, as it involves the ruling class modifying the perceptions of subordinate groups to legitimize its existence and ideologies (Hoffman 5). The state-which is defined by Gramsci as "the entire complex of practical and theoretical activities with

which the ruling class not only justifies and maintains its dominance but manages to win the active consent of those over whom it rules", as evident, functions to serve the interests of the dominant class (Gramsci qtd. in Hoffman 8). In order to accomplish hegemony, the state actively seeks national consensus by representing the interests of the dominant class as if they are the interests of everyone, thus the state becomes the provider of cohesion in a class divided society (Jessop qtd. in Hoffman 6). In order to achieve the long term goal of maintenance of specific political conditions that are essential in the replication of the dominant mode of production, the state must successfully manage class contradictions and secure cohesion by offering guarantees to subordinate classes, and by the imposition of short term sacrifices on the dominant class (Hoffman 7) By offering guarantees to subordinates- hence, earning trust, the state is able to perform its dual task of "…preventing any political organization on the part of the dominated class that may end their isolation, while simultaneously obscuring the dominated classes' economically isolated position" (Poulantzas qtd. in Hoffman 7). By continuously negotiating class interests, and by making legitimate but limited concessions to those that are dominated, the state is able to perform its dual political task, thus securing its hegemony by making its political interests appear to be aligned with the political interests of the nation in its entirety (Poulantzas qtd. in Hoffman 7). To ensure cohesion as a nation, dominant ideologies may have elements of both "petite bourgeoisie as well as working class ideologies" incorporated within them helping to induce consensus from those deemed inferior (Poulantzas as qtd. in Hoffman 8). In maintaining consensus and cohesion of subordinates, the state engages in two contradictory but essential roles, those being: accumulation and legitimation (Hoffman 11). The state must continuously be ensuring profitable accumulation of capital, while simultaneously maintaining the system's legitimacy by ensuring social harmony (Hoffman 11). For the state to ensure it is accepted by all members of society, it needs to make sure that it maintains its legitimacy, hence its intent of ensuring profitability to the dominant class must be hidden by either obscuring policies or concealing them altogether (Hoffman 11). Consequently, "There is a general recognition among most state theorists that an intricate web of informal relations exists between the state and business economy" (Hoffman 5). To ensure the true intentions of the state go undetected by those deemed subordinate, they must be complicit to the ideologies presented by the ruling class without seeing the covert intention of ensuring profit accumulation (Hoffman 12). Through the state providing limited concessions to

subordinate groups, and by ensuring dominant ideologies incorporate aspects of lower status individuals, the state is able to preserve its legitimacy, while concurrently maintaining profit accumulation for the dominant class (Poulantzas qtd. in Hoffman 7-8).

Although hegemonic rule assists the dominant class in maintaining their economic superiority, hegemony does much more than this. As noted by Marx: "The ideas of the ruling class are in every epoch the ruling class; i.e., the class which is the ruling material force of society is at the same time its ruling intellectual force" (qtd. in Sallach 41). To further add to this point, Gramsci employed the concept hegemony to refer to the way in which "a certain way of life and thought is dominant, in which one concept is diffused throughout society in all its institutional and private manifestations" (qtd. in Sallach 41). Thus, the dominant group, who control the economic and political institutions in a society, also possess access to privileged primary ideological institutions such as "religion, culture, education, and communications media (Sallach 41). Consequently, anyone who deviates from being white, male, able-bodied, heterosexual, and financially well-off, are seen to deviate from hegemonic norms, hence are often excluded from recognition within primary ideological institutions (Batacharya 66; Sallach 41). In order to maintain its supremacy, the dominant class uses its privileged access to ideological institutions to propagate values that function to reinforce its structural positionality (Sallach 41). This propagation does not simply involve the inculcating of dominant values on society as a whole, but it also permits those in possession of hegemonic rule to "define the parameters of legitimate discussion and debate over alternative beliefs, values, and world views" (Sallach 41). Therefore, hegemonic rule ensures that alternative viewpoints are suppressed through the establishment of parameters which function to define what is "legitimate, reasonable, sane, practical, good, true, and beautiful" (Sallach 41). A large aspect of the hegemonic process, is that the majority of the populace is unaware that alternative values and alternative readings of history exist (Sallach 42). For example, there is an abundance of evidence that the elementary school experience "is central to the formation of political orientations" (Greenstein et al. qtd in Hoffman 43). Research determined that elementary curriculum in the 1970's ensured that any potential perspectives that may have been taught to children that were deemed controversial or deviant, were omitted from lessons and textbooks (Greenstein et al. qtd in Hoffman 43). Instead, textbooks were presented in a "white, Protestant, Anglo-Saxon" view of the

past and present, while simultaneously neglecting minorities (Kane qtd. in Sallach 43). Although such neglect may no longer be as blatantly discernible as it once was, evidence suggests that at times minority groups continue to be ignored within elementary school textbooks, thus evidence of hegemonic rule within the school setting remains apparent (Morgan 221). Such findings are also relevant within both print and electronic media where those with economic control exert influence over what is seen or written indirectly through corporate advertising, or directly through ownership (Domhoff qtd. in Sallach 44). Consequently, communication media, and the education system alike, both function to expose only the ideologies and beliefs that are universally held, and if by chance, a controversial issue is seen or heard, hegemonic rule ensures that it sets the parameters as to how much an issue can be debated (Janowitz qtd. in Sallach 45).

Hegemonic ideologies are very pervasive due to their apparent presence in both our economic system of Capitalism, as well as our private ideological institutions (Sallach 46). However, it is pertinent to note that it is always possible to generate opposition (Sallach 46). As noted by Sallach, “When a sugarcoated world view conflicts with subsequent experience and insight, the power of that original world view may be reduced accordingly” (46). Consequently, “the meanings of situations and actions are interpretations formulated on particular occasions by the participants in the interaction and are subject to reformulation on subsequent occasions” (Wilson qtd. in Sallach 46). Despite our society being dominated by the beliefs and ideologies put forth by the hegemonic elites, we can nonetheless fight to have the viewpoints and perspectives of those deemed inferior heard and recognized. We now move on to an examination of the ways in which hegemonic ideologies are used to determine who is, and who is not worthy of occupying space.

Hegemonic Regulation of Space

When one is walking down the street, it probably seldom occurs to them how political the occupation of public space is. As spoken of by Rose:

> [l]ibraries and studies; bedrooms and bathrooms; courtrooms and schoolrooms, consulting rooms and museum galleries; markets and department stores…it is in the factory as much as the kitchen, in the military as much as the study, in the office as much as the bedroom that the modern subject has been required to identify his or her subjectivity. (qtd. in Huxley 1644)

Through the process of identifying one's subjectivity to see if access to space is possible, "powerful groups' spatial knowledge form hegemonies that denigrate and silence the spatial language of people constituted as the other while normalizing and regulating their own partially-constituted spatial mis/understandings" (Soja and Hooper qtd. in Allen 253). The ability to occupy space is rule-governed, therefore, the ability to forbid certain individuals from accessing it is plausible (McKerrow 275). Although in some cases, one may physically be present in space, this is not to say that they are ideologically accepted or wanted within that space, thus, the physical existence of an individual does not predicate them as being an accepted body (McKerrow 275). Physicality within space simply means one is physically present, ideological consensus with hegemonic viewpoints means one is accepted.

Within space, there are often various voices who all wish to be heard and recognized (McKerrow 276). However, as spoken of in McKerrow's article, there is always a group, referred to as the "decisive generation", who are presumably in the centre, and are in control (Ortega qtd. in McKerrow 276). Individuals who are not part of the "decisive generation" have less of a voice than those that are, unless they are able to "articulate ideas in the language of the decisive generation, [if not] voices of dissent are doomed to the margins, if not to non-existence" (McKerrow 276). If one is within space and deviates from the hegemonic norm, they will be rendered voiceless due to their deviant positionality (McKerrow 276). Consequently, space has the ability to construct identity: it can "condition one's appearance and one's discourse" (McKerrow 276). Although space has become a powerful tool in forming dichotomies of accepted and unaccepted bodies, space is not inherently, marginalizing; it is through social constructions, formulated by the hegemonic that empowers space to oppress (McKerrow 276).

Since space and ideologies that permit or forbid access to certain bodies are constructed by individuals within the hegemonic norm, capitalist ideologies often assist in formulating ideological struggle (Allen 250). "Capitalist views of space are closely regulated by spatial ways of thinking that re/produces spaces of capitalist value. Spaces with different and differential values materialize as sites of capitalist existence, often identified as economic resources (e.g., human resources, natural resources, intellectual resources)" (Allen 250). In some instances, "denigrated and residual" spaces such as ghettoes, become locations for certain individuals to exist in order to maintain, for example, racialized divisions of labour (Allen 250). When the

occupation of space by individuals deemed counterhegemonic is permitted, it is often done so due to the benefits it may bring to capitalist production (Allen 250). Although certain individuals may not be wanted in space occupied by the dominant group, their work is still needed to maintain profit accumulation, therefore, they are relegated to physically inferior locales where their bodies remain out of sight, but their benefit to capitalism is very evidently seen (Allen 250). When certain groups, such as PWPD, and the poverty-stricken populace, are rendered to be of no use to profit accumulation, they are not simply viewed as unworthy of occupying desolate spaces, they are unworthy of existing in any space (McKerrow 276). We now move on to an examination of hegemonic ideologies evidently seen in the oppression of both PWPD, and those living in poverty to make evident that the purpose and manner in which marginalization impacts both groups is similar.

Exploring the Similarities within Oppression

When examining the oppression experienced by PWPD and the poverty-stricken, it is interesting to note that in both instances, marginalization became evident due to alterations in the economic system (Slorach 69). As previously noted, in the case of PWPD, they were once an integral part of the economic system and were not regarded an being different than their able-bodied counterparts (Rose 95-98). It was the Industrial Revolution, and the subsequent alteration from labour on land to factories that led to their marginalization (Slorach 69). Similarly, at one point, it was acknowledged that economic security was not a guarantee for any member of the population, as resources were often scarce, and harvest failure could potentially impact anyone (Beaudoin 16). With the alteration to the Commercial Revolution, and eventually the Industrial Revolution, the desire for profit accumulation helped in producing dichotomies of rich and poor and the subsequent oppression of those experiencing poverty (Beaudoin 16).

Alterations within the economic sphere also functioned to create dependency for both PWPD and the poverty-stricken populace. Michael Oliver describes dependency as “the inability to do things for oneself and consequently the reliance upon others to carry out some or all of the tasks of everyday life” (Oliver “Disability and Dependency” 9). As noted, “The primary oppression of disabled people (i.e. of people who could work, in a workplace that was accommodated to their needs) is their exclusion from exploitation as wage labourers” (Russell and Malhotra 212). Consequently, Capitalism did not simply formulate a class of

proletarians, but also a class of "disabled" who were unable to conform to the standard worker's body, thus excluding them from paid labour (Russell and Malhotra 213). As a result, people with disabilities came to be regarded as a social problem, thus segregating them in "…institutions including, workhouses, asylums, prisons, colonies and special school houses" became warranted (Russell and Malhotra 212). Correspondingly, when the poverty-stricken populace was impacted by the economic problems in Ontario, resulting in lack of employment and precarious labour, thus creating poverty and the need to solicit for survival, this was seen as justification to remove them from society through the enactment of the OSSA (Esmonde 69). Despite the fact that both groups have become reliant due to social conditions and restraints that have led them to this economic locale, the political economy and the built environment are never blamed for their oppression (Russell and Malhotra 211; Esmonde 69). In Martha Russell and Ravi Malhotra's article titled "Capitalism and Disability", it is mentioned that, "The environment within which this disadvantage is located, is represented as "neutral", and any negative consequences…for the person with an impairment are regarded as inevitable or acceptable rather than as disabling barriers" (211). As evident, in the case of PWPD, the environment that disables them from participating in society is never viewed as the problem, it is instead their disability that inhibits their societal involvement (Russell and Malhotra 211). As noted by Raghubar D. Sharma in his book titled *Poverty in Canada*, there is a commonly held belief that "…poverty is a lack of effort" on the part of the impoverished individual (7). Once again, we see the individual being blamed for their social excluded and ostracised positioning with no responsibility on the political economy (Sharma 7).

Due to PWPD being excluded from the workforce, they often become dependent on ODSP for survival. ODSP was initially developed as both an income and employment support program and had the intention of offering "…improved levels of support to persons with disabilities by allowing higher asset exemptions, by promoting and supporting the employment of persons with disabilities and by increasing monthly income support levels" (Hyland and Mossa 1). Despite the aforesaid goals, there has been major changes to the program including "how the program is staffed and operated, continued cutbacks of funding to social programs, ODSP offices have been closed, the legislative act has been added to and revised, and the flow of information has remained one-sided, from the applicant to ODSP (Hyland and Mossa 1). When an

individual applies for ODSP, it can take up to three months for a decision to be made (Hyland and Mossa 3). If they are denied ODSP, thus not seen as "disabled enough", they can request an internal review (IR) of this decision to the Disability Adjudication Unit (DAU) (Hyland and Mossa 3). Requesting an IR is often seen as useless since no additional information has been retrieved, thus it is highly unlikely that the decision will be overturned (Hyland, and Mossa 3). If an individual is then turned done from the IR process, they are able to appeal to the Social Benefits Tribunal (SBT). 50% of applicants are successful in being approved for ODSP when they appeal to the SBT; when an individual has representation, they are even more likely to be approved (Hyland and Mossa 3). Evidently, many people who should be eligible for ODSP are denied access to it until a tribunal decides otherwise. Although appealing to the SBT often leads to the previous decision being overturned, it is a long process- taking up to a year in addition to the four-to- six month ODSP application process, with complex rules and deadlines for sending evidence (Hyland and Mossa 3). Most applicants require assistance from legal aid to help in the collection of evidence and arguments that must be submitted (Hyland and Mossa 3). In most instances, applicants also need additional doctors' reports to prove they are disabled (Hyland and Mossa 3). Accordingly, appealing a decision can be very costly, time-consuming, and very inconvenient for PWPD.

In addition to ODSP having a difficult admission process, it is also governed by complex and inflexible rules that often discourage people with disabilities from working despite the fact that employment is voluntary (Hyland and Mossa 1). When on ODSP, individuals are permitted to earn $200.00 monthly on top of their ODSP payment (Hyland and Mossa 1). If you earn more than $200.00 monthly, 50% of the individual's net earnings are deducted from the income support payment (Hyland and Mossa 1). The maximum amount a single person with no dependents can receive when on ODSP is $1,110.00 monthly, equalling $13,320.00 yearly; the poverty line in Ontario is $19,930.00 for single adults (Hyland and Mossa 1). Consequently, the system is designed to place people with disabilities in a poverty-stricken locale and keep them there. One would think that since funding under ODSP places individual's in a poverty-stricken position, the government would permit them to work and retain funds with the desire to get out of poverty. Instead, what we see is the system reducing support payments, thus punishing people for working.

In the 1980's, social assistance programs functioned with the belief that people have "a right to [acquire] assistance on the basis of need and an assumption that social assistance programming should be part of a broader anti-poverty strategy" (Morrison 3). Despite these goals that were once part of Ontario's social assistance landscape, many alterations have been made to make its functioning very oppressive and belittling. Ontario Works is available to those who "need money right away to help pay for food and shelter" and they must "be willing to take part in activities that will help [them] find a job" (Maki 48). The application and appeal process is similar to that of ODSP. However, in the case of OW recipients, the maximum a single person receives monthly is $706.00 which equals $8,472.00 yearly (Maki 48). Similar to ODSP, you are able to work while on OW, however, if one earns more than $200.00 monthly, 50% of the individual's net earnings are deducted from their income support payment (Maki 48). Part of one's obligations while on OW is that they must partake in employment assistance activities that will assist them in finding employment (Maki 48). Despite the fact that when on OW, an individual is living significantly below the poverty line, and with the precarious nature of employment and low wages, the government still takes half of one's earnings beyond $200.00 monthly.

Another unfortunate aspect of OW is the surveillance that takes place when one is receiving assistance. Although OW recipients seem to be surveilled much more intensely than that of ODSP recipients, they too are victims of such "dehumanizing treatment" (Trussell, and Mair 516). As noted by Krystle Maki in her article titled, "Neoliberal Deviants and Surveillance: Welfare Recipients Under the Watchful Eye of Ontario Works", with OW's "…emphasis on employability and anti-fraud measures, surveillance of welfare recipients is justified to ensure that recipients are working towards getting off welfare and into the job market, thereby reducing dependency on state assistance" (48). Consequently, in the 1990's, neoliberal policy makers and politicians justified the increase in surveillance of welfare recipients claiming that:

1. Widespread stereotypes of assumed criminality and fraud amongst welfare recipients demanded a more punitive and regulatory welfare system to monitor current and potential recipients.
2. The desire to reduce and control welfare caseloads and costs to ensure accountability to taxpayers.

3. The privatization of social services to create a so-called efficient, centralized system which would potentially off-load some of the state's responsibility for the poor onto the private market. (Maki 48-49)

Subsequently, there are eight surveillance tools used in the policing of OW recipients including "the Consolidated Verification Procedure (CVP); Maintenance Enforcement with Computer Assistance (MECA); Service Delivery Model Technology (SDMT); Ontario Eligibility Criteria; Eligibility Review Officers (EROs); Audit of Recipients; Drug Testing and Welfare Fraud Hotlines" (Maki 48). Through surveillance of OW recipients, we see increasing economic exploitation, as well as increased stigmatization and marginalization (Maki 48).

Between 1997 and 2002, 10,000 OW recipients were cut off due to the newly employed surveillance mechanisms (Little qtd. in Hier 48). This number is significantly higher if we also consider welfare reductions, between 2000-2001, 17,734 OW recipients had their social assistance either reduced or terminated (Hier 408). What is additionally disconcerting, is that due to the "individual-moralized monitoring techniques", there are no "hearings, explanations or second chances", thus a "Zero Tolerance policy" is implemented" (Hier 408).

Despite the fact that OW has as part of its mandate the requirement that recipients take part in employment related activities to ensure recipients become "self-sufficient", they are denied assistance while attending post-secondary education (Maki 48). If an individual does obtain a loan for educational purposes while on OW, the individual will be subject to a case review and may subsequently be found to be partaking in fraudulent activities (Maki 48). In August 2001, a college student, Kimberly Rogers, died at eight months pregnant in her apartment while under house arrest (Maki 48). It is believed she succumbed to extreme temperatures due to being on house arrest, thus legally confined to her apartment because it was discovered that she had accessed the provincial student loan fund while obtaining OW (Maki 48). While the OW's directive seems to recognize the importance of education by assisting recipients in completing high school, it makes it impossible, and in many instances illegal, for individuals to acquire post-secondary education (Maki 48).

As asserted by Handler and Hasenfeld, there is a general consensus that educational failure leads to welfare dependency (qtd. in Maki 48). By failing to permit OW recipients to attain student loans while on social assistance, the government is further perpetuating poverty (Maki 48). Clearly, the government is more concerned with minimizing assistance to Ontarians instead of attempting to alleviate poverty through the only mechanism available- education (Maki 48). Between 2001 and 2002, there were over 38,000 investigations into potential welfare fraud with a conviction rate of 0.1% (Mosher and Hermer 6) Despite this fact, the Ontario government invests millions of dollars into deterring and criminalizing those on OW, instead of assisting them in attaining education, which would subsequently help get them off of welfare and ultimately economically benefit Ontario more. In contrast, the Ministry of Finance in Ontario continues to ignore persistent tax evasion by corporations (Maki 58). The Ontario Auditor General admitted that it found "that of the 763,000 corporations with active accounts, at least 355,000 corporations-or almost half- were in default of filing required returns" (Maki 59). Unlike an OW recipient who may fraud the government $592.00 by supplying a faulty Social Insurance Number, thus receiving two monthly cheques, a corporation can single-handedly defraud Ontario of millions of tax dollars (Maki 59). The surveillance that goes into policing welfare recipients, and the utter failure to prosecute corporations partaking in tax evasion makes evident that such surveillance is more about moral regulation than fraud (Maki 59). It additionally makes neoliberal policies of de-regulating and permitting corporations to "act with impunity while criminalizing the already exploited worker" evident (Maki 59). Through OW's implementation and surveillance, it becomes apparent that poverty-stricken individuals are viewed as deviant due to their use of social services, thus viewed as counterproductive to the hegemonic intent of profit accumulation, resulting in their inability to be viewed as deserving "docile market citizens" (Maki 59).

Although oppression is evidently seen within Ontario's social assistance schemes for both PWPD, and poverty-stricken individuals, that make apparent hegemonic norms are very much prevalent in the regulating of both populations, there is also evident hegemonic intent within the socio-spatial neglect felt by both groups. As noted in Oren Yiftachel's article titled "Planning and Social Control: Exploring the Dark Side", "The states' unprecedented power derives from the hegemonic nature of the "absolute state territoriality" that is enjoyed by modern nation-states (399). The state's "unprecedented power" functions to

advance the interests and aspirations of the dominant members of society since it enables a "globalizing world order that benefits these elites" (Yiftachel 399). Thus, the state becomes a tool for social oppression that assists elites in maintaining their "power, wealth, social position, and cultural hegemony within a controlled territorial unit" (Yiftachel 399).

PWPD often feel the impact of hegemonic control of space more than most marginalized groups (Oliver, "The Social Model in Context" 22). As noted by Michael Oliver, "Disabled people represent one of the poorest groups in Western society (Oliver, "The Social Model in Context" 22). Apart from being excluded and marginalised from the workplace, "disabled people are often segregated within schools, unable to find suitable housing, and have restricted access to public transport" (Kitchin 343). Since PWPD are unable to access space like their able-bodied counterparts, they are deemed to be unproductive and so they are seen to hinder capital accumulation (Kitchin 343). The state exacerbates and reinforces the exclusion of PWPD with ideologies of "individualism", which constructs disability as an individual problem and not a societal problem; and "medicalisation" where disability is seen as something that needs to be treated (Oliver qtd. in Kitchin 343-344). Through the state scapegoating disability on ideologies of individualism and medicalisation, the socio-spatial marginalization that PWPD experience appears to have nothing to do with hegemonic initiatives, and are instead understood to simply be a part of life (Oliver qtd. in Kitchin 344).

As spoken of by Giddens, life and society are not solely constituted in "but are also situated, contextualized, and reproduced [through] space"; thus, space is not simply "a passive container of life", but is also "an active constituent of social relations" (qtd. in Kitchin 344). Consequently, space is socially produced to exclude people with disabilities in two ways: first, "spaces are currently organized to keep disabled people in their space"; secondly, "spaces are social texts that convey to disabled people that they are 'out of place'" (Kitchin 345). Therefore, the inaccessibility of the built environment makes known to PWPD that they are different than those who are able to navigate the able-bodied terrain, as such, when they attempt to access space, they are quickly informed that they are "out of place" (Kitchin 344). Since the hegemonic construction of space is based on an able-bodied individual, the blame of inaccessible space does not fall on the state, or society as a whole, it falls on the individual who deviates from normality (Kitchin 346). Consequently, people with disabilities are taught to "know their place", and "that they are unworthy"

and deserve to be where they are on the social ladder, "fatalistically" accepting their exploitation" which leads to "self-hate, self-blame, and self-doubt" (Freire qtd. in Kitchin 346; Wendell qtd. in Kitchin 346).

The exclusion of disabled people from accessing space is rarely a "natural" occurrence; such exclusion is produced through social interaction, in conjunction with "state policy, building regulations, and architectural and planning practice" (Imrie qtd. in Kitchin 346). The constant reproduction of "barriered and bounded" space is intentional with the sole purpose of reaffirming "the efficacy of civilised and normal bodies" (Imrie 334). Modern societies are averse to "risky bodies", and anxieties about the "corporeality of the body" revolve around the healthy beautiful, aesthetically pleasing body (Ellis qtd. in Imrie 234). Due to this ideology of the "risky body", even architects fail to account for disability (Imrie 234). Architectural training teaches students about the interrelationship between bodies, design, and space, and such curriculum perceives the body to be reducible to a particular type that incorporates specific standards and dimensions, those being: "a fit and able masculine body, the body as a machine, fixed, taut, upright, and pre-given to interaction" (Imrie 234). Thus, the inaccessibility of space is not simply ignorance on behalf of able-bodied individuals, it is intentional based on hegemonic norms of what is aesthetically pleasing, and what is deemed healthy and therefore able to partake in capitalist initiatives (Imrie 234).

It seems apparent that the built environment could have been altered long ago to accommodate PWPD, however, hegemonic norms that predicate what "risky bodies" look like, while simultaneously affirming that PWPD are unproductive due to their inability to navigate the built environment, thus being unable to partake it capitalist accumulation, has made the alteration of space far from a priority (Imrie 234; Kitchin 344). As noted by Michael Oliver, often government policies that assist people with disabilities are "…all geared toward the supply side of labour, at making individual disabled people more economically productive and hence more acceptable to employers" ("Disability and Dependency" 11). Consequently, when there are no incentives for both the state and businesses to create barrier-free workplaces, such concerns will not arise (Oliver, "Disability and Dependency" 11). Additionally, when there is a large "reserve pool of labour" existing in industrial societies, it is unlikely that alterations that make environments more accessible will take place (Oliver, "Disability and Dependency" 11). As previously noted, in the case of the implementation of the AODA, the province of Ontario recognized that eventually, there will be a shortage of human capital,

which will put the province in desperate need of workers (Florida 4). Since 15% of Ontario's population are working-age persons with disabilities, and since only 54% of these individuals are in the labour force, Ontario definitely saw the economic benefits in enacting the AODA (Florida 4). Additionally, if only 2% of persons with disabilities became employed, Ontario would see $500 million in economic benefit from both generated income and a reduction of ODSP payments (Moran 90). Although the implementation of the AODA does in fact benefit PWPD, and more broadly people with disabilities as a whole, with the labour shortage Ontario is going to experience, in addition to the reduced support payments and increase in revenue, one must ponder the genuine reason behind the enactment of the AODA.

As previously noted, the AODA's Accessibility Standard for the Built Environment applies only to "newly constructed or redeveloped" buildings (Chouinard 189). It is interesting to note that within the ODA, in a section titled "Duties of the Government of Ontario", it says:

> Government buildings, structures and premises
>
> 4. (1) In consultation with persons with disabilities and others, the Government of Ontario shall develop barrier-free design guidelines to promote accessibility for persons with disabilities to buildings, structures and premises, or parts of buildings, structures and premises, that the Government purchases, enters into a lease for, constructs or significantly renovates after this section comes into force. (*Ontarians with Disabilities Act* s.4 (1)

As noted by the *Ontarians with Disabilities Act Committee* when referencing this section:

> Many people commonly but mistakenly believe that all buildings will now be accessible to persons with disabilities because of the existence of laws called "building codes". The reality is that building codes only require that when a new building is constructed it be made accessible or that accessibility features be added to an older building when and if it is renovated. (qtd. in Chouinard 189)

Despite the fact that the intent of the AODA was to "achieve accessibility for Ontarians with disabilities …on or before January 1, 2025", the requirement for the built environment does not seem vastly different than that of its predecessor, the ODA. If the true intention of the AODA was to ensure accessibility by 2025, why would the alterations to the built environment only apply to certain structures, thus reaffirming inaccessibility to numerous locales for PWPD? It is apparent within the AODA's limited application to the

built environment, that the state is attempting to put forth hegemonic initiatives. As noted by Hirsch, "…economic interventions…of the state should not be mistaken as simple technical adjustments, but instead should be recognized as attempts by the state to maintain class domination" (qtd. in Hoffman 9). Thus, the failure for the AODA to account for all structures is the state simply not wanting to negatively impact the profit accumulation of businesses by forcing them to spend funds on such alterations unless they were already planning to redevelop the premises, or if a building is being newly constructed. Additionally, if businesses were to temporarily close for the sole purpose of making the premises accessible for PWPD, then there would be no profit accumulation until renovations were completed. Hegemonic initiatives of capital accumulation do not feel that accessibility for PWPD is a valid reason in itself to spend money altering a business, or to lose money temporarily closing for such alterations can take place. As noted by O'Connor, "a capitalist state that openly uses its coercive force to help one class accumulate capital at the expense of other classes loses its legitimacy and hence underestimates loyalty and support, [however], a state that ignores the necessity of assisting the process of capital accumulation risks drying up the sources of its own power, the economy's surplus production capacity and the taxes drawn from this surplus" (qtd. in Hoffman 10). Through the enactment of the AODA, the state is benefitting people with disabilities, thus maintaining its legitimacy, while simultaneously doing it in a manner that ensures the province is living up to its production capacity, thus the shortcomings of the AODA often go unnoticed (Hoffman 9).

Although the implementation of the AODA without question benefits people with disabilities to a certain extent, this too in itself can be explained through hegemony. Hegemonic rule recognizes that in order to ensure its long term political goals, it needs to make "legitimate yet limited concessions to those that are dominated", which functions to secure hegemony, while making its political interests appear to be aligned with that of the entire nation. (Poulantzas qtd. in Hoffman 7). The AODA does indeed provide PWPD with "legitimate yet limited concessions"; if Ontario's only intended purpose was to assist people with disabilities, such legislation would have been enacted a long time prior to Ontario realizing that it was going to be short on human capital, additionally, it would have ensured that the AODA was drafted to actually fulfil its mandate of accessibility for people with disabilities by 2025 (Florida 4). Instead, what is being

given to this population is accessibility for people with disabilities to structures that are newly renovated, or redeveloped and potentially not even that if enforcement mechanisms are substandard.

When one engages in a critical analysis of the AODA, the hegemonic ideologies and subsequent oppression embedded within its implementation becomes evident, in the case of the OSSA, its discriminatory intent is much more overt. As noted by David Schneiderman, "In contemporary western societies, citizenship is constructed now more than ever around the value of the market. Freedom is on offer to those who choose to participate in the multiple market exchanges that proliferate in everyday life (79). Thus, consumerism- which "is the ability to consume goods and services from any place and to travel anywhere" offers freedom to individuals who live with constraints in most aspects of daily life (Schneiderman 79). Then there are individuals who do not have the opportunity to engage in modern consumerism due to them being "poor, without work, or homeless" (Schneiderman 79). These individuals are seen as "failed consumers or "anti-citizens", who are deemed to have voluntarily removed themselves from the civil order (Rose qtd. in Schneiderman 79). Consequently, poverty-stricken individuals become seen as a "problem of disorder" (Schneiderman 79). Causes of poverty, such as lack of employment and cuts to social assistance, fail to be perceived as the problem; instead, the "behaviour of the poor" becomes the issue that needs to be regulated by prohibition (Procacci qtd. in Schneiderman 79). "Those who refuse to govern themselves as productive citizens "have also refused to become members of our moral community"" (Rose qtd. in Schneiderman 80). Harsh measures to deal with this perceived refusal to partake in capitalist endeavours, thus deviating from hegemonic norms, is seen as appropriate (Rose qtd. in Schneiderman 80). The enactment of the OSSA functions to make known that begging and squeegeeing are acts that only those who deviate from "our moral community" engage in (Schneiderman 80). The OSSA ensures that individuals partaking in capitalist endeavours, whether they be shopping, or travelling to and from work, do not have to be exposed to those who refuse to regulate their behaviour according to hegemonic notions of "social and ethical order" (Schneiderman 80).

As previously noted, the OSSA's definition of soliciting in an "aggressive manner" is a manner that is likely to cause a reasonable person to be concerned for his or her safety or security" (*Safe Streets Act* s.2 (1)). This definition is not based on the actions of the individual soliciting, but instead on the feelings of

“safety and security” felt by the individual being solicited (Schneiderman 87). As noted by Herbert Gans “the feelings harboured by the more fortunate classes about the poor [are a] mixture of fear, anger and disapproval, but fear may be the most important element in the mixture” (qtd. in Schneiderman 87). Such fear is often generated by the fact that it is believed that the homeless have voluntarily removed themselves from partaking in capitalist endeavours, subsequently, they are seen as refusing to live by “the bonds of civility and responsibility” (Rose qtd. in Schneiderman). Additionally, the decision to remove oneself from “consumer citizenship” is seen as rebellious due to the failure of the poverty-stricken to live by proper societal expectations, thus eliciting fear in many (Bauman qtd. in Schneiderman 88).

Public space to many is understood to be a locale in which freedom of “speech and assembly” takes place; a place in which everyone within its boundaries are seen as equal (Amster qtd. in Aedy 11). As noted by Amster, “It is only in public spaces where the homeless can “represent themselves as a legitimate part of the public” and expose their economic disadvantage (qtd, in Aedy 11-12). Public space could be a locale where “people can overcome their differences, form new alliances, gain new insights about the potentials and possibilities of what it is to be human” (Berman qtd, by Ruddick 61). However, what we see instead is restrictions and limitations placed on the use of public space (Ruddick 61). The enactment of the OSSA is not the only limitation and restriction being put on the use of space, we also see both urban and suburban malls being highly patrolled to ensure that only individuals that are engaging in commercial transactions are occupying space (Ruddick 62). We additionally see increasingly strict specifications in both the times certain public spaces can be accessed, and the activities that are permitted within that space (Mitchell qtd. in Ruddick 62). Numerous projects of “residential, commercial, and neighbourhood revitalization” which eventually leads to the evicting of the homeless, are also taking place (Ruddick 62). The reality of social life is slowly removed from the streets and the malls to ensure those deemed undesirable will not impede on the rights of proper citizens (Ruddick 62). This process of gentrification, “which is a process of neighbourhood change involving the migration of wealthier residents into poorer neighbourhoods and increased economic investment”, thus reducing affordable shops and housing for low-income individuals, is evidently taking place within the Toronto core (Feldman; Ruddick 62). Prior to the enactment of the OSSA, there were many alterations that had been made within Toronto, including the growth of the condo market, the introduction of

many large retail stores that put many less expensive stores out of business, and the opening of the Eaton's Centre to the western side of Yonge Street (Ruddick 62). In order to secure a high-end appeal, many of the new business owners and investors wanted to "clean up the area" (Ruddick 62). Consequently, the OSSA was seen as a positive enactment to ensure commerce was not obstructed by the sight of poverty. With the enactment of the OSSA, and the subsequent removal of the homeless, capitalist ventures were able to take place without any unsightly reminder that poverty exists. Part of the conception of hegemony is the "hierarchical ordering of the world" which results in the "unequal distribution of power, influence, and resources" (Iadicola and Shupe qtd. in Taylor 258). Consequently, the hierarchical ordering that is evidently portrayed through hegemonic rule ensures that "some people have less, struggle, suffer, and die so that others can have more, prosper, flourish, and live longer lives" (Taylor 258). This hierarchal ordering results in structural violence that often remains invisible, and hidden, thus poverty, as previously noted, is either blamed on the individual, or perceived as just being a normative part of society (Taylor 258). Consequently, no one is held responsible for the hierarchal ordering of society and the subsequent poverty that many are living in (Taylor 258).

As noted by Barbara Harris-White, capitalism does not function to eradicate poverty, "…on the contrary poverty is continually being created and recreated under the institutions of capitalism" (1241). Poverty in fact plays a central role in maintaining the economic superiority of the hegemonic elites. As noted by Goode "the privileged…try systematically to prevent the talent of the less privileged from being recognized or developed" (qtd. in Gans 281). By the poverty-stricken populace being denied educational opportunities and often being stereotyped as "stupid or unteachable", the poor are thus relegated to a status of inferiority and seen as inadequate to partake in various career opportunities (Gans 281). Additionally, the existence of poverty ensures that the "dirty work" is always done (Gans 281). As noted by Gans, "Every economy has such work: physically dirty or dangerous, temporary, dead-end and underpaid, undignified, and menial jobs" (278). Many of these occupations should in fact pay more than jobs considered "clean", thus giving these positions to individuals who have no choice but to do them ensures the work gets done at a reduced cost, while simultaneously maintaining poverty (Gans 278).

Poverty does not simply assist in the maintenance of capitalism by ensuring the poor stay poor, hence permitting the hegemonic elites to preserve their economic supremacy, poverty also assists in ensuring the legitimacy of dominant norms (Gans 280). By enacting legislation such as the OSSA, it functions to legitimize the view of poverty-stricken individuals as deviating from dominant norms (Gans 280). "The defenders of hard work, thrift, [and] honesty…need people who can be accused of being lazy, spendthrift, dishonest…to justify these norms (Macarov qtd. in Gans 280). Since "powerful actors can influence the making or implementation of law", and since the enactment of legislation has the ability to formulate and legitimize dichotomies of both moral/amoral and non-criminal/criminal, the best way to ensure hegemonic norms are legitimated is through legality (Deakin et al. 191). Subsequently, through the implementation of the OSSA, violators of hegemonic norms are discovered; such individuals are seen to not only be in violation of criminal law, but also normative morality which is evidently present within the OSSA (Deakin et al. 191). As noted by Erikson et al., the best way to legitimize dominant norms of both criminality, and morality is by discovering violators (qtd. in Gans 280). Since people living in poverty lack the political power to correct these stereotypes, and since the individuals that create these norms and maintain them, possess an abundance of political power, these labels surrounding poverty remain intact (Gans 280). Thus, the marginalization and oppression of those poverty-stricken at the hands of the hegemonic elites carries onward.

Conclusion

As evident, although PWPD and the poverty-stricken populace, seem to be two groups with little in common, this is far from the case. To begin, both groups often experience dependency: PWPD have been excluded from the workplace since industrialization, and their reliance on ODSP not only makes PWPD dependent but poverty-stricken. Similarly, the poverty-stricken have experienced precarious working conditions that have placed them in a position of dependency, and through the use of OW, the state ensures this dependency remains. In both instances, we also see the state and society fail to be seen as responsible for the dependency and utter neglect both groups experience. Additionally, the socio-spatial neglect and exclusion of both groups functions to maintain hegemonic norms that do not simply benefit capitalism, but also ensure normative perceptions of citizenship remain intact, which renders both PWPD, and individuals

living in poverty as substandard, and thus legitimizing their spatial and social exclusion. Through the AODA and its intentional failure to ensure all structures are accessible, we see intentional neglect of PWPD to ensure capital accumulation, thus the maintenance of the economically secure positioning of the hegemonic elite remains unscathed. Therefore, PWPD having access to space is seen as secondary to maintaining capitalist ideologies.

Similarly, the enactment of the OSSA functions to ensure that those begging and squeegeeing on the streets are removed in order to ensure those engaging in capitalist endeavours have access to space with no obstructions, while simultaneously ensuring that poverty remains invisible for "good citizens" do not have to be burdened with the sight of those who chose to exclude themselves from "appropriate" societal participation.

With no positive alterations being made to the AODA's Accessibility Standards for the Built Environment, and with the failure for the OSSA to be repealed, oppression of both groups continues to be a lived reality. The fact that hegemonic governance and ideologies are pervasive due to their existence economically, socially and politically, helps to maintain their dominance since many may feel as if fighting hegemonic normality is futile. However, we must never give into docility because failure seems inevitable. In den Hond and de Bakker's article, they define a social movement "… as a shared belief about a preferred state of the world, but one that is able to mobilize people into an organized collective effort to solve problems or even to transform the social order" (903). Activist groups form when their "interests, identities, and ideologies sufficiently overlap" (Hond and de Bakker 903). Despite the fact that PWPD and those who are poverty-stricken may be seen as distinct groups with differing identities, the similarities evidently present in both their experienced oppression, and the justification for such horrendous treatment, makes them engaging in activism as a collective plausible. As noted by Zinn and Dill, the concept referred to as the "Matrix of Domination" coined by Patricia Hill, posits that "…several fundamental systems work with and through each other. People experience race, class, gender, and sexuality differently depending upon their social location in the structures of race, class, gender, and sexuality. For example, people of the same race will experience race differently depending upon their social location in [various structures]" (326-327). The Matrix of Domination makes evident that even individuals perceived to be within the same grouping

experience exclusion in different manners: Why then should two groups who experience oppression and marginalization in a similar fashion, and for comparable reasons not band together in an attempt to induce social and political change for both? If PWPD and the poverty-stricken form an alliance and engage in activism as a collective to counter the exclusion and marginalization both have experienced, and continue to experience at the hands of hegemony, perhaps one day such conditions will alter. You never know, maybe one day hegemony and its oppressive ideologies will be a thing of the past. Until that day comes, let the fight for equality continue.

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