Early polls show Torontonians favour “the other guy” in upcoming election

EVAN IVKOVIC
Staff Writer

HOT ON the heels of his “I’m not Rob Ford” political campaign, polls are indicating that the other guy has an early lead on Rob Ford in the upcoming mayoral election in Toronto. Campaign critics have lauded the other guy’s campaign strategy, with some even suggesting that it may inspire a similar cultural zeitgeist as Obama’s equally memorable “Hope” campaign.

We approached Torontonians to get a sense of their preliminary thoughts on the upcoming mayoral elections. Amy Walowitz told us: “I initially did not take seriously the other guy as a political candidate due to the fact that few people know him. However, once I remembered that he was not Rob Ford, I was immediately persuaded to vote for him.”

Robert Greenwood said, “I am definitely a huge fan of the other guy. In particular I find his promise to do the exact opposite of what Rob Ford would do to be an encouraging aspect of his campaign. If Rob Ford uses his right hand, the other guy promises to use his left. If Rob Ford leaves the toilet seat up, the other guy promises to leave the toilet seat down. Toronto needs that kind of unflinching commitment from its public officials.”

The other guy’s campaign appears to be promising, but even the other guy’s campaign manager—that guy in the suit with the Blackberry—acknowledged to us some inadequacies that would need to be addressed. For one, there are growing internal concerns that voters will not recognize the other guy’s name when they actually vote. Efforts are being made to remedy this: the other guy’s campaign team has been petitioning for him to appear as “the other guy” on ballots at voting stations. If met with resistance, the other guy will consider legally changing his name to “the other guy”, though it is unclear if such a name change would be authorized.

Not everyone is on the other guy’s bandwagon. We received an anonymous phone call at the Obiter offices late at night from a man who claimed that Rob Ford has been unjustly persecuted by the media. The man said, “So Rob Ford may or may not have smoked crack cocaine at some point in a drunken stupor, which I can’t, I mean he can’t, really be blamed for. I’ve apologized countless times for what I’ve done, or I mean what he’s done, or wait, what was I talking about? Whatever, I
Wandering for distraction

AS THE winter weeks drudge on – somewhat confusingly, might we add, what with a polar vortex and spring-weather preview within the span of a week – your friendly neighborhood EICs are feeling thankful to have found reprieve from the January blues in all the usual places. And what might those be, you ask? Have we joined the New Year’s resolution train and gone on a health kick? No. Do we suddenly possess newfound enthusiasm for yet another semester of readings, lectures and summaries? Absolutely not. Instead of investing our time and energy into pursuits that would actually be beneficial to us in some measure, as law students, we like to feverishly immerse ourselves in, well, anything else. Lately our attention has been drawn to the myriad of exciting cultural events just around the corner, and we’re totally ok with spending hours Googling the 2014 Oscars or the new AGO exhibit, if it only means we can hone our already refined procrastination skills. Here are some of the things that have tickled our fancy, maybe they’ll do the same for you.

Everyone knows that the happiest time of year isn’t the holidays – it’s Winterlicious. Held from January 31st until February 18th, is a city-wide culinary celebration, featuring all sorts of exciting food events, as well as awesome prix-fixe programs at many of Toronto’s finest establishments. The food festival is an especially attractive prospect for broke law students, as it allows us to enjoy a luxurious dinner for a fraction of the price it would normally cost. Especially exciting are the new restaurants participating in the event for the first time, most notably Paintbox Bistro – an excellent and socially-conscious spot located in the rapidly transforming Regent Park area. Don’t be turned off by the less-than-posh locale – the food is excellent. Get while it’s under the radar and moderately affordable! On the other hand, if eating a cheeseburger spring roll sounds like something you want to cross off your bucket list, Lee (also known as dinner-will-cost-your-monthly-rent) is never a bad choice.

The AGO’s big ticket exhibition currently on display, The Great Upheaval, has actually been drawn to the myriad of exciting cultural events just around the corner, and we’re totally ok with spending hours Googling the 2014 Oscars or the new AGO exhibit, if it only means we can hone our already refined procrastination skills. Here are some of the things that have tickled our fancy, maybe they’ll do the same for you.

There you have it! From your always posh EICs – stay classy, Osgoode.
DYLAN MCGUINTY
Contributor

HAPPY WINTER Semester Osgoode!

On behalf of Legal and Lit, I hope you all had a very cheerful winter holiday season. Looking back on the fall term, I am reminded of the privilege it has been to serve you as L&L President. I have been learning a lot along the way and look forward to redoubling my efforts this semester to bring to fruition, in collaboration with my colleagues on the Legal and Lit Executive, all the ideas with which I came to elected office.

I would also like to update you on a few items as we move into the winter of 2014.

Securing Financial Health for Legal and Lit into the Future

The December issue of the Obiter Dicta reported L&L’s current budget deficit.

Unfortunately, over the past few years, Legal and Lit governments ran deficit budgets: they were spending more than they were taking in. Luckily, at that time there was enough money in the bank to make up for the shortfall, preventing Legal and Lit from actually taking on any debt. However, this is obviously an unsustainable practice. If we don’t put in place a reasonable plan to eliminate the deficit, then our tradition, as Osgoode students, of benefiting from a diverse and active extracurricular life will be unduly threatened.

The 2013-2014 Legal and Lit Executive does not believe this would be fair, so we made a number of adjustments last fall to reduce the deficit. For example, 2L Rep Lucas Stevens-Hall worked tirelessly to revamp the clothing sale system so as to avoid holding large inventories of clothing that create surpluses, which may or may not eventually be sold. Thus, Legal and Lit will be saving money by permitting students to make orders on an item-by-item basis directly to the clothing provider (see below for more information on the clothing sale). We also put an end to funding pizza for regular club meetings, choosing instead to repurpose funding for more events benefiting a larger number of Osgoode students more broadly. We have also encouraged clubs to collaborate in co-hosting events so as to make our club funding dollars go even further. Clubs funding has not increased over the years, yet the number of clubs continues to multiply, so by reallocating clubs funding in this way, we have been more efficient in the way we fund extracurricular life at Osgoode. Further, Allison Williams, our VPX, was instrumental in getting the administration to agree to fund half of clubs’ IT and room rental fees, which will permit more L&L dollars to be put towards worthwhile club initiatives. Finally, under the leadership of Bar Manager Zorn Pink, we have transformed the way we operate the JCR in order to make it a revenue generator that provides funds that will be reinvested into extracurricular activities.

We opened up our books to all our members – you – in good faith and in accordance with our constitution, so that you could see for yourselves – warts and all – the financial position we are in today, and so that you could contribute democratically to the decisions Legal and Lit will be making to tackle the deficit.

As we work towards eliminating the deficit, however, one priority must be made clear: Legal and Lit will safeguard clubs funding, lest Legal and Lit become a mere shell of what it is supposed to be, that is, a forum for a positive and diverse law school experience. Therefore, we believe it would be unreasonable to eliminate the deficit overnight, and would rather put in place a workable plan for the coming years.

In the coming weeks, the Legal and Lit Executive will be considering a number of options to put in place a plan for eliminating the deficit over the near- to medium-term future. Our 1L, 2L and 3L Reps are there to hear your thoughts and recommendations, and will bring your ideas to the table.

Please know that our job is to advance our collective interest and that we are committed to working as hard as we can and in good faith.

Clothing Sale

The Osgoode Clothing Sale Website is up and running! I know many of you have been eagerly awaiting this moment. L&L is fully aware that the sale this year was slightly behind schedule and we are truly sorry for that. The sale required some major attention and changes to be made that took time to workout with our clothing provider. I hope that this creates a better customer experience for all of you. That being said here is the logistics surrounding the sale.

The clothing sale will no longer be run over a short two-week spans in the fall and winter semesters. Instead, we will have a full functional online store (https://www.drawsplash.com/osgoode) that would be accessible at your leisure. Purchases will be shipped directly to the address you provide online. There will be a small shipping charge (around $5.00) applied to each order. That being said, we encourage students in Passy or who live close together in the annex, downtown, St. Clair West, etc. to bundle there orders together to minimize these costs.

The clothing items this year are similar to last. This is because any new items would have taken much longer and likely would not have been ready for the holidays. In the New Year, L&L will explore potential new items when time is not as much of a factor. We encourage all in the Osgoode community to canvass us with any ideas for clothing items that they have interest in!

1L Update

This Winter Semester, the 1L Reps are looking forward to seeing you at the Dean’s Informal! This is a great chance to polish up your dance moves before things get “formal!” next year. Also keep in mind: the end is near! Your Reps are committed to making sure that the end of semester party is one deserving of your Osgoode-sized 1L workload! Study hard and we’ll see you all there.

Tuition Transparency

Student Caucus and Legal and Lit have partnered to advocate for tuition transparency. Last fall, we established the Working Group on Tuition Transparency under the purview of Student Caucus. Since then, we have partnered with our counterparts at Lakehead, Windsor, Western, Toronto, Ottawa and Queen’s law schools to craft the Ontario Law Student Tuition and Financial Aid Survey. Collecting data about law students’ debt load and financial backgrounds is our first step towards effective advocacy with respect to relevant stakeholders on law school tuition. This follows the Tuition Townhall held last fall with Dean Sossin to keep students informed on the reasons behind the current cost of tuition as well as continued tuition increases. We will keep you informed on our next steps throughout the semester and to seek your participation as the campaign progresses.

Welcome New Clubs!

Welcome to the Osgoode Society Against Institutional Injustice (OSAII) and the Constitutional Law Club.

» continued on page 11
How I stopped clicking

TRAVIS WEAGANT
Editor-in-Chief

IF YOU have Facebook, you’ve done it. If you’ve procrastinated, you’ve done it. I can say with confidence that nearly everyone who reads this article has fallen prey to clickbait at least once. I certainly have. But I’m finished; no more. Clickbait, as far as I can tell, has run its course.

Teshkeel Media Group bought Cracked magazine in 2005. The company moved the flagging publication, which Sol Brodsky founded in 1958, online and revamped its style of humour, where it thrived. In 2007, Cracked.com fetched several hundred thousand unique users per month (the lowly Obiter garners about 2,000). In 2012, there were 17 million unique users per month visiting the site. The turning point, argued Wired’s Steven Leckart in 2011, was when Cracked.com switched to list-based humour. Leckart calls it the “listicle” – an article in list form. Cracked.com was the first to elevate this format to Internet prominence. Demand Media bought the site from Teshkeel in 2007, and this is when the lists began. Demand was, at the time, a more established version of BuzzFeed. They employed programmers who wrote algorithms that determined what people like. Demand, incidentally, also brought you Livestrong and eHow. Demand’s metrics showed that articles broken up into bite-sized pieces got more clicks, and so Cracked.com ate from the Tree of Knowledge of Viral Marketing and got us all cast out of the garden and into the wasteland of clickbait.

Jonah Peretti founded BuzzFeed in 2006. As the name would suggest, Peretti’s original mission was to create software that could detect viral Internet content, and then pass that content on to an editorial team that would curate a “front page” of top viral videos, images, and articles for your convenience. Pretty revolutionary for 2006 – Numa Numa guy had been online for two years at that point, but “Chocolate Rain” wasn’t even a gleam in Tay Zonday’s eye and Osgoode was barely a gleam in mine. It’s been a bumpy and eventful road to perdition for Cracked. What is when the lists began. Demand was, at the time, a more established version of BuzzFeed. They employed programmers who wrote algorithms that determined what people like. Demand, incidentally, also brought you Livestrong and eHow. Demand’s metrics showed that articles broken up into bite-sized pieces got more clicks, and so Cracked.com ate from the Tree of Knowledge of Viral Marketing and got us all cast out of the garden and into the wasteland of clickbait.

Jonah Peretti founded BuzzFeed in 2006. As the name would suggest, Peretti’s original mission was to create software that could detect viral Internet content, and then pass that content on to an editorial team that would curate a “front page” of top viral videos, images, and articles for your convenience. Pretty revolutionary for 2006 – Numa Numa guy had been online for two years at that point, but “Chocolate Rain” wasn’t even a gleam in Tay Zonday’s eye and Osgoode was barely a gleam in mine. It’s been a bumpy and eventful road to perdition for BuzzFeed since then.

Evidently, BuzzFeed and its peers took note of the explosive success of Cracked.com, and either arrived at the same conclusions with their own algorithms or decided that emulation was the sincerest form of flattery. However, BuzzFeed wasn’t content to stick to Cracked.com’s philosophy that any list should not just be interesting and humourous, but also informative (if only marginally so). Nay, BuzzFeed discovered that they could get just as many or more clicks than their competitors by producing lists of complete nonsense, as long as the title seemed interesting or amusing.

Interest is at the heart of clickbait. The words in the link are always more interesting than what awaits on the other side. This means that clickbait content producers don’t have to think about what they publish apart from its title, since all they want are the advertising dollars they collect with each click. Reader satisfaction is not part of their business model. In other words, clickbait is simply a new incarnation of sensationalism.

Sensationalism has always garnered clicks. We didn’t always call them clicks, but the principle holds. Newspapers sell more copies when the front-page story is sensational – that’s why we know so much about Rob Ford and so little about the Syrian Civil War. That’s why the Obiter moved more physical copies in December than it had all year – a perfectly explainable budget shortfall at L&L is more interesting than thoughtful commentary on a landmark prostitution decision from the SCC. That’s why, 30 minutes before the news airs, your local CTV affiliate shows a teaser about a local bank robbery instead of the weather. That’s why professors always tell you at the beginning of a lecture that they’re going to talk about the exam at the end of the lecture. It’s the way we are. As I write this, the 35rd President of the United States leers at me from the sidebar of the International Business Times website above a headline that reads “A month after JFK’s murder, Truman called for abolishing the CIA.” The words play on a popular conspiracy theory to bait web surfers. I clicked. Turns out that Truman’s opinion had nothing to do with his successor’s successor’s assassination. Naturally, I was flabbergasted.

The difference between newspaper headlines and clickbait is that newspaper readers always pay their two dollars and discover that there are a wealth of articles behind the sensationalism. Web surfers find only insipid tripe. Luckily, clickbait offenders seem to be engineering their own downfall. I used to click. All the time. But I don’t click anymore. There are better ways to spend the time it takes for me to scroll through another 32 pictures of Jennifer Lawrence (ok, bad example). After years of being subjected to clickbait from Cracked.com, BuzzFeed, Upworthy, and now The Huffington Post, Business Insider, and Jezebel (oh, how the mighty have fallen), I am immune, and it was the easiest habit I’ve ever kicked. Eventually, readers will tire of finding nothing of value behind the sensationalism. Like the newspaper, BuzzFeed and its ilk will have to start supporting their histrionic headlines with substance, or people will stop clicking. I know I have.

THUMBS UP to...

L&L’s used book Facebook group.

Canadian Forum for Civil Justice

DID YOU know that almost 12 million Canadians will face at least one legal problem in a given three-year period? Or that taking just a two-day civil action to trial costs between $13,500 and $37,200? Canadians today are losing their access to justice as the costs of legal services and length of legal proceedings climb steadily upwards.

The Canadian Forum of Civil Justice is starting a new segment in Obiter Dicta to provide the latest news, events, and information on access to justice issues. The CFCJ is a national non-profit organization that strives to make the civil justice system more accessible, effective and sustainable through research and advocacy. We’re happy to be a part of the thriving academic community at Osgoode, inspiring students to be passionate about access to justice.

The CFCJ is located at Osgoode in Room 3015. Want more information about access to justice issues and CFCJ’s work? You can “like” our Facebook page at www.facebook.com/thecFCJ, follow us on Twitter @CFIJ_FCJC, or visit our webpage at www.cfij-fcjc.org.
Getting back to justice

LUKE HILDEBRAND
Contributor

THE LEGAL world seems to be something of a paradox. Without missing a beat law societies and legal theory espouse lofty statements of morality, while at the same time encouraging lawyers to be nothing more than “amoral technicians”. The message is lawyers are the valiant vanguards of justice and right…unless the client just wants you to help increase the value of their stock, then do that. The question I would ask is if lawyers are to attempt to serve the common good is this truly the best way to do it?

The typical defence of the traditional concept of lawyering (crudely sketched above) is that serving the client is the best way to serve the common good. Facilitating each individual’s ability to advance their interest within the bounds of the law is advancing the common good. To fulfill this mandate legal ethics emphasize ideas such as loyalty to the client and adherence to the rule of law. The question that lingers in my mind as I study law is whether this truly is the best way to advance the common good. Should lawyers’ ultimate allegiance be to the clients’ legal goals?

Without purporting to have any definitive answer to this question I would suggest that the focus of lawyering should be oriented away from client-driven common good and towards justice. We have all heard countless stories of how serving the client has led to undesirable outcomes. Whether it is the notorious wall street lawyer’s or the overly-zealous criminal defence lawyer, I doubt there is anyone who can seriously suggest that client supremacy hasn’t presented at least some ethical problems. It would seem to me that unfailing loyalty to the client is perceived as a problem when it runs counter to our conception of what is right. Therefore it may be high-time that as lawyers we scrap this dogged loyalty to the client and return to the roots of law: justice.

Formally speaking, law is nothing more than a bit of ink on a piece of paper. Justice is the reason for why someone applied that ink to the paper in the first place, and justice is a moral creation. At its most rudimentary level justice articulates, or at least attempts to articulate, a sense of morality which is shared among members of a community. Our perception of what justice is emerges from our sense of right and wrong. As a society and as individuals, we place value upon law because it accords with our sense of justice. When there is a disconnect between law and justice we challenge the law. An example of this would be the Moroccan law which allows a rapist to escape prosecution if he/she marries his/her underage victim. Presumably most of us do not agree with this. Granted it is not the law of Canada, but it illustrates the point that the law itself does not have value, it is the morality/justice it is meant to embody that confers worth.

As future lawyers it is important to recognize this conception of law and justice and understand the difference between the two. Justice is a moral concept, and law an articulation of that moral concept. As lawyers I suggest we move out of the client business and into the justice business, as this is the real foundation of our work. More often than not our job will be to enforce the law as it probably reflects our sense of justice or at least does not offend it. However where law and justice clash, a good lawyer is one who prioritizes justice over loyalty to the client. To put the law before justice is in my mind to put the cart before the horse.

The obvious question that emerges from this is what is justice? This is perhaps one of the most difficult questions to answer. It would be convenient if there existed an objective moral standard against which all actions could be judged. However since justice is to a large extent a social creation and constantly evolving, no such standard exists. For this reason it may be useful to conceptualize justice first and foremost as a community’s sense of morality, than we do not need to be overly concerned with the rule of law. A lawyer/person who takes a stand on moral issues brings issues of the law and justice to light, contributing to law’s evolution and hopefully betterment (better in the sense of a more accurate sense of morality). The notion of justice simply cannot be forwarded without commitment to critical self-reflection. Justice is a sense of shared morality, and to not challenge law when it vitiates justice, is to not allow justice to evolve and to risk undermining the entire system. A legal system endures with integrity only insofar as it is relevant to people’s morality. Therefore lawyers, as members of the legal system and as people within the community upon which the law is based, have the same moral imperative of any person to challenge law or legal ethics when it does not accord with their sense of justice.

» continued on page 9
A Little Sheep Told Me: Getting past failure

ANGIE SHEEP
Arts & Culture Editor

WE HAVE all set personal goals and dreams at some point in our lives. Going to law school, particularly Osgoode Hall, was my goal. This objective followed me until I finally checked the box beside it two years ago. But this was not my only ambition, just the main one. I also wanted to be an event planner, travel the world, swim with dolphins and do many other things that are now too fuzzy to recall. And, after entering law school, I’ve made even more goals for myself and have, on several occasions, hit the wall of failure. For high achievers (which we all are because of where we are), failure can be the hardest thing to overcome. It forces us to confront our insufficiencies head on. It plays games with our minds and causes us to believe we are not good enough. Most importantly, it drives us to make up excuses that hinder our future growth and ambitions.

In this article, I have listed some of the most common statements used to cover up shortfalls. By placing the blame on some outside cause, we reject the responsibility that we inevitably carry. Yes, of course there are environmental factors that play into every outcome, but they are not the whole story. You are often the main character that holds the most influence and power over what happens in your life. Therefore, I challenge you to look within yourself the next time you “fail” a goal or dream. This will not only lead to better self-understanding and awareness but also exponentially improve who you are in the long run.

“I’m too busy for that”
We are indeed busy. Law students are pulled in all different directions such that proper sleeping and eating become goals in themselves. And, the unfortunate truth is that it will probably never stop. Responsibilities only pile up over time. If, however, you constantly use this excuse to shelter you from all the things that go unaccomplished, you will never learn to manage your time. I believe that we can always find time for the things we want the most (that’s why I still watched a season of the Good Wife during winter exams); so lack of time is not the main issue. It’s about prioritizing what you truly want to accomplish, whether it be school, work, travels, sports or anything else that fulfills you. One thing that you should never be too busy for is doing what you love.

“I’m not as good as other people” or “I’m not good enough”
It’s a competitive world of there! But, there is not another you. So dare to be your goofy, quirky, intense or (fill in your own trait) self. There is no reason why you should be like anyone else. Work hard towards the person you want to become. Your only competition is yourself. As long as who you are today is better than who you were, then progress has been made. Be “good enough” by your own standards. You are as great as you plan to be.

These are such simple yet damaging statements that can drastically hold you back from achieving your goals. We all have inadequacies but they are generally only temporary. Thinking that you are not good enough breaks your confidence and prevents you from trying again. So I challenge you to believe that you are already good enough. You are just working to be even better.

“I don’t want it anyway”
This excuse is used as a defense mechanism to uphold one’s self-confidence and esteem. It’s a lie we tell ourselves to protect us from the hurt and shame of not being able to achieve our goals. But just because you’ve lost this battle doesn’t mean you’ve lost the war. The joy in achieving is sweeter when juxtaposed against the sourness of hardship and shortfalls. The fact that you wanted something and made steps towards it means that it was important to you at some point. Don’t easily discount the significance of your dreams. Learn from what went wrong and succeed next time. Yes, no two opportunities are identical, but just because you’ve lost one doesn’t mean you will not find the same happiness in another.

“This is as good as I can do”
I’m sure you have repeatedly heard the phrase “if you can dream it you can achieve it.” In many ways this is true. So picture yourself at the victory. Don’t be your own worst enemy by coming up with excuses before you really work at it. Even if you’ve tried and fallen short, you inevitably do better next time because you will (hopefully) avoid the same mistakes or the circumstances will be different. Push your limits and don’t sell yourself short. The world is huge; if you fail here, why not try somewhere else?

From this year onwards, we should try to stop any and all excuses that curvilinear our growth. We should recognize the undeniable role we play in all outcomes. The surrounding issues are important and certainly contributory, but whether we learn and thus move forward is entirely dependent on us. Lastly, there are enough factors stacked against you; you don’t need to become one of them. So be the biggest cheerleader for yourself, because what goes on in your head directly impacts the result.
Awards season 2013-14 yields some excellent views

KENDALL GRANT
Contributor

American Hustle (2013) 3/4
DEVIOUSLY ANTIC, deliriously energetic, and unrepentantly jumbled, American Hustle is a stereotype-drenched piece of cockeyed comedy and a pratfall-ridden work of dazzling showmanship. It’s juicy, relentless, dizzying, diverting, and works from the feet up, leaving you revved and tickled. Writer-director David O. Russell has mashed up a larcenous cast from his last two films with elements from GoodFellas and Boogie Nights into a buoyant, glorious mess.

A loose version of the Abscam scandal, Christian Bale is the balding, bloated con man Irving Rosenfeld, coasting on dry cleaning and art forging and loan sharkering when he meets Sydney Prosser (Amy Adams) at a party. She prods him on to bigger things, leading to a run-in with an FBI agent named Richie DiMaso (Bradley Cooper), who makes them a deal: he’ll drop the charges if Irving and Sydney assist in busting some bigger targets. Eventually, Richie has Irving going after a good-hearted New Jersey mayor (Jeremy Renner) and other politicians while involving the mafia in a fake scheme to revitalize Atlantic City.

As Rosalyn Rosenberg – a pathetic-appealing sexpot mingling of Carole Lombard and Lady Macbeth – Jennifer Lawrence is a rara avis with beautiful plumage: she’s semi-clueless, opinionated, fearless, spoiled, and unafraid to say whatever to whomever, even if it’s casino mobsters in dark suits. Near the end, she performs a bracing interpretation of “Live and Let Die” that’s instantly catchy. Even with two Oscar nominations and one win under her belt already, it’s hard to see her not getting a supporting actress statue for the wild energy she brings to this role.

Of course it delivers less than it promises: it’s a hustle of superficial pleasure rather than deep impact. It sells sparkle with an overloud and overlong story, and it’s hammed up beyond comprehension. For all its restlessness, it’s comparatively risk-averse. And, a succession of outrageous plunging necklines and illustrious costuming help to distract from the mediocre accents.

American Hustle is an urban eruption of fun, a cleavage-infused feast of ensemble wiles, and a carnival-saturated essay on the brilliance of corruption. It makes you glad you were fleeced. It’s a fable of delusion and entropy, pure razzle-dazzle, that’s pulling a long con of its own and suggesting that American life is a colorful, meaningless shell game. It’s a capitalistic thrill, and a hell of a good time.

Inside Llewyn Davis (2013) 3.5/4
EFFUSIVE, BEAUTIFUL, foreboding, soulful, and darkly funny, Inside Llewyn Davis...
The Obiter Dicta

THUMBS UP to...

the 3L victory lap semester.

The curious case of the NFL

CITLALLY MACIEL
News Editor

TO BE honest, I am not a fan of football. I have tried getting into it, but I just do not have the attention span necessary to sit through even one entire game, let alone an entire season. In fact, being a true fan requires more than watching one’s favourite team play. One must also watch all the other teams play to know how they compare to one’s favourite team. The idea behind this is of course to get to know the enemies of one’s team, including learning about their weaknesses and strengths. And a true fan must also watch sports commentators and keep up with rankings, statistics, and other information.

Once the season is over, a true fan does not get a break from football. During the first few months, further analysis is conducted of the performance of all the teams. Assuming that one’s favourite team did not win the Super Bowl, the purpose of this inquiry is to find out and reflect on what went wrong, to find out how the team can improve its performance, to know which strategies worked and which ones did not, to decide whether there are any players whose contracts should not be renewed, etc.

Drafting is then the next major event that a true fan must keep up with. Drafting is important because new football players are recruited through this event, and the worst teams of the season get to choose first. Accordingly, a true fan will want to know whether his/her favourite team scored a super star player that may bring some renewed hope during the upcoming season. A domestic dispute between the player and his spouse, a racial or homophobic slur, or any other kind of questionable, immoral or illegal behaviour may result in a player being discharged thereby potentially crumbling a team’s prospect of ending the season victoriously. Accordingly, a true fan must keep informed 24/7, especially nowadays with the existence of social media. You never know when the next big news will break.

Personally, this relentless demand for a person’s time represents a major turn-off. The way I see it is that being a football fan involves surrendering way too much valuable time while getting absolutely nothing in return. First, it is not as if watching every single game and keeping up to date with all relevant information will help a team in one way or another. A team is good whether or not a fan devotes 100% or 0% of their time to the sport.

While I do not claim or want to be an expert, I am nonetheless constantly hearing about football and at times discussing it. Although most discussions are totally boring, I must confess that the NFL can be a source of pretty entertaining news that can lead to heated discussions.

One source of constant discussion has been the arrest of former New England player Aaron Hernandez. There are so many bizarre details in this story and so many twists that a separate article is needed to cover them all. The list includes the latest developments linking Hernandez to a drive-by shooting in Boston that killed two people back in 2012.

Players engage in a number of questionable behaviours all the time. However, it is always surprising to hear news alleging that the NFL has engaged in or condoned acts of homophobia, bullying and discrimination.

The stories are surprising for a few reasons. One, I always assume that there is no more room for such attitudes (at least in North America) because we are supposed to know better. Two, even if some people may not know better, the fact that society in general no longer condones such attitudes has been sanctioned by our legal system. Three, even when it is impossible to prevent people from having such attitudes, it has been long recognized that when it comes to employment relationships, these attitudes should not be tolerated. Finally, if an employer chooses to act on or tolerate such attitudes even when it is forbidden by law and even though society has condemn it, it is perfectly well-known that the legal consequences can be costly. Yet, we see examples of these attitudes within the NFL all the time.

One example is the case of Miami’s football player, Jonathan Martin. A couple of months ago, Martin apparently had to leave the team after he had a breakdown that was allegedly caused by being the victim of incessant harassment. One of
Early polls

» continued from cover

can kill that guy, I swear to God I’ll kill that guy.” The unidentified individual then ominously hung up on us. Mentally disturbed persons who ramble on the phone to strangers at odd times during the night are not the only individuals Rob Ford can count on come voting time. Studies on demographics suggest that Rob Ford is also popular among ironic hipsters. Dante LeFerno told us, “Yeah, I used to like the other guy way before anyone knew about him. Now he’s just pandering to the conformist majority. Rob Ford, on the other hand, is just so subversive, daring and explorative with everything he does. It’s like he’s managed to turn campaigning into art, revealing the whole thing for the political circus it truly is. He has redefined the genre. Like, what does it mean to have a campaign anyways? Or, what does it mean to be a respectable member of public office? These are the kinds of questions Rob Ford forces us to ask ourselves. I even tell my friends that he’s the Andy Warhol of politics. He should be the Prime Minister.”

Also, the morbidly curious are eager to re-elect Rob Ford as Toronto’s mayor. Vishna Rupert said, “Rob Ford has been an endless source of fantastic gifs, as well as Buzzfeed articles and Jimmy Kimmel skits. Re-electing Rob Ford would ensure additional Rob Ford’s antics and thus entertainment material.”

In a similar vein, there is a growing wave of economists who similarly stress that Rob Ford should be voted in due to his vital importance to the nation’s entertainment sector. Economist Jane Timmins, in a statement directed to the Obiter, wrote, “Rob Ford has so consistently made an ass of himself that now the wider entertainment sector of the economy—a massive, multi-billion dollar industry—has become dependent on Rob Ford news to survive. Even worse, peripheral industries, such as tourism and general media, have similarly become dependent on Rob Ford doing such things as drunkenly stumbling into cameras, trampling elderly women and orchestrating jazz concerts during austere council meetings. A failure to re-elect Rob Ford could trigger another economic depression. Simply put, Rob Ford is too big to fail.”

Though the other guy is leading, at this early stage the outcome of the upcoming mayoral election in Toronto is difficult to predict. Ultimately, there are ludicrous reasons to support either of the two main candidates. Regardless, the upcoming election should be the most interesting one in the city’s storied political history.

Back to justice

» continued from page 5

This idea can perhaps best be illustrated by an example that comes from the real world. Acting in the capacity of a lawyer you find out that a person has been convicted for a murder they did not commit. You know this because your client confessed to you in confidentiality that he/she did it, and you are certain it is the truth. What then are you to do? Legal ethics and the traditional model of lawyering would dictate total confidentiality. However, I would venture that there are at least some who would view this as unethical. Therefore for the sake of justice, it would be necessary to implement the moral reasoning suggested above. My ethical reasoning for this situation would go something like this in law we have confidentiality because we put the client first. We put the client first because it facilitates justice. Justice in this case is the idea that people should not be punished for crimes they did not commit. To keep confidentiality in this case then is to actually undermine the purpose of confidentiality and commit an injustice. Therefore confidentiality should be broken. Different people may reach a different conclusion about this situation, but the important thing is that when confronted with a moral dilemma, lawyers follow their own morality in an attempt to strive for justice.

Lawyers are particularly well positioned to challenge established rules and thereby contribute to the relevancy of law, and if their conscience dictates that something is unjust they should not shy from acting upon this belief. It is not only the duty of parliament to legislate. Every citizen has not only the right, but also perhaps the moral imperative to adhere to their moral conscience and speak out when the legal rules cannot be reconciled with justice. Law without justice is nothing more than empty words and has no claim in governing people’s lives. As such it must be constantly re-evaluated. It would seem to me more conducive to the common good to loosen law societies’ jealous grip on the primacy of the client and encourage lawyers to act first and foremost as moral human beings.

At the most intimate level lawyers should be guided by their own sense of morality, because at the end of the day it is not the ethics committee or a judge to whom we are accountable, but ourselves. We are all our own judge and jury, and as lawyers we sell our services not our morality. I do not think it is possible to be an ethical lawyer without first being a moral person.
Awards season
» continued from page 7

is a portrait of the artist as a failed man. It is a magpie's nest of surrealism, a resplendently crafted time capsule, and an evocative vision of self-destruction. It throbs with melancholy, hunches under heavy skies, and leaves you dangling. In it and through it, Joel and Ethan Coen celebrate the hard road that can inspire great art. It is a downright radical achievement.

Steeped in remorse and irresolution, Inside Llewyn Davis is a valediction to the Greenwich Village folk scene of the early 1960s, whose eponymous man of constant sorrows is a couch-hopping songster caught between the Scylla of selfless devotion to tradition and the Charybdis of crass commercial success, roaming across a desolate landscape of insult and invective.

Snide and world-weary, Llewyn may rank as the most unlikeable Coen character since Barton Fink. Yet Oscar Isaac demonstrates that he's a titan with an angelic voice and turns a potentially insufferable character into a relatable, unmistakably human presence, with a reminder that humility and genius rarely make for comfortable bedfellows.

The periphery players — Carey Mulligan is a snotty, forthright vixen; Garrett Hedlund is a taciturn chauffeur; F. Murray Abraham is a demoralizing gatekeeper — are imbued with texture and virtuosity due to the superlative writing and acting. John Goodman, in his sixth collaboration with the Coens, latches onto another indelible part as the snarfy Roland Turner.

Under T Bone Burnett's supervision, the score is amazing. The anti-Space Race novelty tune “Please Mr. Kennedy,” complemented by Adam Driver's backing vocals and sound effects, is unforgettable hilarious, and it only gets better from there: both the opener “Fare Thee Well (Dink's Song)” and the duet “500 Miles” are manifestly lovely. Using The Freewheelin' Bob Dylan as a visual touchstone, Inside Llewyn Davis is shot in wintry grays with no warming ambers.

With Inside Llewyn Davis, the sibling auteurs hone a black valentine to both the hero and milieu. It is laced with their revitalizing absurdist humor, the brunt of it aimed at the conceits and depredations of the music business. While not as solemn as A Serious Man, Inside Llewyn Davis bears a significant resemblance to its narrative nihilism. With this study of a man spiraling into the forgotten, they have made an acerbic bookend to that near-masterpiece and a companion piece to Barton Fink. It may not be their funniest, prettiest, or strongest film, but it is uniquely rewarding.

Innocent, bleak, singular, and deeply felt, with an impeccable sense of period and an acidulous aftertaste, Inside Llewyn Davis is a movie about the fear of failure and mediocrity that, as if a cunning Coen-esque joke, is a tumultuous, stupifying success. If it is ultimately my sixth favourite Coen oddball comic-tragedy — behind No Country for Old Men, Fargo, Miller's Crossing, and its two precursors above — damn, that's pretty great company.

Her (2013) ¾/4
DOLEFUL, FERVENT, mirthful, heady, and seriously smart, Her is a penetrating, perceptive look at modern relationships; a legitimately grown-up, existential meditation on what it means to be human; and a wistful, whimsical musing about where we are and where we might be going. It is part dark satire, part metaphysical comedy, part bittersweet romance, part brain-bending sci-fi, and wholly the handcrafted product of a visionary.

It's Los Angeles, around 2040. Theodore Twombly (Joaquin Phoenix), common wearer of high-waisted trousers and orange shirts, lonely, wounded, stammering, and warm-hearted, spends his days working for BeautifullyWrittenLetters.com, where he composes letters for and to strangers, putting their doting thoughts into words. He may be awkward in his personal life, but in this domain, he's capable of being expressive and eloquent.

Theodore is stalling the signing of his divorce papers after his marriage to Catherine (Rooney Mara) has disintegrated. In the wake of heartbreak, he talks with his best friend (Amy Adams), engages in cybersex with SexyKitten (Kristen Wiig), and goes on a blind date with a nameless beauty (Olivia Wilde). None of these encounters bring lasting gratification, until he meets Samantha. It seems to be true love. The only complication is that she's an operating system.

If Her sounds like Eternal Sunshine of the Spotless Mind meets Lars and the Real Girl, with elements of 2001: A Space Odyssey and Blade Runner, you wouldn't be far off, and Her is as good or infinitely better than its ancestors, even if their influences are detectable. Its plot sounds like a gimmick or a brilliant conceptual gag, but ends up haunting and oddly wonderful.

As Theodore, Phoenix delivers a herculean performance, at least equal to — and the inverse of — his belligerent Freddie Quell in Paul Thomas Anderson's 2012 head-scratcher The Master. Scarlett Johansson, as the voice of Samantha, is equally convincing — sexy, sultry, husky, and delicate — in her greatest feat since Lost in Translation.

Writer-director Spike Jonze is one of the most lyrically fanciful and cockeyed filmmakers around. His flair for approaching big ideas from oblique angles enables him to take what could have been a glib narrative and infuse his screenplay with wry, observant tenderness and deep feeling. Exquisitely conceived and executed, and disturbingly spot-on, the film exhibits Jonze's gift for understated poetry intertwined with intimations of philosophy. Silent, flickering inserts of Theodore and his ex-wife recollected in tranquility are sublime, engineered with dreamlike flourish.

Impossibly handsome, solipsistically daring, and profoundly transcendent, Her is a strange and poignant love story that measures the emotional toll of living within the virtual world. Jonze invites us to leave his film ready to connect and communicate. Deeply insightful and attuned to the risks, fears, surprises, and wonders of intimacy, its strikingly ephemeral satire regards the way we've become tethered to technology as being past the point of no return, but with intense curiosity, Her asks us to never forget that we're still very much alive.◆

For more, visit Absurdity & Serenity at http://absurditys.wordpress.com/.

Have a Thumbs Up or Down? Email the Obiter (obiterdicta@osgoode.yorku.ca) with "THUMBS" in the subject line. The identity of authors will remain confidential. Editors reserve discretion over which submissions are published.
Curious NFL

» continued from page 8

the alleged perpetrators, football player Richie Incognito, has responded to the allegations by saying that this is not bullying but just normal locker room behaviour. It has been said, for example, that some teammates forced Martin to contribute $15,000 for a trip to Vegas. Indeed, the fact that Incognito has been suspended shows that his behaviour has gone beyond mere innocent pranks. Some criticize Martin as weak and say he should stop acting like a baby and man up.

Another example is the case of Chris Kluwe, a former player with the Minnesota Vikings. A little more than two years ago, Kluwe was approached by a Minnesota group that was seeking to defeat an amendment that would see marriage as the union of heterosexual couples only. Kluwe accepted the invitation and began to work with the group doing things like public speaking and contacting politicians. Even though Kluwe had obtained permission from the team, his coach later supposedly told him to sever his ties with the group. However, Kluwe continued to voice his opinion about same-sex marriage and show his support, but he supposedly faced increased hostility from his superiors. After last year’s season finished, Kluwe was told that the team was releasing him. No other team has signed him up.

The NFL is certainly a fascinating world. The players get paid exorbitant amounts of money. Yet, they seem to be expected to sign their mind and soul. They are expected to keep their opinions for themselves and tolerate harassment. It is agreed that the sport is for tough men. But, physical strength is separate from mental strength. The NFL can demand its players to withstand tough physical demands, but there is no justification for subjecting players to harassment and emotional distress. And whatever happened to freedom of expression? Given the salaries and perks, one wonders whether it is okay for players to be subjected to such employment conditions. Is the NFL above the law? 

L&L winter update

» continued from page 3

Also, congrats to OSAII on being mentioned in The Gleaner on December 6, 2013 with respect to racial profiling in Toronto: http://jamaica-gleaner.com/extra/article.php?id=3140. OSAII is looking to collaborate with other student clubs such as the Osgoode Hall Law Union, Black Law Students Association, and any other association that has issues related to institutional injustice as part of its objectives. If students would like to indicate their interest in joining the group or attendance they can email Knia Singh at georgesingh(at)osgoode(dot)yorku(dot)ca.

Students interested in the Constitutional Law club can contact Kevin Gillespie at ocls@osgoode.yorku.ca

Osgoode’s International Law Society is back!

If you would like to be a part of Osgoode’s International Law Society and receive email updates of exciting events such as the Canadian International Law Students Conference that will be taking place February 1st please send your name, email and year of study to cassandrastefanucci@osgoode.yorku.ca 

THUMBS DOWN to...

saying “bro” while being serious.
This issue’s Sudoku

Last issue’s solution

Puzzles courtesy of Canadian University Press: cupwire.ca.

The Davies summer experience?

Ask your Osgoode classmates.

Visit us at dwpv.com to learn more.