The Supreme Court ruled sex work isn’t a crime in Canada; did Parliament lose the memo?

The Supreme Court’s 9-0 decision states, “…it is not a crime to sell sex in Canada.” And indeed, the sale and purchase of sex in Canada wasn’t; however, the Criminal Code included provisions (such as the inability to have a consistent place of business, to be an employee or to employ staff as a sex worker, or to communicate about the sale of sex in public) that created risks for sex workers. Rather than go the route of decriminalization, Parliament has chosen to follow the “Nordic model” implemented in Sweden in 1999, criminalizing the act of purchasing sex, essentially making one side of a once legal transaction illegal. While the sale of sex services is not itself criminalized, obvious—to everyone except the powers that be—is that there cannot be a sale without a purchase.

ERIN GARBETT › STAFF WRITER

On Nov. 4, the Senate approved Bill C-36 with no amendments on its third reading. By the end of the year, the Protection of Communities and Exploited Persons Act (PCEPA) will inevitably receive royal assent (if it hasn’t already by the time of this article’s publication), squeaking in before the deadline set by the Supreme Court after it struck down Canada’s previous prostitution laws last year. In their ruling, the Supreme Court specified that while Parliament was free to “[impose] limits on where and how prostitution may be conducted,” they must ensure that the new legislation does not inflict risks on sex workers. Somewhere along the line, this message must have been lost because, rather than take the advice of the Supreme Court and create provisions that protect sex workers, Parliament’s new bill will almost certainly make sex work more dangerous.
Choking, Slapping, and Sexual Assault
It’s not about Jian Ghomeshi; it’s more about us.

It’s not about Jian Ghomeshi; it’s more about us.

Celebrity culture has a potent impact that affects our perceptions of and reactions to abuse.

I would suggest that our reaction to these stories does not entirely stem from a horror toward the acts of abuse themselves, but rather our anger and disappointment by the way our trust in these celebrities has been broken as a result. There is an unjustified intimacy that is present in the nature of celebrity culture in our society. Fans develop intermediated relationships with celebrities through media sources such as television, the internet, and newspapers which create a feeling of familiarity with these individuals we might expect to have with our closest friends. We feel that by opening ourselves to and inviting these personalities into our lives, we have somehow created a stake in theirs that justifies either our adoration or condemnation of their personal behaviour. When the actions of these celebrities fail to meet our imagined expectations of who they are, the façade we have built in our own minds begins its inevitable collapse, and it becomes unsettling to suddenly be faced with the reality of who they really are. Unlike celebrities, we don’t feel intimately involved in the lives of others associated with abuse, and it becomes easy to detach ourselves in order to continue in our lives without being affected.

Another explanation could lie in the fact that the phenomena of celebrity culture forms a bond that unites us all through this common connection. I may not know your Uncle Bob who is in trouble, but we are both familiar with the racist antics of our crazy Uncle Mel. What separates our criticism between the two is that we know your Uncle Bob who is in trouble, but we also don’t know your Uncle Bob, and that is the crux of the disassociation. When we discuss our celebrity obsessions, we are discussing those who are familiar to us. Whether we agree with the personal behaviour of the celebrities involved or not, their success and fame, fame that is largely unfamiliar with the individuals who comprise the victims of abuse that surround us in our daily lives. We use celebrities to put a face on something that otherwise seems distant and unconnected.
NEWS

A Tale of Two Sex Scandals
Douglas, Ghomeshi, and Process in Sexual Assault

ESTHER MENDELSONH › STAFF WRITER

T was the best of times for sexual predators, it was the worst of times for the women upon which they prey.

A female judge faces removal from the bench for an incident involving nude photos which were shown and distributed online without her knowledge or consent. She has been the subject of a pernicious and protracted inquiry for over two and a half years. Meanwhile, in the Twitterverse, Jian Ghomeshi’s fans and supporters are decrying the supposed lack of due process in his termination from the CBC.

Court of Queen’s Bench Associate Chief Justice Lori Douglas has been at the centre of a nude photo scandal that has rocked the Manitoba judiciary for over four years. Her trespass? Allowing her husband, Jack King, who was also a lawyer and has since passed away, to take nude photos of her. Her husband, Jack King, after Justice Douglas was appointed to the Manitoba bench, the client claimed Mr. King’s actions constituted sexual harassment and filed a $67 million lawsuit and a formal complaint with Canadian Judicial Council, but he settled for $25,000 with a promise to destroy and never distribute the photos. He then proceeded to distribute the photos.

Before the scandal broke, and leading up to her appointment, Justice Douglas duly disclosed the existence of the photos to the appointment committee. In fact, it was a well-known secret. She is now being accused of not disclosing this fact and of altering her personal diary when she learned of the inquiry.

The inquiry, set up by the CJC, has been plagued with accusations of bias and mass resignations. The new panel consists of three senior judges—all male. Delays and debates about costs have characterized the inquiry, and there seems to be no end in sight. Even though the panel has admitted that the allegations are weak, they insist on marching on.

Now the panel wants to see the photos. To show them again, even to the panel members alone, would be a gross infringement on her privacy, a fresh violation of her sexual integrity, and utterly irrelevant to the matter at hand. The main problem with her conduct, ostensibly at least, is that she allegedly tried to cover up the existence of the photos. (Even if she did, she did so in the context of a society which devalues women’s work, misunderstands and misrepresents women’s sexuality, and simultaneously sexualizes and objectifies women while demanding that they remain chaste.)

The chill effect is glaringly obvious. How are we supposed to have a representative bench (and bar) if a female judge is being lambasted for things she chooses to do in her private life which harm no one and have absolutely no bearing on her ability to adjudicate cases?

Can we not trust a woman who takes nude photos? Why not? If the issue is framed as being whether the public believes this judge can decide a case impartially, we are essentially harnessing women’s success to their sexuality and our perception of their abilities to their personal choices. We are, once again, putting women’s lives and careers at the mercy of society, which still has an overwhelmingly distorted view on women, their sexuality, their abilities, and their collective character (as though such a thing exists).

Every day, brutal sexual assaults go unreported or under-punished, and perpetrators are often acquitted on technicalities or because of society’s distorted view of women. But when a female judge is linked to nude photos (leaving aside the troubling fact that she is the victim of cyber sexual harassment/assault), the system will leave no stone unturned in its pursuit of “justice.”

To be sure, the standards to which judges are held are higher than those to which media personalities are held, and that is just as it should be. It is also true that the type of inquiry of which the still Honourable Justice Douglas has been the subject, and the criminal proceedings which could face Jian Ghomeshi are quite different. The point of comparison, however, is the extent to which processes are used and abused when the subject of the process is a sexual offence.

While the inquiry into Justice Douglas’s personal life has been marred by prejudice and driven by discriminatory beliefs, Ghomeshi has set the agenda even before any charges have been laid. Ghomeshi, in a show of keen media acumen, got everyone talking about BDSM. Only those familiar with BDSM and those familiar with the issues surrounding sexual assault were able to see the Facebook diatribe for what it was—a distraction. He has also been using litigation to silence his victims, and confuse and pressure the CBC to ignore allegations against him.

Windsor Law’s Professor David Tanovich suggests in a piece published by The Globe and Mail that if lawyers suspect a lawsuit is frivolous or an abuse of process, they are precluded from taking it on, as

“We are [...] putting women’s lives and careers at the mercy of society...”

THUMBS DOWN

Calling sexual assault “an erotic preference that is unpalatable to some folks.”
OUTlaws call on B.C. government to reverse Trinity Western law degree approval

DOUGLAS JUDSON | CONTRIBUTOR

Today, the leaders of Canada’s lesbian, gay, bisexual, trans, and queer (“LGBTQ”) law students wrote to the Honourable Amrik Virk, British Columbia’s Minister of Advanced Education, to request that he reverse his Ministry’s approval of Trinity Western University’s (“TWU’s”) law degrees.

TWU’s ‘Community Covenant Agreement’ prohibits sexual intimacy outside of heterosexual marriage, which discriminates against LGBTQ individuals. Earlier this year, the OUTlaws wrote to all provincial and territorial law societies, including the Law Society of British Columbia (“LSBC”), outlining their view that accrediting TWU is inconsistent with Canadian law and public policy, the equality rights of LGBTQ individuals under the Charter of Rights and Freedoms, and the prohibition of the legal profession to advance the cause of justice and protect the public interest.

TWU’s law school has now been denied accreditation by law societies in Nova Scotia and Ontario, and most recently, in British Columbia. The Law Society of New Brunswick may soon follow suit.

A July 2014 letter from Minister Virk to TWU indicates that the approval of the TWU degrees is conditional on TWU’s law program securing the accreditation of the LSBC. On October 30, the LSBC held a binding vote of its members to determine this question, where seventy-four percent of the 8,039 ballots were cast in favour of a resolution stating that TWU is not an approved law faculty for the purpose of the bar admissions requirements in British Columbia. Accordingly, the LSBC benchers rescinded TWU’s accreditation on October 31.

Minister Virk had originally hastily approved the TWU degrees in December 2013. His announcement came the day after the Federation of Law Societies of Canada (“FLSC”) recommended that their provincial and territorial members accredit the school. A key finding of the FLSC’s review was the absence of evidence of discrimination by TWU, even though there was no opportunity for anyone to present such evidence. The Minister’s approval of the degree program also ignored an expert panel’s “serious reservations” about the proposed law school’s academic freedom, the breadth of its world view, its ability to teach legal skills, and its course quality.

In their message to the Minister, the OUTlaws state, “Although it should never have been necessary to do so, your Ministry can now rely on the numerous regulators, academics, and legal authorities that have consistently rejected TWU’s position on this issue.”

The OUTlaws request a reversal of the Minister’s earlier decision that will align with both his statutory mandate under the Degree Authorization Act and his obligation to support the equality rights of LGBTQ individuals.

The OUTlaws are a network of affinity groups for LGBTQ and Ally students. There are chapters at fifteen of Canada’s law schools. The groups at Osgoode Hall Law School and the law schools at the University of Toronto, Queen’s University, and the University of Windsor are intervening in TWU’s application for judicial review of Ontario law society’s decision not to accredit TWU’s law program.

THUMBS DOWN

Spending another winter season with the polar vortex.

WESTLAW RESEARCH TRIVIA BEGINS NOW

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3. Each question answered correctly, earns you another entry!

MOUNDAY’S TRIVIA: Use the General Search on WestlawNextCanada to find the name of the article by Yavar Hameed and Niiti Simmonds on Charter and poverty rights.

TUESDAY’S TRIVIA: Within the citing references for R. v. Mabior, 2012 SCC 47, use the “search within results” function on the left hand side to find the two cases that Justices Cronk, Epstein, AND Lauwers presided over.

WEDNESDAY’S TRIVIA: Using the Canadian Abridgment Digests, find and give the citation for a case from British Columbia that defines “unsafe working conditions”.

THURSDAY’S TRIVIA: Create and name a folder. Next find 2013 SCC 72. Highlight paragraph 36. What options pop up once you highlight this text? List all of the options in your answer.

FRIDAY’S TRIVIA: Go to www.westlawnextcanada.com/students. What subtitles (both serious and fun student resources) are available under INSIGHTS?

Prizes packages vary. Contact ‘Christian’ for full details. This contest is only open to Osgoode Hall Law Students, and with so many prizes, your odds are great!

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Hong Kong’s “Umbrella Revolution”
A different kind of civil disobedience

ASIAN LAW STUDENTS OF OSGOODE  »
CONTRIBUTOR

On Friday, October 31, the Asian Law Students of Osgoode in conjunction with the Dean’s office welcomed Mr. Jason Ng, an adjunct lecturer at the University of Hong Kong’s Faculty of Law and head of Debt Capital Markets Legal at PNB Paribas Hong Kong, to speak on Hong Kong’s pro-democracy movement known as “Occupy Central” or the “Umbrella Revolution.” This movement, which is spearheaded by high school and university students, began in Hong Kong’s financial district on September 28 of this year and is the biggest pro-democracy movement as well as the most significant social and political event in Hong Kong’s history since its reversion from British to Chinese rule in 1997.

Mr. Ng has been reporting from and volunteering at the protest sites on a daily basis since the beginning of the movement. He shared his experience and insights in front of an intimate audience consisting of Osgoode students, faculty members, as well as social sciences majors from York University. Here is a brief overview of the Umbrella Revolution, and why this movement is different from many other acts of civil disobedience.

What is the Umbrella Revolution?

When Hong Kong reverted back to Chinese rule in 1997, the Chinese government promised the thriving metropolis a political system known as “One Country, Two Systems.” Essentially, this is a complex legal framework that allows Hong Kong to retain its capitalist economic and political structures as well as a high degree of autonomy over its political, legal, civil, and economic affairs. A mini-constitution, known as the “Basic Law,” was drafted to govern the city of 7.2 million upon its return to China and to enshrine the Chinese government’s commitment to preserving Hong Kong’s democratic system. Under the Basic Law, certain freedoms such as the freedom of speech, assembly, religion, and free press, which the residents of Hong Kong previously enjoyed under British rule, are also guaranteed until 2047.

On August 31 of this year, however, the National People’s Congress Standing Committee (“NPCSC”), a de facto legislative body consisting of approximately 150 members of China’s national legislature, announced a proposal concerning Hong Kong’s Chief Executive election in 2017 which in effect undermines the system of democracy that was promised.

Article 45 of the Basic Law states that Hong Kong’s Chief Executive should ultimately be selected “by universal suffrage upon nomination by a broadly representative nominating committee.” Essentially, NPCSC ruled that candidates approved by Beijing would be able to run for Hong Kong’s Chief Executive election in 2017. This decision was met with strong resistance from pro-democracy activists, students, and concerned citizens. On September 28, tens of thousands of protestors took to Hong Kong’s streets to demand the continuation of the “One Country, Two System” regime and to call for an election system that reflects authentic democracy.

What sets the Umbrella Revolution apart from other acts of civil disobedience?

The Umbrella Revolution is different from other acts of civil disobedience in that it has remained relatively peaceful and non-violent even in the face of police violence, provocation, and government neglect. On the first day of the protest, for example, police in Hong Kong reported using tear gas eighty-seven times on unarmed protestors. While this led to public outcry, citizens responded by flooding to the streets and joining the protest in a peaceful manner to demonstrate solidarity with the protestors. Umbrellas became the symbol of resistance in this pro-democracy movement as they were used to resist tear gas and pepper sprays from the police. In a photograph Mr. Ng shared with the audience during his speech, protestors are shown to hold up umbrellas to shield police officers from a downpour, which epitomizes the spirit behind “Occupy Central with Love and Peace.”

What comes next?

While many media sources have reported the movement to be in the process of winding down, Mr. Ng notes that it is, in fact, still going strong. It appears that the Umbrella Revolution has grown into something much bigger than a pro-democracy movement. It has also elevated the sociopolitical consciousness and solidarity of many of Hong Kong’s residents as well as opened up important dialogues on Hong Kong’s future.

As one participant of Mr. Ng’s talk aptly notes, it is important that some conversations be had even if they may not lead to a different outcome.

In closing, Mr. Ng encourages those who are interested in both business law and social justice to stay engaged and proactive. He notes that many law students are conditioned to think that business law and social justice are two streams which are mutually exclusive. The reality is, one can do both. All that is required is to take the first step in forging that path.

For updates on the movement, please check out Mr. Ng’s blog: www.asiseethk.com. ♦

THUMBS UP

Petitions to keep Julien Blanc out of Canada for promoting sexual and physical assault.
David Wiseman studies the effect of paralegals on creating access to justice

A MIDST A GENERALLY perceived crisis in access to justice, increasing emphasis has recently been placed on the potential role of paralegals to offer affordable, efficient, and effective legal assistance to people with unmet legal needs. The Paralegals and Access to Justice case study was initiated by Professor David Wiseman of University of Ottawa, Faculty of Common Law, to investigate the extent to which paralegals are contributing to access to justice by providing fair and cost-effective dispute resolution in residential tenancy disputes. Professor Wiseman’s case study is part of the Cost of Justice project led by the Canadian Forum on Civil Justice.

The qualitative part of the study focuses on the general prevalence of legal, paralegal, and in-person representation in residential tenancy disputes in Ottawa. The quantitative part of the study identifies the distribution of paralegal and other representation between landlords and tenants to provide a perspective on the extent to which paralegals are re-configuring the costs of justice. Residential tenancy disputes are the third most frequently cited area of practice of paralegals, as reported by a 2012 review of the first five years of Law Society of Upper Canada’s regulation of paralegals.

Although residential tenancy disputes are typically brought to specialized provincial administrative tribunals such as Ontario’s Landlord and Tenant Board, instead of the courts, it does not necessarily mean that these tribunals and the associated legal rules are accessible enough. Government-funded legal assistance for these types of disputes is extremely limited, and private lawyers are too expensive. The complexity of the tribunal process suggests paralegals could be a significant benefit for low-income tenants in navigating the dispute resolution system.

The Paralegals and Access to Justice project grew out of a concern raised by participants in the Housing Justice Program, a collaborative initiative between members of Ottawa ACORN and law students at the University of Ottawa. The Program recognized that paralegals were playing an important role in improving the general cost and accessibility of justice, but more for landlords than tenants. Thus, the impetus of the study is based on the concern of whether paralegals are playing a role in disproportionately improving access to justice for landlords, thereby exacerbating the power imbalances that already exist between landlords and low-income tenants. If any such disproportion in access to justice is identified, the study aims to consider its causes and effects.

Professor David Wiseman’s principal areas of research and activity are access to justice, social and economic human rights, and the institutional competence of courts in Charter litigation. He was previously a member of the SSHRC-CURA Social Rights Accountability Project and is currently a faculty liaison to the Housing Justice Program. He has drafted submissions to law societies and government law reform bodies in Canada and Australia and has appeared before United Nations human rights treaty monitoring bodies. At the University of Ottawa, Professor Wiseman teaches Property, Trust, and Access to Justice.

The Cost of Justice project (2011-16) examines the social and economic costs of Canada’s justice system. Comprised of leading access to justice researchers investigating the various dimensions of cost across the country, the Cost of Justice project is producing empirical data that will inform the future of access to justice in Canada. The Cost of Justice project is funded by a one million dollar grant from the Social Sciences and Humanities Research Council of Canada. For more details please visit www.cfcj-fcjc.org/cost-of-justice.

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Finding needles placed inside P.E.I. potatoes

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Osgoode’s Trip to Winnipeg

The Canadian Museum for Human Rights... for whom?

Osgoode’s Trip to Winnipeg

AUDRA RANALLI > CONTRIBUTOR

F

ROM OCTOBER 24TH TO 26TH, A 22-PERSON OSGOODE GROUP WENT TO WINNIPEG TO VISIT THE NEWLY OPENED CANADIAN MUSEUM FOR HUMAN RIGHTS. OUR GROUP CONSISTED OF THE TWELVE STUDENTS IN THE ANTI-DISCRIMINATION INTENSIVE PROGRAM, ADIP DIRECTORS MICHELLE Mulgrave AND BRUCE RYDER, VISITING PROFESSOR JEFFERY HOWITT, ARTIST-IN-RESIDENCE JULIE LASSONDE, AND SIX OTHER PASSIONATE OSUOODE STUDENTS SELECTED THROUGH AN APPLICATION PROCESS.


SINCE THE OUTSET, CONTROVERSY HAS BREWED AROUND THE CANADIAN MUSEUM FOR HUMAN RIGHTS. SOME PEOPLE WERE ANGRY ABOUT THE MUSEUM’S ALLEGED FAILURE TO PROPERLY ADDRESS CANADA’S TREATMENT OF ABORIGINAL PEOPLES—IN PARTICULAR, THEIR REFUSAL TO LABEL THAT TREATMENT AS GENOCIDE. CONCERNS ABOUT POLITICAL INTERFERENCE WITH CURATORIAL INDEPENDENCE SURFACED. WHILE THE MUSEUM OFFICIALLY OPENED IN SEPTEMBER, IT TURNED OUT THAT ONLY A FRACTION OF THE EXHIBITS WERE OPEN TO THE PUBLIC AT THE TIME OF OUR VISIT.

DESPITE THESE REPORTS, I BELIEVED THAT THE MUSEUM WOULD BE, BY AND LARGE, A GOOD THING—PERHAPS NOT THE GREATEST STEP FORWARD, PERHAPS JUST A BABY ONE, BUT NEVERTHELESS, SOMETHING POSITIVE. LIKE MANY OTHERS, I HOPED THE MUSEUM WOULD CONTRIBUTE TO PUBLIC AWARENESS AND ADVANCE IMPORTANT DIALOGUES ABOUT ONGOING HUMAN RIGHTS CHALLENGES. IN PARTICULAR, I HOPE TO SEE AN HONEST ACKNOWLEDGMENT OF CANADA’S FORMER AND CURRENT SHAMEFUL TREATMENT OF ABORIGINAL PEOPLES.

HAVING SEEN THE MUSEUM, I AM VERY SORRY TO SAY THAT I DID NOT SEE THE HONEST ACKNOWLEDGMENT I WAS LOOKING FOR. SURELY, THE MUSEUM IS BEAUTIFUL. THE BUILDING IS MONUMENTAL, POWERFUL, AND STUNNING. GALLERIES FORMED BY SMOOTH, CURVED AND ANGULAR STONE ARE CONNECTED BY UPWARD SLOPING WALKWAYS; THE SPACE IS INCREASINGLY FILLED WITH NATURAL LIGHT AS ONE ASCENDS. BUT TO ME, ITS SMOOTH SURFACES GLOSS OVER THINGS THAT SHOULD BE EXPOSED—UGLY THINGS. IT PUTS CANADIANS IN A CELEBRATORY MOOD, A MOOD NOT YET DESERVED, AN INAPPROPRIATE MOOD, IN MY OPINION.

THAT SAID, WE WEREN’T ABLE TO SEE MANY IMPORTANT EXHIBITS IN THE MUSEUM, INCLUDING ONE DETAILING CANADA’S “STEPS AND MISTAKES” ON THE ROAD TO HUMAN RIGHTS (AS THE MUSEUM’S WEBSITE PUTS IT), AND AN EXHIBIT EXAMINING MASS ATROCITIES AROUND THE WORLD. PERHAPS WHAT I WANTED TO SEE IN THOSE EXHIBITS. THUS, MY PERCEPTION IS BASED ON INCOMPLETE INFORMATION, AND IT MAY CHANGE WHEN I SEE THOSE EXHIBITS. AND, AS PROFESSOR KAREN BUSBY REMINDED US, THE MUSEUM’S OPENING DOES NOT MARK THE END OF ITS DEVELOPMENT BUT MERELY ITS BEGINNING. LIKE HUMAN RIGHTS THEMSELVES, THE MUSEUM MUST PERPETUALLY PROGRESS. A FORTHCOMING COLLECTION OF ESSAYS WERE ABLE TO READ, THE IDEA OF A HUMAN RIGHTS MUSEUM, MAKES IMPORTANT CONTRIBUTIONS TO ONGOING CRITICAL CONVERSATIONS.

THE CANADIAN MUSEUM FOR HUMAN RIGHTS

IN THE MAIN HALL, VISITORS BEGIN BY HEARING THEIR TOUR GUIDE ACKNOWLEDGE THAT WE ARE ON TREATY 1 TERRITORY. A GOOD START. WE LEARN THAT THE MUSEUM IS BUILT DIRECTLY ON A TRADITIONAL MEETING PLACE FOR FIRST NATIONS PEOPLE, WHO HAVE BEEN MEETING AT THE INTERSECTION OF THE RED AND ASSINIBOINE RIVERS FOR AT LEAST EIGHT THOUSAND YEARS. EIGHT THOUSAND. NOW, WE MEET HERE.

I WONDER ABOUT THE MUTUAL UNDERSTANDINGS THAT UNDERLIE TREATY 1. WHAT WAS PROMISED IN EXCHANGE FOR THE GOVERNMENT’S FACILITATION OF SETTLEMENT ON THIS LAND? WAS THIS TYPE OF LAND USE CONTEMPLATED? DID OUR GOVERNMENT HONOUR THE AGREEMENT? ARE WE HONOURING THE TERMS TODAY?

THESE QUESTIONS HANG POIGNANTLY IN THE AIR, BUT ARE NOT ADDRESSED BY THE MUSEUM OR THE GUIDE. INSTEAD, WE RUSH QUICKLY TO THE NEXT EXHIBIT, WHICH ASKS US, “WHAT ARE HUMAN RIGHTS?” SIGNIFICANT INDIVIDUALS AND ATROCITIES IN HUMAN RIGHTS HISTORY ARE DESCRIBED AND DEPICTED ON PANELS ALONG ONE LONG WALL, IN A DARK, LARGE, LUXURIOUS EXHIBIT SPACE.

MIDWAY THROUGH THIS LONG HALL IS A BEAUTIFULLY CARVED BOX WITH SAD FACES ON IT. IT IS DISPLAYED LOW DOWN. I HAVE TO STOOP TO READ THE LABEL’S SMALL PRINT, WHICH IDENTIFIES THE OBJECT AS BEING THE TRUTH AND RECONCILIATION COMMISSION’S BENTWOOD BOX, AND LISTS THE ARTIST’S NAME, COAST SALISH ARTIST LUKE MARSTON. I KNOW THIS BOX WAS USED TO GATHER TERRIBLE STORIES OF CANADA’S VIOLATIONS OF FIRST NATIONS HUMAN RIGHTS. WHY IS THIS BOX SO LOW DOWN, I WONDERS WHERE IS THE CONTEXT? WHERE ARE THE STORIES? PERHAPS THEY ARE IN ONE OF THE CURRENTLY UNOPENED EXHIBITS. I WORRY THAT VISITORS WHO DON’T KNOW MUCH ABOUT THE TRUTH AND RECONCILIATION COMMISSION MIGHT STROLL BY, THINKING NO MORE THAN HOW PRETTY THAT PIECE OF FIRST NATIONS ART IS.

THANKS TO CURATOR ARMANDO PERLA, WHO GRACIOUSLY HOSTED OUR VISIT TO THE MUSEUM, WE WERE ALSO THE FIRST MEMBERS OF THE PUBLIC TO VISIT AN EXHIBIT CALLED “PROTECTING RIGHTS IN CANADA.” THE PURPOSE OF THE EXHIBIT IS TO SHOWCASE THE CONSTITUTIONAL FOUNDATIONS ON WHICH CANADA RESTS. SEVERAL KEY DOCUMENTS ARE DISPLAYED, INCLUDING THE ROYAL PROCLAMATION OF 1763 AND THE PROCLAMATION OF THE CANADA ACT, 1867. BUT WHERE IS THE TREATY OF NIAGARA OF 1764? THE ROYAL PROCLAMATION CAN’T BE UNDERSTOOD WITHOUT UNDERSTANDING THIS TREATY, WHICH ILLUSTRATES THE FIRST NATIONS’ UNDERSTANDING OF THE PROCLAMATION. WE KNOW THEIR UNDERSTANDING OF THE PROCLAMATION WAS DIFFERENT FROM THAT HELD BY THE BRITISH. BUT NO OBJECT OR TEXT DESCRIBES THE TREATY HERE.

IN THE SAME ROOM, AN INTERACTIVE DISPLAY ASKS VISITORS WHETHER TREATY RIGHTS SHOULD STILL BE RECOGNIZED TODAY. I’M TAKEN ABACK. SECTION 35(1) OF THE CONSTITUTION ACT, 1982 EXPLICITLY SAYS WE MUST. WHY ARE WE ASKED THIS QUESTION?

WE MOVE FORWARD THROUGH THE GALLERIES, ASCENDING IN AN UPWARD SPIRAL TOWARDS THE GLASS TOWER AT THE VERY TOP. ‘FROM DARKNESS TO LIGHT’, THE TOUR GUIDE POINTS OUT, NOTING THAT THIS TRANSITION IS DELIBERATE AND MEANT...
How Bad is it Really?  
Giving Canada’s “Articling Crisis” Another Assessment

MARIE PARK  ARS & CULTURE EDITOR

W e’ve heard it for years, we’ve given it a name now and talk about it incessantly – the “articling crisis” that haunts the halls of law schools across the nation, an unprecedented mountain the legal profession has not seen before.

The worry is not as bad in first year, as everyone is just starting off fresh in building the resumes and experiences that will become the basis of hiring decisions in the summers to come. Come time for OCIs, the crisis begins to loom on a not-distant horizon, where the outcome of the second summer hires will become a critical factor in whether or not one can find shelter from the seemingly impending mass panic. For those who continue to be jobless into third year (and mind you, this is a large number), the nightmare is a real and persistent itch that never gets better until that elusive articling position is secured.

This is a narrative that applies to many of us, perhaps much more acutely to third years who are still looking. We feel a sense of hopelessness as the weeks go by, combined with a lingering disdain for the unfortunate mix of factors that have catalyzed this situation in recent years. We try to be positive about it, but in the end keep asking - why us?

I too have been in this negativity camp for a long while, until I began to try to see beyond my myopia. Initially, when I learned that Japan does not have the equivalent of our articling requirement, I thought maybe this would then make the path towards practice that much more painless. Apparently, though, Japanese law students do not have it any easier than we do. I would say the opposite - the bar exam pass rate has been historically reported to be the most abysmal in the world, with a rate of just 6% passing in 2010. Though the system has been given wholesale modifications in recent years, such as including the requirement of attending a law school (which was not, traditionally, a requirement), the pass rate is still at an incredible low of about 24%.

Putting that into perspective, though LSUC does not publish its bar exam pass rates, it is well known that it is very high. The bar exam, for most of us, is more or less taken as a symbolic rite of passage, rather than an actual test of a candidate’s aptitude to practice. For us, the real test takes the form of the longer-term challenge to find and secure an articling placement, which is a significant factor that bars some from licensure - recently, the LSUC reported that up to 12.1% of Ontario law school graduates did not get hired for articles in 2010/2011. One may argue, then, that the challenges for law students of various countries lie at different checkpoints, but that all countries are common in having a specific threshold mechanism.

But that is not the end of this discussion - the global legal job market decline since the recession has added to the already arduous path towards becoming a lawyer in jurisdictions where the bar exam stands as the main selection process. My Japanese friends comment that even after passing the bar, the lack of jobs post-bar is yet another hurdle that has been thrown at the legal profession. From what I hear, the challenge to find employment as a lawyer in Japan may be much tougher than our articling “crisis,” as we so call it.

The moral of this piece is that it is not so bad after all. It is all a matter of perspective.

In the end, we too often only react to the perceived hardships that we ourselves are subjected to, as our own problems are the only real problems of importance to our narrow-minded selves. We forget to try to understand our challenges relative to the bigger picture, and in doing so, create the storms of our own gloom. Among the most lasting impressions the Japanese law students have had on me is their unrelenting optimism despite the bleaker future of the legal profession in Japan. People do not complain but rather transform that negativity towards a bubbly attitude that encourages each other to brave through the long endless days and nights of studying for the bar. This is something Canadians should learn to do - channel the main into something good, to see beyond our woes, and bring the right kind of positive professionalism to the legal landscape.
Confessions of a 1L
The 0L Admissions Process, Holistic or not?

CAMILLE WALKER › CONTRIBUTOR

OL Experience

Around this time last year, myself and the other 200+ students of the Osgoode Hall Class of 2017 had the grueling task of tackling law school admissions. As we spent countless hours trying to decide exactly what a law school admissions committee would be looking for in an application, we asked past students, current students and prospective students to try to gain some insight. We asked ourselves many questions: “where do we start?”, “what do we say?”, “are our GPAs too low?” and “what about the LSAT?!” For many of us, these questions boggled our minds up until we got our very first acceptance into law school. I remember sitting with a current Osgoode student expressing my concern that maybe my GPA just was not high enough or that my LSAT score was not high enough and wondering how holistic the Osgoode admissions process actually was. I also remember being told by countless sources, including Professional School Support counselors, that the law school admission process was merely a numbers game...oh no!

Prior to starting law school, many prospective students, myself included, believed that this holistic approach was non-existent. We grappled with the long-winded task of aiming high on the LSAT and trying desperately to not sound completely ridiculous on our personal statements. Dealing with the grueling task of answering the question: “why do I want to go to law school?”

Then 1L!

In discussing with some of my fellow Osgoode 1Ls this seemed to be the shared view prior to starting at Osgoode. It seemed as though the holistic process was nonexistent or a sheer mechanism that admissions committees used to accumulate more applications or to give prospective students an immaterial sense of hope of getting accepted. We all invested time in trying to make our applications as great as possible and hoping that somehow, somehow, this was not true.

Hoping that someone, anyone, would accept what we had to say.

As I entered the Class of 2017, I was greeted with familiar faces and students from somewhat unexpected walks of life including mature students, students coming directly out of undergraduate programs, and students with several graduate degrees. I was quite happy to realize that the class also consisted of students who had amazing previous careers, including past firefighters, professional soccer players, architects, and chefs. I was puzzled and completely excited to understand just how the Admissions Committee and the Osgoode administration had done such a great job in putting our class together.

ADCOM

I got my answer when I was given the opportunity to sit on the Admissions Committee as a first year Student Caucus representative. Suffice it to say, I was glad to realize that the Admissions Committee comprised of very friendly faces and individuals who were encouraging and welcoming of a wide range of applicants with excellent academic and LSAT results but also with other significant achievements. The admissions policy identifies applicants who are able to demonstrate how their academic abilities and varied experiences can contribute to the law school and the legal community.

This mythical holistic approach has now materialized as a fact! Osgoode has moved away from the traditional approach of the “numbers game” and has adopted an admissions policy, which focuses on measuring all applications against the very same criteria. The holistic approach to admissions includes a balance of individual and collective considerations. Academic excellence and social diversity are incorporated to maintain open and transparent procedures, which broaden the criteria of assessment.

Part B of the admissions, personal statement criteria, allows students to acknowledge factors relating to equity and diversity highlighting considerations that may be related to systemic barriers faced by applicants to equal access to education. Applicants, in the work or life experience section, are able to highlight ways in which their experiences demonstrate that they possess the skills necessary to succeed in law school. Additionally, students can highlight any circumstances or non-academic commitments that have negatively affected a portion of an applicant’s academic performance.

The admissions policy and procedure is founded on notions of fairness and equity. Each applicant is encouraged to demonstrate any equity, diversity and performance considerations related to the skill sets needed to succeed in law school.

And to the fellow 1Ls of the Class of 2017, as we get ready to sit our first law school 100% exams, remember that Osgoode Hall Law School’s admissions policy and procedure identifies an outstanding class of students whose academic abilities and varied experiences make a continuing social and intellectual contribution to the law school and the legal profession.

So best of luck and not to worry, we’re all gonna do great!
Labels Without Legal Meanings
The truth behind “free-range” farms

AMY MINTAH • CONTRIBUTOR

With increased awareness of the inhumane practices occurring at factory farms, more and more people are opting for meat from free-range or cage-free farms. However, as Dr. Charles Olentine – editor of Egg Industry magazine – articulated, “just because it says free-range does not mean that it is welfare-friendly.” Contrary to what many believe, free-range or cage-free farms are remarkably similar to factory farms. Labels such as “free-range,” “cage-free,” “free-run” and “natural” have yet to be legally defined in Canada. There are currently no laws or regulations in Ontario indicating what these labels signify, nor are there third-party inspectors to oversee operations. Such farms operate according to the honour code and are left to govern themselves.

Just as is done on factory farms, male chicks born to the egg industry on free-range farms are often either thrown in a macerator and ground up alive or disposed of in dumpsters. Since the egg-laying breeds of chickens do not have much meat, it is not profitable to raise them for meat. The female chicks are often debeaked, raised to lay eggs, and slaughtered when egg production slows down, which is generally at only one-and-a-half or two years of age. They are slaughtered at this age despite the fact that chickens can live up to 10 years or more.

Free-range and cage-free animals are often housed in overcrowded spaces and may never have access to the outdoors. Further, as our harsh Canadian winters make it difficult to allow chickens to roam outside, only a small percentage of Canadian farms are truly free-range. Scott Akom, an employee of the Horizon Foods Organic and Free-Range Farm confirmed that the chickens at his farm do not have access to the outdoors and explained that it is a free-range farm in that the chickens are free to roam in the chicken house. Although free-range cattle, pigs, and sheep must have “access to the range,” there are no laws in place specifying how much space must be allowed.

Breeding at free-range farms often resembles factory farms. Free-range animals are fed the same antibiotics that factory farmed animals are given. Meat chickens are raised to prematurely reach their goal weight so that they can be slaughtered at 45 days of age. This premature weight gain strains the chickens’ limbs and causes respiratory problems, heart attacks, and a condition known as “splayed legs.”

Given that the vast majority of farms operate for profit, the practices implemented at such farms are in existence to generate profit. This, unfortunately, is often at the expense of the animals that have become commodities. While small family farms do exist, their numbers pale in comparison to those which claim to be free-range or cage-free yet are strikingly similar to factory farms.

Since there are no regulations regarding sanitation, chickens raised on free-range farms still experience the same ammonia burns on their breasts and have the same lung problems from constantly sitting in their own waste. Animals raised on free-range, cage-free, or organic farms do not receive special humane slaughter. Free-range animals are killed at the same slaughterhouses as factory farmed animals and are also slaughtered in the same way. They also often travel anywhere from 36 to 52 hours in the same trucks to get to the slaughterhouses. During the trip, they are not provided with food or water. In 2007, one investigator of a free-range farm reported that 80,000 hens had been gassed to death within the span of four days.

In order to produce milk for humans, farmers must manipulate the reproductive systems of cows. Calves are taken away from their mothers the moment they are born so that they will not compete with humans for their own mother’s milk. This reproductive cycle begins again within only two months.

Even on the smallest free-range dairy farms, male calves are thrown out, sold for veal shortly after birth, or are killed within days of their birth for bob veal. Others remain in stalls for months, are unable to exercise and are not given proper nutrients. Within four years, dairy cows are considered “spent” and are slaughtered.

According to new research from Sweden’s national veterinary institute, uncaged chickens are exposed to higher levels of bacteria, parasites and viruses that put them at greater risk for disease and infection than caged chickens. Housing a large population of uncaged chickens in close proximity allows disease and infection to spread quickly. Such an arrangement also leads to higher rates of pecking which can result in disease or death.

Therefore, despite what many may believe, free-range or cage-free farms are not necessarily the better option for those wanting to eat ethically.
Jurisfoodence: In Search of Toronto’s Best Brunch

Food Adventure #5 – Le Petit Déjeuner

KATE HENLEY & KAROLINA WISNIEWSKI > STAFF WRITER & EDITOR-IN-CHIEF

Le Petit Déjeuner
191 King St. East

This week, my brunch companion was none other than the Obiter’s esteemed Editor-in-Chief, Karolina Wisniewski. After consulting a number of sources, we decided to check out Le Petit Déjeuner (LPD), a small restaurant located in St. Lawrence Market specializing in “Belgian-Canadian comfort food,” which also apparently serves the best waffles in the city. This review will be structured a little bit differently from my other ones, with me and Karolina both providing our opinions on each of the criteria.

Brunch Hours
While LPD has an actual brunch on Saturdays and Sundays from 9-3, it also serves breakfast every other day of the week and the menu is exactly the same. On weekdays, breakfast begins at 8 and ends between 3 and 6, depending on the day. If you are someone who pulls all-nighters and can’t drag yourself out of bed until the late afternoon, you should definitely check out the website before making the trek to make sure it’s still serving.

Wait Time/Service
The restaurant was nearly empty when we arrived at 11:00 on a Wednesday morning, but by the time we left at 1:00, it was packed.

Kate: While two hours for brunch isn’t unheard of, it’s ridiculous when half that time is spent waiting for a mimosa you ordered after you were finished eating. The first hour we were there, the restaurant was pretty empty so there was no excuse for the shitty service, but we had to ask our server multiple times for more coffee and milk. During the second half of our meal, we got a second server. Unfortunately, she had resting bitch face (RBF). Speaking as someone who also has RBF, I feel like I can say that the service industry is not for you if you cannot provide service with a smile.

Karolina: As an individual afflicted with a particularly severe case of RBF, I second Kate’s diagnosis of our server. I expect blasé service on Queen West, but let’s be real, LPD has not earned sufficient hipster-yuppie cred to justify all the servers throwing shade like they’re American Apparel employees.

Atmosphere
Kate: I associate brunch with mornings, and generally expect brunch places to be bright and welcoming – not the case here. While it was not unwelcoming, per se, it was kind of a weird vibe at LPD. For the first hour, we were the only people under the age of fifty, but a ton of younger people came in around lunchtime.

Karolina: Yeah, the décor wasn’t working for me.

It was cozy and old-school, but the juxtaposition of diner-like elements (sparkly vinyl seating in booths) with Canadiana items like banker’s lamps didn’t quite add up.

Kate: I can say with 100% certainty that this is not the place to go if you want to have a private conversation about last night or about how shitty articling is. Karolina and I are both in joint programs, meaning that the majority of people we began law school with graduated last year. They’re now articling and telling us with their tales of woe. We were discussing this and wondering how our experiences would compare (Karolina will be clerking at the Ontario Superior Court and I will be articling at a criminal defence firm in Winnipeg), when we were interrupted by a woman sitting at the table next to us, asking if we were law students. My first thought was that she was also a student or was trying to get into law school – not the case.

Karolina: My god, that was the most terrifying moment of my entire life. As soon as we established that she wasn’t a student, my heart sank. Per Murphy’s Law, I was sure she would happen to be the principal of one of our former classmates who were complaining about having to work sixty hours a week.

It turns out that there is some omnipresent, benevolent being, though, as she was a lawyer from a town far, far away vacationing in Toronto (that’s a thing!).

Coffee
Kate: I can’t remember the small amount of coffee that I actually got to drink because the service was so shitty.* I think it was pretty decent?

Karolina: I have no recollection, so it probably wasn’t fantastic or terrible.

*Full disclosure: Kate actually drank two full cups of coffee while I was waiting for our mimosas to come (at least twenty-five minutes), and is being dramatic.

LLBO licensed
Kate: Finally, another place that is licensed! While a mimosa will cost you $7, it will knock down the price of your coffee from $2.50 to $1 – so it’s kind of like the mimosa only costs $5.50? Trickery. Unfortunately, we didn’t order ours until after we finished eating, and the entire second hour was devoted to waiting for our mimosas to come (at least twenty-five minutes),

Portion sizes that would feed an anorexic model for a week. As for the rest of us . . . WTF?

THUMBS UP

Rick Mercer hosting the 2014 Scotiabank Giller Prize.
A Trio of Film Reviews, Currently in Theatres
An Avalanche of Actors

KENDALL GRANT > STAFF WRITER

Birdman or (The Unexpected Virtue of Ignorance) (2014) 3/4

Tasty, ironic, incisive, and savagely audacious, Birdman or (The Unexpected Virtue of Ignorance) is a weird brew of backstage black comedy and theatrical satire, a volcano of creative ideas in full eruption, and a dark comedy of desperation buoyed by unbridled artistic optimism. It will make you laugh out loud and curse the shadows; spinning you around six ways from Sunday.

Riggan Thomson (Michael Keaton) is a washed-up actor who abandoned the Birdman franchise to reinvent his career by directing and starring in an adaptation of Raymond Carver’s short story “What We Talk About When We Talk About Love.” After the lead is injured, Riggan replaces him with famous method actor Mike Shiner (Edward Norton, The Grand Budapest Hotel). The play is produced by best friend Jake (Zach Galifianakis) and stars girlfriend Laura (Andrea Riseborough) and actress Lesley (Naomi Watts, The Impossible); his assistant is estranged daughter Sam (Emma Stone, Easy A). Riggan’s ex-wife Sylvia (Amy Ryan, Win Win); his assistant is estranged daughter Sam (Emma Stone, Easy A). Riggan’s ex-wife Sylvia (Amy Ryan, Win Win) is tepidly supportive; New York Times critic Tabitha (Lindsay Duncan) is openly hostile.

It’s a rich, startling, and multi-layered collage; finding writer-director Alejandro González Iñárritu’s overheated technique meshes perfectly with the overacting – the performers know Birdman’s theatrical exercise and relish the chance to pull out the stops. Dazzling and rambling, intimate and sprawling, it’s a jubilant ride; a full-fledged wonder of showbiz about showbiz. Funny and fast-moving, the bravura gestures balance the film’s mysterious ideas with a steady stream of inside jokes. Drummer Antonio Sanchez provides a bustling backdrop throughout – a thrumming, off-the-cuff, jazz percussion score.

As a simulated single-take of almost two hours, Birdman sizzles, scintillates, teases, taunts, barks, brays, preens, and careens with limitless energy. (To be clear, Hitchcock’s Rope did the same thing without digital trickery more than half a century ago.) Still, it’s a remarkable feat of choreography – everything had to be timed as in a dance. World-class cinematographer Emmanuel Lubezki (Children of Men, The Tree of Life, Gravity) wows once again with jaw-dropping cinematography that spins, pirouettes, and stays aloft scene after scene. Serious, silly, and self-aware, Birdman questions stardom and celebrity, punctuated by humour that verges on slapstick; its tone is at once empathetic and acidic. Yet there’s an underlying anger in evidence, a rage against a movie market that champions superhero blockbusters and sidelines the talent that provokes discomfort. With its improvisatory style, its seamless shots, its surrealistic flourishes, and its well-calibrated shifts, Birdman provides an unpredictable response to the sea of mediocre formula at the centre of its critique. It makes an argument that everything flows together.

Like so many other films in 2014, Birdman proves that a kinetic film can soar on the wings of its technical prowess, even as the banality of its ideas threatens to drag it back to earth. Don’t get me wrong – the occasional downdrafts can’t keep Birdman from taking to the skies. It dips, and it also takes thrilling flight. But it’s hard not to leave with the suspicion that it signifies less than Iñárritu would have us believe.

Playing off the exaggerated conceits of Dogville, the documentary camerawork of The Wrestler, the thematic ambition of Synecdoche, New York, and the technological touchstones of The Social Network, Birdman ascends to great heights. It may not be as scalpel-sharp a dissection of Broadway, Hollywood, and fame in the 21st century as it thinks it is, but it’s a galvanic blast from start to finish. As suggested by the clever subtitle (a Kubrickian tribute, perhaps), blundering can be bliss.

“The Force Majeure is a prickly moral comedy for grown ups…”

Gleefully uncomfortable, deliciously awkward, and corrosively funny, Force Majeure is a comedy of passive aggressiveness with a nerve-cinching grip, delivered with Kubrickian unease. Plotted with forensic exactitude, it’s a quiet avalanche that leaves the audience squirming in all the best ways.

A family takes a five-day ski holiday in the French Alps. During lunch at a mountaintop restaurant, an avalanche turns everything upside down. The anticipated disaster fails to occur, but in the aftermath, the quartet is torn apart by cowardice as their dynamic is shaken to its core. Tomas (Johannes Kuhnke), the family’s patriarch, struggles desperately to reclaim his role as family patriarch, but mother Ebba (Lisa Loven Kongsli) refuses to let him off the hook.

Mightily clever in its rather theatrical structure and bracingly cinematic in its formal approach, Force Majeure is a prickly moral comedy for grown-ups, full of spectacular scenery, sharply observed moments, and masterfully manipulated atmosphere. An arrangement of the stormy Summer finale from Vivaldi’s “Four Seasons” keeps the viewer in jittery anticipation, adding caustic condemnation through ice-cold humour.

Swedish writer-director Ruben Ostlund (Involuntary, Play) is a gifted creator of malignant ambience, a glacial and ever-more-confluent stylist, and a brutal satirist of his countrymen’s foibles, presumptions, and hidden prejudices. Like Bergman with a wicked streak, Ostlund never pushes his own metaphors too far. In Tomas, Ostlund diagnoses traits of stunted male egotism and whopping immaturity, matched with a warped desire to look like a hero; Ebba, meanwhile, is far from blame-free, especially in agreeing to present a “united front” to their world of thinly disguised self-interest.


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See FILM REVIEWS, page 18

The camerawork and editing of Birdman was manipulated to give the appearance that most of the film is one continuous long take.
Why the Toronto Maple Leafs have not been able to win the Stanley Cup for nearly half a century
Part three of three

KENNETH CHEAK KWAN LAM • STAFF WRITER

F THE LEAFS are serious about changing their fortune, management needs to endure a painful full-scale rebuild. I am not suggesting that the Leafs should tank intentionally (particularly since finishing last will not ensure getting the 1st overall selection with the implementation of the draft lottery); rather, I am preaching that the organization should be patient and focus on drafting young talent and invest in player development, especially given that the NHL does not have a cap on how much a team can spend in this area (meaning that the team can make use of its financial resources and hire many more top scouts than small market teams so as to identify talents at the amateur-level that the franchise should pay close attention to and/or possibly draft down the road). Comprehensive scouting reports can then be composed for each prospective draftee.

Generational talents (e.g., Wayne Gretzky, Mario Lemieux, and Sidney Crosby) are obvious targets that all scouting departments should be able to identify with relative ease given that the skill levels of these special players are head and shoulders above the level of competition (e.g., Gretzky had seventy goals and 112 assists for a total of 182 points in sixty-four games for the Sault Ste. Marie Greyhounds; Lemieux had 133 goals and 149 assists for a total of 282 points in seventy games for the Laval Violets in the 1983-1984 season; Crosby had sixty-six goals and 102 assists for a total of 168 points in sixty-two games for the Rimouski Oceanic in the 2004-2005 season).

Where elite-scouting pays off is the ability to unearth hidden gems or the diamonds-in-the-rough (e.g., the ability to draft a top-end player whom other teams have passed on in the late rounds of NHL Entry Drafts). The Detroit Red Wings is the model organization in this regard as the team successfully drafted Nicklas Lidstrom (with the fifty-third overall pick in the third round of the 1989 NHL Entry Draft), Pavel Datsyuk (with the 171st overall pick in the sixth round of the 1998 NHL Entry Draft), Henrik Zetterberg (with the 210th overall pick in the seventh round of the 1998 NHL Entry Draft), and Johan Franzen (with the ninety-seventh overall pick in the third round of the 2004 NHL Entry Draft). These core players ended up bringing four Stanley Cups to The Motor City within a span of eleven years from 1997-2008.

This means that the Leafs could be basement dwellers for years to come, but the reward of losing royally is that the team will be rewarded with top draft picks in future NHL Entry Drafts. Recent history suggests that this is the “right” way to build championship teams. For example, the Pittsburgh Penguins won the 2009 Stanley Cup by drafting their core with high draft picks (Starting Goaltender Marc-André Fleury went first overall in the 2003 NHL Entry Draft; Franchise Centre Evgeni Malkin went second overall in the 2004 NHL Entry Draft; the face of the NHL, Sidney Crosby, who recently served as captain of team Canada in the 2014 Sochi Olympics, went first overall in the 2005 NHL Entry Draft, and strong two-way centre Jordan Staal, went second overall in the 2006 NHL Entry Draft). The Chicago Blackhawks won the cup in 2010 and again in 2013 in similar fashion (as team captain Jonathan Toews went third overall in the 2006 NHL Entry Draft and dynamic winger Patrick Kane went first overall in the 2007 NHL Entry Draft). The Edmonton Oilers have yet to win but their future is bright as their core is now intact (left winger Taylor Hall went first overall in the 2010 NHL Entry Draft, first-line centre Ryan Nugent-Hopkins went first overall in the 2011 NHL Entry Draft, and elite winger Nail Yakupov went first overall in the 2012 NHL Entry Draft). Looking back, the Leafs could have had first-line centre Tyler Seguin and top-pairing defenseman Dougie Hamilton (drafted second overall in the 2010 NHL Entry Draft and ninth overall in the 2011 NHL Entry Draft by the Boston Bruins) but regretfully, then Leaf General Manager Brian Burke impatiently traded these two picks along with a second round pick in the 2010 NHL Entry Draft in the infamous Phil Kessel deal so the Leafs are still searching for a legitimate first-line centre and a stud defenseman as we speak.

Why do the Leafs need to draft and develop their own elite talent? Simply put, no teams will trade such high-demand commodities to rivals, nor will generational players (especially if they are young and still very much in their prime) ever make it to unrestricted free agency given that teams will lock up their franchise player(s) to long-term contracts. For example, before the new rules came into effect, the Penguins re-signed Crosby to a twelve-year contract extension on July 1, 2012. The team then promptly re-signed its other star Malkin to an eight-year contract extension on June 13, 2013. Similarly, the Blackhawks re-signed the faces of their respective franchises, Toews (on July 9, 2014) and Kane (also on July 9, 2014), to eight-year contract extensions. Even the Leafs, under the watchful eye of General Manager Dave Nonis, resigned Kessel, the team’s best player, to an eight-year contract extension on October 1, 2013. In spite of their repeated mistakes, Leafs Nation does see light at the end of the tunnel. The appointment of Brendan Shanahan as team President (a hockey executive with high intelligence and tremendous hockey sense who I put in the same category as Steve Yzerman) and the recent hiring of Kyle Dubas as Assistant GM show a commitment on the part of Leaf’s management to take hockey analytics seriously, which is a prerequisite to successful player drafting and development in this age of the game. The timing could not have been more perfect as Connor McDavid is the consensus first overall pick (with Jack Eichel most likely being the second overall pick) in the upcoming 2015 NHL Entry Draft.

THUMBS DOWN

The demolition at Union Station allegedly displacing rats into downtown Toronto.

Photo credit: http://assets1.sportsnet.ca/wp-content/uploads/2013/12/mcdavid_connor640.jpg
Bill C-36

While the Conservatives purport that they aim to reduce demand for sex services (which they equate to exploitation, but more on that later), what they’ve actually done is made working in the industry less safe. There is no evidence to suggest that demand for sex services in Sweden has dropped since its new laws were implemented. Furthermore, violence against sex workers has grown while reports of violence have declined. The PCEPA’s provisions will provide incentives for purchasers of sex services to remain anonymous, limiting the ability of sex workers to deter violence by screening clients or collecting personal information. Purchasers will also likely be less willing to perform an exchange in a safe location where the worker will be visible to others. By making the purchase of sex illegal, the PCEPA will push sex work back into the shadows, creating dangerous work conditions and a significant risk of harm. Beyond this, purchasers will be less inclined to report a sex worker who appears to be underage or a potential trafficking victim for fear of prosecution.

The PCEPA makes it a crime for any third party to earn money that is “derived directly or indirectly” from the sale of sexual services, unless it is a sale of a good or product that is sold to a sex worker on the same terms as the general public, or is a private service provided to a sex worker that doesn’t “counsel or encourage” sex work. It will be next-to-impossible for sex workers to come together to form a brothel that includes any form of management or security as anyone running or employed by a brothel could be charged. Sex workers will likely be forced to work individually, removing any form of safety net formed by working in a group. The PCEPA does allow sex workers to work at home, and allows those who have a “legitimate living arrangement” with a sex worker to receive material benefit from sex work. But what about sex workers who do not have a home? Without anywhere to go, they will be reduced to working in areas completely outside of the public view where they will be provided little to no protection.

The PCEPA also precludes any form of advertisement that “offer[s] to provide sexual services for consideration” by anyone except sex worker themselves, and even then, platforms that run ads could face prosecution. This extends to any form of publication, including the internet. Sex workers will be limited to using methods such as street solicitation, further diminishing their ability to collect information about their client and increasing their chance of harm.

In enacting the PCEPA, Parliament has made the fatal mistake of equating sex workers with exploited victims, and sex work with trafficking. Justice Minister Peter McKay said, “Bill C-36 reflects a fundamental paradigm shift towards the treatment of prostitution as a form of sexual exploitation,” a shift that is profoundly flawed if they wish to keep sex workers safe. By making all sex workers into victims, the PCEPA makes what could be a legitimate, regulated industry into something that will continue to be stigmatized, socially isolated and inherently dangerous.

A recent study conducted by the Canadian Institutes of Health Research found that 70 percent of sex workers are satisfied with their jobs and that they do not perceive themselves as the victims that Parliament understands them to be. This isn’t to say that trafficking for sexual exploitation isn’t a problem in Canada, it absolutely is. But, conflating sexual exploitation and sex work does nothing except lessen protection for sex workers who choose to work in the industry. If Parliament wishes to bolster laws against human trafficking, they should work to strengthen Canada’s existing laws, not confuse the issue with voluntary sex work. All they will accomplish with the PCEPA is increase the risk of harm to sex workers, send otherwise law-abiding citizens to jail for purchasing a service from a voluntary provider, and waste taxpayer dollars when the PCEPA is inevitably challenged and (hopefully) struck down.

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to us. However, in doing so, we create a stimulus that engages us in these profound social issues that might otherwise not receive the attention they deserve. Without a genuine understanding of these experiences, it becomes difficult to engage in a discussion on finding solutions to the problem of abuse in our society. Using celebrities as a proxy in this way helps us to feel more personally connected to efforts in preventing the continuation of such intolerable behavior.

In a sense, it also comes down to an issue of power. Our willingness to be captured by these stories is informed by the influence these celebrities have upon us. On each side of the table, both as victim and abuser, celebrities hold a power that no one else has to speak out on these issues. The mother of three living next door may face abuse every single day, but she has nothing like the voice Ghomeshi has in a single Facebook post. This power imbalance can be seen as both a blessing and a burden. Speaking as a victim of abuse myself, I can honestly say that my perspective on this situation is at odds within me. On the one hand, I recognize and appreciate that any form of attention that brings us together in such a way as to encourage healthy and constructive debate on the matter is to be welcomed. Though, I also can’t help but feel infuriated by witnessing the differential treatment between those victims who live within the world of celebrity and the rest of us who lie outside that privilege. Having experienced first-hand both the social and systemic barriers that victims face when bringing allegations of abuse to light, I can say that it feels like an insurmountable journey for those who do not have the support of an entire army of Toronto Star staff writers or hundreds of thousands of Twitter followers behind them. I’m certainly not suggesting that these victims should not be receiving the enormous amount of support they do; rather, what I’m saying is that it shouldn’t mean that anyone else deserves less. What results from this inequality is that we are left with a system that offers protection to some, but not others. Those who are advantaged to have access to the power that demands attention find recourse where others do not and fall into the shadows of the forgotten. The answer to the question of who receives our moral indignation on this matter shouldn’t rest with the social status of those involved. The issue of abuse is a serious concern that deserves our attention without need for the added spectacle arising from these celebrity scandals. If we intend to take an earnest approach to resolving the problem of abuse, then we ought to begin by recognizing it as it occurs at all levels of our society.

Sex Scandals

per the Law Society’s Rules of Professional Conduct. Ghomeshi is represented by a union and any disputes with his employer must therefore go to arbitration. So, money, restoring his good name, or being reinstated cannot possibly be his end game in filing suit. Rather, by suing the CBC, he is attempting to silence victims and any manager who dares to intervene in workplace sexual harassment.

Much of the discussion surrounding the Ghomeshi scandal and the still-unfolding sexual harassment scandal emanating from the Hill, has coalesced around the question why don’t victims come forward? The question is predicated on the assumption that there is a process for redress and that this process is just. But the process can be manipulated. Despite decades of reform, the old tropes can still be found in judgments and in the media’s dissection of a case. Everything from the point of reporting communicates? to victims that they should never have reported in the first place. The knowledge that the police will likely not believe you, the embarrassing examination-in-chief, the excruciating cross-examination, the abysmal conviction rate, the farcical sentences, the demonization for being the person who ruined his career—there are plenty of reasons not to report. And if those reasons are not enough to dissuade victims from reporting, the fact that the process itself can be abused to suit the ends of the perpetrator probably will.

Society’s distorted view of women and sexuality allows people to use the system for ends utterly counter to our notions of justice. Ghomeshi using a lawsuit to silence victims and prevent intervention by managers, a blackmailer suing the victim of cyber sexual assault, a judicial inquiry conducting a witch-hunt against a victim and attempting to dictate the acceptable gamut for women’s private lives are just a few recent examples. There is certainly a process in sexual assault cases, but it seems to serve the perpetrators, not justice.

Thumbs Up

Tony Clement’s recent frolics of the imagination; aka his “open government” plan.
Human rights

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to represent the journey towards greater recognition and protection of human rights. While structurally beautiful, the association of darkness with 'bad/backwards', and lightness with 'good/forwards' is a troubling one, especially for a human rights museum.

The second last exhibit showcases Canada’s military for “Protecting Human Rights Abroad”. We are as a group mostly shocked by the placement of this exhibit (albeit, a temporary one) so near the ‘pinnacle’ of human rights achievement.

The tour ends up in the building’s glass pinnacle, the “Israel Asper Tower of Hope”. From high in the tower, we gaze down at the Winnipeg streets, sprawling outwards. From this height you can’t see it, but if you walk the streets on the ground, the class divide between white people and First Nations peoples in Winnipeg is stark.

This beautiful, enormous, powerful stone building. Who is it for?

Mentoring Artists for Women’s Art (MAWA)

At the end of our first day in Winnipeg, we walked from the museum to MAWA for a public performance by Julie Lassonde with the theme of domestic violence. Julie introduced us to her creative process with a workshop before our trip, a talk prior to her performance, and a Q&A following. In performing her piece, “Permission”, Julie used sound and movement to express a story of trauma, survival, and transcendence. To me, she communicated to us an important emotional narrative that was missing at the museum.

The Winnipeg Indian and Metis Friendship Centre

Visiting the IMFC was a highlight of the trip for many of us. It was a privilege to be able to meet with three Anishinaabe First Nations people – IMFC executive director Jim Sinclair, Ted Fontaine (author of Broken Circle: The Dark Legacy of Indian Residential Schools), and Ko’ona Cochrane (an Idle No More activist) living in Winnipeg. We were privileged to hear their stories of residential school abuse and discriminatory treatment in the child welfare system and legal system, and to learn about the struggle to restore their collective cultural identity. It was at times uncomfortable for some of us, which I think was probably just right. I think we should feel uncomfortable when hearing about Canada’s treatment of First Nations peoples.

Julie Lassonde performed again, on the stage at the IMFC. Her piece was based on a Nanabush story recounted in John Borrows’ Recovering Canada: The Resurgence of Indigenous Law. Throughout her piece, she worked through the idea of struggling to find balance when doing emotionally charged human rights work.

Experiential education

This trip allowed us to meet directly with the people we seek to serve. It allowed us to connect as a group and build collective strength. I felt how strong we were together as a group.

Social change largely happens through collective action, and so this is why I think it’s so important that we find ways to foster community collaboration at Osgoode. Because that’s what so many of us are here for – to learn how to spur social change. But coming back to school, I suddenly noticed how separate we can be at school. When I walk around the halls, I have the feeling like I’m on a racetrack, and while we’re all racing towards a common goal, we’re racing against each other. A lot of us want the same things for our society and for our school, but we can feel so alone in our pursuit of it. There are unwritten rules, laws you could say, that guide our actions and drive us to feel so separate at school.

Perhaps we could think about changing them.
getting attitude from our server when we asked what happened to them, and the exchange with the tour-ist lawyer while we drank them. Bonus (): since our server nearly forgot our mimosas, we got our $1 coffee for free!

KAROLINA: No one gets excited about mimosas, right? I mean, boozy brunch is awesome, but there’s a ceiling of deliciousness for a combo of orange juice and cheap sparkling wine. My initial enthusiasm fizzled (pun intended) during the unreasonable wait, and was not resuscitated by the lack-lustre cocktail. Skip the drinks here.

KATE: Sadly, I do get really excited about mimosas…

The Food

We decided to each get our own meals and to split a waffle to see what all the fuss was about.

KATE: I got The Hungry Gal, which consisted of two eggs, toast, potato rosti, apple coleslaw, and a choice of protein: I asked for my eggs over-easy, and got bacon. I liked the potato rosti, which turned out to be a small serving of grated fried potatoes. The bacon and apple coleslaw were also good, though I have no idea what the sauce on the apples was. However, my eggs came to me over-hard, and the bread used for the toast wasn’t very good (I could have paid extra for challah, but wasn’t willing to bear the cost).

KAROLINA: As a recent pescetarian (en route to proper vegetarianism), I’ve been surprised to find that brunch has been the only time I have felt limited while dining out. Nearly all breakfast meats are pork, which generally leaves eggs and super-sweet options like French toast or waffles on the table (again, pun intended). As a result, I was pleased to see that the Toast Champignon could be customized to substitute bacon for caramelized onions and sautéed bell peppers. My meal, then, consisted of a toasted bagel topped with a mountain of mushrooms and the aforementioned vegetables with a poached egg on the side. I was pleasantly surprised to discover that the vegetables were expertly seasoned and full of flavour. I was also an enthusiast of their potato rosti, though I part ways with Kate in my feelings regarding the apple coleslaw. I just can’t get behind a combo of pickles and apples.

KATE: In my defence, I swear my apple coleslaw didn’t have pickles in it. Also, the food was room temperature when it came to our table. The waffle was a good size as a side, but I would have been disappointed if that was my whole meal; it quite small for $7, and cold (though that was partially our fault…we ate it last).

KAROLINA: The fact that the food was nearly cold by the time it came to our table was a definite shortcoming, and probably a product of the restaurant being severely understaffed until RBF came along towards the end of our meal. Sadly, her presence didn’t do much to improve things. The waffles were good, but nothing to write home about. Starving Artist’s counterparts are much better.

Cost

In preparing this review, we noticed that all of the prices listed online are slightly lower than they actually are in the restaurant (by $0.50 - 1.00), so beware.

KATE’S MEAL: Mimosa ($7), The Hungry Gal ($11), and half of a waffle ($3.50) added up to $23.53 plus tip.

KAROLINA’S MEAL: Mimosa ($7), Toast Champignon ($13), and half of a waffle ($3.50) added up to $25.79 plus tip.

Final thoughts

KATE: I wouldn’t go back – there are cheaper places with better food and without the ‘tude.

KAROLINA: Even considering the fact that you never ordered drinks at the other restaurants you reviewed, this place was pricier than most of them. And does anyone else find it odd that the vegetarian option was more expensive than the omnivorous meal? With poor service and acceptable (though not incredible) food, the most complimentary thing I can say about LPD is that it’s a good option for vegetarian brunchers, as long as the food arrives promptly. If an enlarged meal selection is important enough to displace the criteria of service and atmosphere, you’ll probably enjoy LPD. Otherwise, you might leave disappointed.

FINAL SCORE

SERVICE: 1/5

ATMOSPHERE: 2.5/5

FOOD: 3/5

OVERALL: 

THUMBS DOWN

Be wary of the pickles that might be lurking in your apple coleslaw!

Nicki Minaj’s Third Reich-inspired music video.
Film reviews

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Expertly directed and frequently hilarious, *Force Majeure* is a sophisticated thought experiment, provocative and wise, exploring the consequences of male weakness in a world in which men are expected to be strong at all times. Each new wrinkle in the scenario makes you squirm and recognize some rarely-broached truth. It’s a penetrating study of that most ludicrous of social pretences – masculinity, toxic and ubiquitous – with secret reserves of compassion once you’ve peeped out from between your fingers.

Building riotously via a series of verbal takedowns as male authority goes limp in the wake of a regrettable impulse, the film becomes a viciously amusing takedown of bourgeois complacency and gender stereotypes, chronicling the emotional free fall that occurs when a man and his marriage can’t live up to impossible expectations. A testy, laugh-as-you-wince experience that makes you murmur in amazement as you brood on the darkest corners in our lives, it rubs your face in human frailty and the illusion of security as relentlessly as anything in Michael Haneke’s oeuvre.

Östlund skips a perfect ending to reach an ambiguous final act that’s not as neatly satisfying, and it’s not as unflinching as 2010 chart-topper *Blue Valentine*. Yet, despite the chilly setting and snowy veneers, it has a heart that burns wickedly, airing out the dirty laundry for all to see. Indeed, it’s the harshest date movie to come out of the European arthouse circuit since Charlotte Gainsbourg stuck a pair of rusty scissors between her legs. (Maybe watch it alone, though for the record, I’d die for you, baby.)

While we may still be waiting for a new Bergman, his native country has ne’er slowed down; two of his colleagues have arrived at third-time’s-the-charm efforts during the 2013-2014 festival season – Lukas Moodyson’s adorably optimistic ode to teenage punk stunned Toronto last year; and Roy Andersson’s incomparable black comedy won the Golden Lion at Venice. Now Östlund himself looks to be in serious contention for a Foreign Language Film nomination. Fifty-seven years after Death sat down to a chess match with a young Max von Sidow, the Swedes are pulling their weight.

*Nightcrawler* (2014) 3 /4

Electrically overblown, wickedly funny, and mercilessly exact, *Nightcrawler* is a caustic portrait of an amoral opportunist who stumbles upon a horrible calling, playing like an entrepreneurial David Cronenberg crime thriller and unfurling into a ghoulish satire on journalism and the job market. With its pungent premise and potent performances powering it up, it curves and hisses its way inside your skull with demonic skill.

Lou Bloom, an unemployed nocturnal scavenger, captures the most gruesome mayhem on LA’s graveyard streets through freelance videography and sells to the highest bidder. His tenacity and manufactured poise catches the eye of Nina (Rene Russo), a past-her-prime news shark anxious for improved ratings. They form a poisonous and profitable relationship.

*Nightcrawler*’s chief pleasure is watching Jake Gyllenhaal (*Prisoners, Enemy*), who dropped 20 pounds to play the ambulance-chasing hack, portray someone who’s a spin-off of at least four iconic characters: Nosferatu, Travis Bickle from *Taxi Driver*, Max Fischer from *Rushmore*, and Chuck Tatum, the

Nigerian suicide bomber killing 48 high school students.
unscrupulous reporter played by Kirk Douglas in Billy Wilder’s scabrous Ace in the Hole. Gyllenhaal, under-recognized for his convincing turns in Donnie Darko, Brokeback Mountain, and Zodiac, completes a career rejuvenation in Nightcrawler.

Bug-eyed and manically vulnerable, unhinged but precisely pitched, Lou is a magpie; a demented bottom-feeder, a neon-lit survivalist mauling his way across LA, the flip side of Ryan Gosling in Drive, playing the angles and filling space with empty words instead of soulful silences. Coiled and ready to spring, he’s as transfixing as a cobra in a snake charmer’s outfit, just as much a bloodsucker as Dracula. Suave, reptilian, and terrifying, he’s the MacGyver of masturbatory shut-in Googlers, raised in a cramped crawlspace on Robert Kiyosaki books. It’s adolescent solipsism gone grotesquely rancid.

With his emaciated frame and robotic enthusiasm, Lou is one of the most disturbing movie characters of the year, like a Wes Anderson character whose ambition has warped into a realm of violent sociopathy. The courageous and counterintuitive pairing of its leads – Russo is 60, Gyllenhaal is 33 – produces undeniable erotic chemistry.

Nightcrawler has a sulphuric quality and sick sense of humour that mirrors the muted aquarium that Los Angeles becomes after the sun goes down.

In his directorial debut, screenwriter Dan Gilroy executes his ideas with coolness, and Nightcrawler also has a caffeinated spirit worthy of its graveyard shift milieu, a darkness artfully breached by PTA-regular Robert Elswit (Boogie Nights, Magnolia, There Will Be Blood), perhaps the best cinematographer in the business. However, like his erratic protagonist, Gilroy doesn’t always know when to settle down – it’s a bit too outlandish and loathsome, and the spell’s broken as soon as plot overtakes mood.

Half of the script sounds like it was gleaned from a self-help book; the other half sounds like the ramblings of a delusional narcissist in need of professional help. Some of the cleverest phrases are actually tired clichés (the decades-old adage “If it bleeds, it leads”), while others are browbeaten repetitively to the point of aggravation (“My motto is, ‘If you want to win the lottery, you have to make the money to buy a ticket’”).

Eager to shock but reluctant to reveal, Nightcrawler’s scolding tone runs counter to its pulp energy, as if Gilroy is instructing the audience to be alarmed by the things that turn them on. The film offers a familiar vision of today’s producers as misery peddlers, and callow ratings slaves bordering on the monstrous. Some clunky exposition and on-the-nose thematic monologues result in a rocky start, and it’s not wholly in control of its pay-off, Lou’s graceless and unnecessary face-off at a police station. No matter how much it strains to be Network meets The Silence of the Lambs, it’s never as effective as any of its many brilliant predecessors.

But Gyllenhaal’s wickedness prevails. Sleaze coats every frame of Nightcrawler, and some of it is deliriously thrilling. As much as it intends to be a takedown of the media’s pandering, “think-of-our-network-as-a-screaming-woman-running-down-the-street-with-her-throat-cut” ethos, the nauseating, vehicular lunacy is the versatile secret weapon. Full of evil that descends like a toxic cloud upon a tainted city, Nightcrawler is a tribute to the vile, a morbidly macabre carnival. It’s a skeezy, delectable little noir well worth a prowl.

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Perhaps the most surprising thing about Force Majeure is how funny it is.

When dusk falls on LA, the nightcrawlers come out.

Celebrating the 25th anniversary of the fall of the Berlin Wall.

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