10-18-2016

Volume 90, Issue 4 (2016)

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Don't Cut Ties with People Over Politics

You’re bound to disagree with someone on something.

Author › Ian Mason
Managing Editor

I wish to address a growing trend in social and political discourse that’s troubling, if not disturbing. I should begin by noting that the internet’s good for a great number of things: news, research, sports scores, cute animal photos, discrete hook-ups, and humourous videos of people getting injured attempting something stupid. Unfortunately, it has also given millions of people a way to get away with doing or saying awful things behind a mask of relative anonymity. As a result, a great many people have become increasingly prone to expressing some controversial and unpopular opinions because the consequences of doing so are generally quite minor. Bluntly, I won’t discourage anyone from cutting off communication with anyone who says something openly hateful or solely meant to be inflammatory. Such people deserve no validation. However, disconnecting yourself from someone for simply disagreeing with you on a political point or issue is something I wish to discourage.

Politics has become so divisive in recent years that there’s an almost reflexive tendency to dismiss a person based solely on their beliefs. If a person disagrees with you, they’re not simply wrong; they’re basically evil. It’s not even a “left versus right” thing. People are going for the jugular over issues and persons within their own political ranks. I’ve seen at least one friendship ruined over a Bernie Sanders vs. Hilary Clinton debate. This was after Clinton won the nomination, so it wasn’t even a particularly important issue at the time, and two people who had been friends for years cut each other off. It’s sad.

The sadder part is that these divisions are more imagined than real. Personal example: I play pickup hockey run by a fellow whom we will call “Gord.” Gord is about fifty-five, quite blue-collared, and has been running this pickup group for decades. He has actively welcomed women and LGBTQI individuals into his group, and has readily kicked out people for opposing their inclusion. He did this long before such inclusion was remotely commonplace. For those of you familiar with the home-stay program—where foreign students are boarded in Canadian households for an often substantial fee—Gord went above and beyond in taking care of his boarders. He often invited other boarders into his house for proper dinners because some of the people involved in the program assume foreign students should subsist on hot dogs and white bread (it’s hard to describe such people without prodigious use of profanity, so I’ll just call them jerks). He allows people to play for free if they’re going through financial difficulties, is generally quite generous, tolerant, friendly man who deserves a great deal of respect. He’s also a big fan of Donald Trump, and absolutely loved Rob Ford.

His political views are hard to reconcile with his personality and actions, but I can understand why he supports these people. Gord has a high school education, works about 50–60 hours a week, has a number of hobbies, an old house that needs constant renovations, and three children with whom he spends a good deal of time. He is a smart man, but he gets his political information from talk radio, locker rooms, and his blue-collar coworkers. He’s too busy to pore over the Globe and Mail or spend time on Politifact to determine that Trump is a pathological liar and sociopath who is exploiting the basest sentiments of his supporters. Being as naturally charitable as he is, it makes sense that he doesn’t see the need for a hypothetical big government nanny state. He pays attention to politics, but he seems drawn towards candidates who stand out and promise something different, and actually seems to derive some of his contempt for Clinton and the Democrats from their dismissal of Sanders’ remarkable impact. It would be easy to dismiss him as ignorant, selfish, or mean, but it would be very, very wrong. Gord’s a good person, and a far truer representative of conservative Canadians than that vitriol spewing bigot on Facebook.

And in the spirit of full disclosure, I have my own set of controversial opinions, as does practically everyone. My opinion of the Abrahamic religions is almost entirely negative. Without going into too much detail, I regard Judaism, Christianity, and Islam as regressive forces that project the worst aspects of Bronze, Iron, and Dark Age tyrants onto a deity. That said, I prefer not to associate their followers with what I perceive to be the innate problems of their religions. People are—for the most part—inately good. In a twisted way, I actually think religions stand as a testament to human decency. I can find little good in the Bible or Quran, but most of their adherents manage to do so, and that is inspiring. People can easily use these works to defend or promote hatred and violence (as any student of history can tell you), but instead use them to inspire charity, tolerance, and basic good conduct. My disdain for certain belief systems does not trump my confidence in humanity, just as my controversial beliefs do not make me a bad person (at least not compared to some of my other traits).

My overarching point is that we need to be more cautious about letting politics (or religion, or race) divide us. Friendships shouldn’t end because someone decided he liked Trump’s unabashed narcissistic criminality over Clinton’s subdued elitism and embodiment of an unproductive status quo. I shouldn’t stop playing hockey with Gord because he doesn’t get why a straight pride parade would be redundant, and that his “people would throw a fit if we threw a parade with a lot of semi-naked women” refrain is effectively countered by the simple existence of Caribana. No one is ever going to agree with everyone on every issue, and as long as someone isn’t promoting violence or legitimate hatred, we should be more tolerant of those who don’t share our beliefs. How can we emphasize the values of tolerance when we don’t tolerate a modest political disagreement?

Well, that’s all for now. If the Jays are still in the playoffs when this hits the shelves, GO JAYS! If not, GO LEAFS! Peace.
Inclusivity and O-Week
Inclusivity, like law school, is a work in progress.

Editors Note: Due to an error during layout, this article (originally printed in Volume 90, Issue 3) was misprinted. The content of the article was switched with a previously printed article. The article is correctly printed below; we sincerely apologize to the article’s authors Michelle Legault and Heather Fisher, and to any readers who were confused by the misprint.

Last issue, our colleague Simmy Sahdra authored a piece titled “They Say Sex Sells” for the Obiter Dicta. In this article, she correctly pointed out that Osgoode went to the Tilted Kilt for one of its O-Week activities. She also validly pointed out that our support of this venue contributes to women’s objectification in the service industry. For those who do not know, women staff at the Titled Kilt wear a minimalist “schoolgirl” outfit for their uniform. This uniform encourages a “sex sells” mentality, allowing patrons to “consume” women’s bodies alongside standard pub fare.

Overall, we recognize the concerns around our support of the Titled Kilt. The decision to include that bar in the O-Week schedule was not entered into lightly. So while we take the concerns raised by our fellow students seriously and we share many of them, we also believe it is important to recognize the context in which the decision was made. Overall, we made our decision in the interest of accessibility and to provide appropriate accommodations for our students. Excerpts from an e-mail sent by O-Week leaders prior to the start of O-Week will hopefully provide some context:

Last week, Renard and I were contacted by [students] who requires accessibility accommodations. We were happy to oblige as we want to ensure that our O-Week is inclusive of everyone. Unfortunately, there are very few bars downtown that meet the criteria of being: accessible, large enough to accommodate all our students, within walking distance of Old Osgoode Hall, and within our budget [...] As such we had to get creative with a solution. Scotland Yard is an accessible venue that is able to host us, but does not have the capacity to serve 300+ students and leaders. As such, we had to find a second, nearby venue - this venue ended up being the Titled Kilt.

The long and short of this is as follows – Renard and I do not expect you to eschew your personal views or issues with the venue choices for the Thursday Social Night. If you do not want to go to the Titled Kilt, you are more than welcome to go to Scotland Yard that evening. We would also be grateful if you passed this message along to students who might feel similarly.

[...]

Michelle Legault, on behalf of Renard Patrick and Michelle Legault
Osgoode O-Week 2016 Co-chairs

As further context, we originally booked The Raq for our Social Night. However, we realized that this venue was a significant walking distance for some students and physically inaccessible. We attempted to book other venues in the area of Scotland Yard, including Bier Markt, Fionn MacCools, and The Jason George before choosing the Titled Kilt. Did we pick a venue that some students may have felt uncomfortable attending? Absolutely. Did we, as a result, fall short of achieving greater inclusivity? Without a doubt. It was not an ideal choice, but one we had to make in the situation.

We authored this piece not to defend or misconstrue what happened, but to let readers know that we did have accessibility and inclusivity on our minds. We acknowledge that we fell short of those goals, and are grateful that our colleagues are challenging us to better plan for next O-Week.

As a final note, we hope that you will still see Osgoode as the inclusive, welcoming community that you have grown to love. If anything, we can pause to appreciate that inclusivity is, like law school, a work in progress. We are grateful that students are involved enough in their community to ensure that we are actually making progress and a better space for all.

Michelle Legault
O-Week 2016 Co-chair

Heather Fisher
Legal & Literary Society President
O-Week 2016 Executive Committee Member
Is Toronto Life Becoming Unattainable?
It’s Not Just Home Ownership

Toronto has been named one of the hottest, most progressive, and most lucrative places to live in the world, offering great entertainment experiences, a fabulous mix of historic and modern architecture, employment opportunities, fancy living, and investment properties. Even Toronto’s musicians are on fire, furnishing Torontonian playlists with catchy rhythms, beats, lyrics and voices. I hit play and sing along. I take the drive downtown through the Queens Quay, the Gardiner, and Lakeshore and I am in awe at the changes. After all, I grew up here through the 80s, and have been around for most of the development thereafter, including the influx of boutique restaurants and businesses, the increasing cool of Queen Street, and the enactment of hundreds (is it hundreds?) of condominium towers in the downtown Toronto area. The patios and restaurants are bustling. Display windows look so inviting. It appears (to me) that there's a surge of pedestrian traffic and a lot of bicycle traffic that was not about while I was growing up. There's a vibe. The most appealing part of Toronto, at least for me, is the combination of the older buildings against the newer, modern developments. So often, I find them side by side, or quite literally, across the road from one another. The contrast is gorgeous. I think to myself, this is beautiful! This place is so cool! What a wonderful place to live! But for many, living comfortably in Toronto is unlikely. A quick Google search indicates that the average price of a Toronto detached home now exceeds $1 million dollars. In fact, the Toronto Star reported as recently as 5 October that Toronto home prices have continued to increase significantly within the last year. So while Toronto is beautiful and livable for some, it has become exclusionary for others, and not just for persons who want to buy a house. Even persons who might wish to purchase a condo unit may have difficulties. Even persons who wish to rent space to live in Toronto may have difficulties.

Home ownership in Toronto is increasingly unattainable, with mortgage, utility, and property taxes consuming a higher percentage of family incomes than ever before. According to the Royal Bank of Canada, the percentage of family income now devoted to mortgages and property maintenance has exceeded 70% for a detached Toronto home. This figure has increased significantly since 1985’s average family income commitment at 55%. (Source: www.cbc.ca/news/business/toronto-scarcely-affordable-houses-1.3023872)

The effect of these increasing property prices will most certainly affect persons who are considering a home property purchase in the near future. In spring 2016, the Bank of Montreal indicated that as a result of the continued rise in property prices, more individuals were delaying home ownership until they can afford what they really want. However, if these property prices continue to rise, will home-seekers ever be positioned to afford (to own) what they want? Until individuals are positioned to afford “what they want,” the only alternative may be to rent, an option that remains expensive in Toronto, and still unaffordable for many Torontonians.

Although condo rentals have not experienced a similar rise in prices compared to houses, there have been increases. According to the Toronto Real Estate Board, the average condo rentals in Toronto for early 2016 were as follows:

- Bachelor, $1,376 – a 3.8 per cent year-over-year increase
- One-bedroom, $1,662 – a 4.8 per cent year-over-year increase
- Two-bedroom, $2,375 – a 8.9 per cent year-over-year increase
- Three-bedroom, $2,789 – a 0.5 per cent year-over-year increase


Living increases are of course expected to happen everywhere when they do happen. However, it seems that Toronto has experienced a drastic cost of living increase (focused here in the form of property and rental price increases), along with an increase in the Toronto population. In my view, this may suggest that there is an increase of persons who cannot afford to continue to live in Toronto and who face displacement from this city as a result. The ease of moving within Toronto (or even around Toronto) in order to meet financial obligations might be easier for some as opposed to others. In some cases, relocation would not solve the problem (because it remains excessively unaffordable irrespective where that individual goes). As the Toronto population increases, and as sole-parent families increase, and as some families dissolve, and as our population ages, and as individuals continue to face homelessness and poverty, the need for affordable living in our Toronto (and indeed, within our country) has become increasingly urgent. (For more information see, Heffernan, Tracy; Faraday, Fay; and Rosenthal, Peter. “Fighting for the Right to Housing in Canada.” Journal of Law and Social Policy 24. (2013): 10-45.)
Hello from your Osgoode Health Law Association (HLA)! The HLA is here to introduce our student body to the area of health law, to raise awareness of important health law issues, to help students explore the many career paths in health law, as well as to foster interdisciplinary collaborations and dialogue between students and health law professionals.

We are excited to kick off this new school year with our new committee, as well as some exciting new (and old) initiatives and events. Beginning in this issue of the Obiter Dicta, the HLA will have a column called Perspectives in Health, reflecting the breadth of the curiosities, interests, and passions of the HLA committee and membership. We’re thrilled to open up the floor to our membership, and to open it up to author or co-author a column with us this year! If you’re already a member of the HLA and want to sign up for a column, or if you’re not yet a member but cannot wait to become one in order to write a column, e-mail our Editor-in-Chief (contact information below). At the HLA, we’re all health buffs, so if you’d like to brainstorm with us for a column topic, let us know!

The HLA committee has been working hard with its involvement in organizing events for Osgoode students this year. Here are a few events that are coming up—keep yourself updated by following us on social media.

- Mental Health Week: 24 October 2016 and February 2017 (Date TBA)
- HLA Career Panel: Don’t miss this opportunity to network with distinguished speakers from various sectors of health law, from large law firms to boutique firms, from in-hospital council, from government roles, and from many more. Save the Date! 17 November 2016.
- Medico-Legal Workshop: In the works! Date TBA.
- Zumba class: Surveying for interest. If you’re interested, email us! Contact info below.

Finally, we would like to take this opportunity to introduce ourselves! Feel free to say hello to us in the halls and email us to inquire about our column or anything else health law-related!

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This article was authored by Adrienne Shnier on behalf of the HLA.

This article is the first of the Osgoode Health Law Association’s Perspectives in Health column. Keep yourself up to date with the HLA on Facebook (Osgoode Health Law Association, Osgoode Health Law Association Forum) and Twitter (@OzHealthLaw).
Barack Obama’s Foreign Policy Failure?
Placing drones in historical context

Author › Christopher McGoey
Staff Writer

This article responds to arguments presented by Professor Steven Coll in multiple articles for The New Yorker.

Barack Obama followed a “small footprint” foreign policy doctrine. The US became increasingly reliant on the use of unmanned, aerial drones to maintain security and project military power. In “The Unblinking Stare,” Steve Coll, of Columbia University, critiqued the Obama administration for its failure to acknowledge collateral damage inflicted by US drone strikes in Northern Pakistan. Coll argued that Obama should enforce “transparency and accountability” for drone strikes; doing so would champion a “higher [moral] standing” than the corrupt Pakistani government. This article will briefly contest Coll’s argument. Using examples from the Cold War-era, this article will argue that the US has not—traditionally or necessarily—enforced “transparency.” Additionally, perceptions of US policy as “accountable” to a “higher standing” are incompatible with ideas of American exceptionalism.

Contemporary drone policy originated from US containment strategies during the Cold War. In most operating theatres, drones replaced conventional aircraft for surveillance and air strikes as they were more efficient, cheaper, and almost entirely deniable if shot down. Coll argued that—in an Orwellian style—the threat of drone surveillance was often enough to deter enemies. The transition from conventional to (semi-) technological/air warfare, with an emphasis on economy, practicality, and deterrence resembled Eisenhower’s “new look.” Drones’ legal deniability allowed the US to respond to threats without major international consequences, similar to “flexible response,” and deterrence produced through unpredictability derived from Nixon’s Madman Theory.

The 1947 National Security Act established the offices and guidelines that directed US foreign policy in the post-war world (e.g., CIA, DoD). Steve Coll mentioned that the Act “legalized covert action as long as the president finds that it does not violate the Constitution or US law.” This principle undermines Coll’s claim that the US should operate according to a higher standing, including transparency and accountability; this fundamental principle of the Security Act established that the US was not accountable to global/universal standards (or law) – US security interests superseded other states’ interests.

Coll argued that utility/efficiency of drones (“relative precision”) clouded US policymakers from acknowledging the unintended/negative consequences of drone operations. Similar principles—positive US intentions outweighing the consequences of US intervention/means—were endemic to Cold War policymaking. For example, Robert McNamara attempted to rationalize the Vietnam war by claiming the “values and intentions” for the war were positive, despite their disastrous application in the country. The US government attempted to disguise controversial operations throughout the Cold War: Harry Truman blocked gruesome footage from Hiroshima/Nagasaki; the Eisenhower administration used U2 spy planes for observation (a precursor to drone surveillance); Kennedy covered up US missiles in Turkey; and the US attempted to conceal the brutality of its forces in Vietnam (e.g., My Lai). There are many other examples.

In conclusion, the Obama administration’s choice to hush the drone program was not unique. In US Cold War policy, security objectives superseded most other considerations. US policy covered up controversial/clandestine operations and believed that US “values” justified the negative consequences of operations abroad. The drone program operated on similar principles: the destruction of Al Qaeda was an imperative that seemingly justified operations’ means and consequences. “Transparency and accountability” should not be uniquely enforced for drones: traditionally, the US has only held its policy accountable to American principles/values (exceptionalism). Despite the new and unique consequences of drone warfare, the Obama administration was simply following preceding administrations’ direction.

Sources


People Say Sex Sells... But All at a Cost

Dress Codes in the Restaurant Industry

Author: Simmy Sahdra
Staff Writer

Editors Note: It was brought to our attention that errors were made while this article (originally printed in Volume 90, Issue 2) was edited. We regret these errors and accordingly are reprinting the article below. We offer our sincerest apologies to author Simmy Sahdra.

It was hard for me to pick what to write about for my first article of my last year at Osgoode. I was mulling over all the topical controversial news topics we have in the media currently, from the dreaded US elections, ongoing issues in the Middle East, bans on the burkini in France, etc. However, lately I have observed one issue which has consistently infuriated me – dress codes in restaurants. Worse is Osgoode’s support of one of these restaurants during the welcome orientation this year.

The issue of dress codes was a very popular one in the past year, where interest was spiked when the CBC Marketplace inquiry raised concerns about restaurants who required female servers to wear short skirts, tight dresses, high heels, and low-cut tops to work. This media coverage prompted nation-wide attention to the issue of human rights and employment standards regarding dress codes. The Ontario Human Rights Commission (“OHRC”) issued a position policy on gender specific dress codes and called for employers to review their dress codes and remove discriminatory requirements.

The OHRC outlined human rights decisions dating back to the 1980’s which found that dress code requirements that create adverse impacts based on sex violate human rights laws. For example, in McKenna v Local Heroes Stittsville 2013 HRTO 1172 a server’s shifts were cut after the female employee voiced concerns about wearing tight clothing, and wished to wear looser clothing to not draw attention to her pregnancy. The Human Rights Tribunal of Ontario (“HRTO”) found the employer wanted to re-brand the sports bar and emphasize sexual attractiveness of staff, and therefore the HRTO found the employer had discriminated against the female employee. The woman was awarded $75,000 for injuries to dignity and nearly $3,000 in lost wages.

Additionally, in a British Columbia Human Rights case, Mottu v MacLeod [2004] BCHRTD No 68 50 CHHR D/222, a female server was required to wear a bikini top at a special work event. She opted to wear clothing on top of her bikini and complained to her union and employer. The woman was disciplined, assigned a less desirable position, and her hours were reduced. The British Columbia Human Rights Tribunal obviously found these actions were discriminatory.

Now, one may wonder why I decided to bring up this issue months after it received media attention – over the past summer close to my home, I have walked by on numerous occasions an establishment on the Esplanade, which similar to the Mottu v MacLeod case requires female servers to wear a scantily clad bikini top with an equally scantily clad bottom piece. I am assuming this is a dress code requirement within this establishment, as I find it hard to believe this many women would choose to dress in the exact same way each working day. Moreover, I have only seen female servers with a particular body type working there. To be fair I have never been inside this establishment, and have only witnessed the servers on the patio.

However, each time I walked by I would be infuriated thinking about the sexist representations being reproduced and often thought – what if one of the workers became pregnant, how does this affect their job? Or what if they don’t choose to wear this clothing, and similar to the aforementioned case they ask to wear more clothing, what are the repercussions? No one should be forced to find another job because they don’t want to be discriminated against. Once again, I realize this is all speculation as I have not spoken to employees at this establishment, but I do feel the representations are rooted and representative of larger issues of sexism and discrimination in society, where women are routinely sexually objectified.

Having these types of gender specific dress codes harms the dignity of women, reinforce sexist stereotypes, and places females in a norm reproducing box. Furthermore, while this is sex discrimination, it can also intersect and reproduce other forms of discrimination. For example, when we think of the types of people being excluded from the job with certain religious beliefs or being possibly forced to divert from their religious beliefs. Similarly, what about the Trans community, these types of representations reinforce a norm reproducing specific definition of what a woman is supposed to attain to be.

I also reject the most common response of, “what if these women choose to dress this way.” Believing this is all an independent female choice may be the truth for some women, but assuming this is a choice especially when connected to employment is divergent of the context of women’s economic financial needs and the history of reproduction of gender norms, gender discrimination, and sexist stereotypes.

I was further disheartened to see Osgoode had chosen this establishment to be part of their orientation week events this year. Osgoode prides itself on furthering social justice issues, and this is a part of Osgoode I continue to be proud of. However, I do feel this choice was not an appropriate way to welcome students, and show first year students what Osgoode is about. I know I would have felt quite uncomfortable going there, and I am sure other students felt the same way.

Overall, this sexist representation of women is not isolated to one establishment, it is part of an ongoing ubiquitous issue taking many shapes in society. While human rights cases across Canada have dealt with this issue, I am in hopes of the law dealing with this issue in a more proactive manner, rather than dealing with it after it has had an adverse impact on a female. There is an increased call for employment standards to address this issue, especially within the restaurant industry. At the moment, there is the perception of “choice,” but in reality this is commonly not the case when employment and people’s subsistence is linked to job security.
What is Really Going On with Ontario Automobile Insurance Premium "Cuts":

Time for a Fact Check

Author: Gerry Antman
Contributor

At some point in early 2016, all Ontario drivers received a letter from their insurer announcing a number of changes to their policy. This was the Wynne government platform coming to fruition: to reduce automobile insurance premiums by 15% within two years of her election. That sounds great. We all love saving money. But what did our government do “in exchange” for this?

To answer this question, we need to understand the basics of our insurance system. First, why do we have automobile insurance? The simple answer is, because it is mandatory in Ontario. The more complicated answer is that we, as drivers, want to protect ourselves in the case that we are involved in an accident. We also want to protect ourselves from liability in the case that we cause an accident. This is tied back to the underlying purposes of the law of tort: to be able to effectively compensate those who are injured for their losses. As a result, contracts of insurance have been said to be consumer protection in nature.

Second, we need to understand how our no-fault system is supposed to work. If you are in an accident, regardless of whether you are at fault, you are entitled to make a claim under your insurance policy for benefits. Your own insurer is the first payor in all cases, even if another driver is totally at fault. This is our no-fault system. Furthermore, depending on the level or impact of your injury, you are entitled to different maximum payable benefits levels. The more severe your injury, the more benefits you are entitled to. This relationship makes sense because someone who is rendered paraplegic as a result of a motor vehicle accident will have greater needs than someone who has a simple fracture.

In 2014, the Insurance Bureau of Canada commissioned a study which claimed that, despite Ontarians being charged the highest automobile insurance premiums in the country, and some of the highest in the world, the vast majority of insurance companies are not profitable. Without getting into a semantic debate into the numbers, this was viewed, at least partly, on fraudulent claims driving up the cost of the industry.

In response to this study, the Wynne government, in 2014, passed the Fighting Fraud and Reducing Automobile Insurance Rates Act. What was the purpose of this Act? You guessed it, to fight fraud and reduce automobile insurance rates. This Act put into effect a number of changes that are going to have drastic effects on Ontarians.

The first major change is to the maximum benefits payable under a standard automobile insurance policy. Prior to 1 June 2016, if you sustained the worst possible injury—paraplegia, quadriplegia, brain injury, amputation etc.—you would have been entitled to up to $2,000,000.00 in benefits. As law school students, with long life expectancies and high income projections, even this number has been said by some to be drastically inadequate.

For accidents after 1 June 2016, the maximum amount payable under a standard policy has been cut in half. For those who become the most severely injured, who will require twenty-four hours of care for the rest of their life, all that is available is $1,000,000.00. Some have suggested that this will cover a severely injured person for approximately four years following an accident. It is easy to see how this becomes problematic for us twenty-somethings. It is difficult to imagine a fraudulent claim by someone this severely injured. While fraud likely exists at low level of injuries, it seems that the changes are being targeted toward those most injured.

The second major change is the removal of the right to sue your insurance company. For accidents prior to 1 June 2016, if a person’s benefits are denied—which frequently occurs—a claimant could choose to resolve their claim through arbitration, or to sue through the Superior Court of Justice. Additionally, if a person chose arbitration, the decision could always be appealed to a single Justice of the Superior Court. For accidents following 1 June 2016, a claimant can no longer chose to sue their insurance company for disputed payments and a person can no longer appeal the decision of an arbitrator. The government created a quasi-administrative tribunal that is given full jurisdiction to resolve claims.

The last change I wish to discuss is the removal of the right to seek costs. Costs, in civil litigation, typically follow payable to the winning party. This cost recovery scheme helps facilitate access to justice because individuals who may not have the money to pay for legal representation, as part of a contingencia agreement, can have an agreement to provide their lawyer with any cost awards. Additionally, it helps ward off unmeritorious claims because a person would have the threat of having costs awarded against them personally.

The most troubling part of these changes is that a recent article suggests that following the changes, not only have we not had a premium decrease, but in the second quarter of 2016, premiums have risen.
Hurricane Matthew, a powerful Category five Atlantic hurricane, devastated Central America and the southern United States between 28 September and 10 October, directly killing at least a thousand people and doing over five billion dollars’ worth of damage. One of the worst-hit countries was Haiti, an island nation in the Caribbean with a population of almost eleven million people. In 2010, a 7.0 magnitude earthquake killed more than 200,000 people and caused billions of dollars in damage, destroying much of Haiti’s infrastructure and leaving the country prone to natural disasters.

The current situation in Haiti is troubling. In the southern city of Jérémie, which has a population of 31,000 people, 80% of the buildings have been demolished. Acres of crop are destroyed, leaving many farmers without an alternative source of food or money. Many rural towns and villages are flooded under several feet of water. Entire parts of the country are left without electricity, phone lines, or emergency services due to poor infrastructure. And the poor are left the most impacted by the event, the home and livelihood simply being washed away by the storm.

And, of course, the situation is predicted to get much worse before it gets better. Many lives will be lost within the coming days because people are still left without basic resources, such as food, water, clothing, and healthcare. Worse, the hurricane has accelerated the existing cholera epidemic, eliminating much of the progress that the country has made against the disease since the initial outbreak in 2010.

An interesting dilemma arises in this post-disaster context. Many individuals in high-income countries, feeling genuine compassion and sympathy for the Haitians’ plight, want to help. However, since many cannot simply leave their jobs to help rebuild Haiti directly (and there are some cases where this kind of direct volunteering is not recommended), they have to rely on non-government organizations (NGOs) to provide help for them. They donate money, food, clothing, and other necessities in the hope that this act of charity will, in some way, help someone in need.

However, many are now questioning whether they should donate at all given the recent controversies in the NGO sector. In 2015, for example, an investigative report by ProRepublica followed up on the American Red Cross’s multimillion dollar project to build hundreds of permanent homes for hundreds of thousands of people in the wake of the 2010 earthquake. The report showed that the project had built only six houses since the program started in 2011, their impact bogged down by organizational corruption and incompetency.

In the wake of Hurricane Matthew, many activists have shared this report, urging concerned individuals not to donate to the American Red Cross because it would be a waste of charity. Even the Canadian Red Cross has reacted, explicitly stating that money given to the Canadian branch will only be used to fund Canadian initiatives. It is definitely unfortunate that these controversies have come to light and have impacted peoples’ humanitarian responses to the crisis. Some have simply not donated at all. Skeptical of taking NGO promises at face value and unable to properly search for ‘good’ NGOs, they simply do not act.

But perhaps this undermining of public trust in NGOs is an important development. Many activists, well before these controversies, have pointed out the dangers of being overly-reliant on non-government actors. Governments that must step in and must help its citizens too often defer to these organizations in times of crisis, diverting much of the responsibility away from themselves while hiding the institutional problems underneath.

For them, the best alternative to charity is political action. On a local level, the Haitian government should take the lead on coordinating aid as it comes in rather than relying on NGOs. On a country level, world leaders should coordinate these humanitarian projects, delivering aid directly rather than relying on the goodwill of its citizens. And, lastly, on an international level, institutions like the WHO should lead these projects, assuring countries that there is a safety net and ensuring that their needs are met.

Regardless of where one stands on this issue, both sides agree that inaction is the wrong choice. Skepticism of the efficacy of NGOs and governments is understandable, especially given their poor track record in actually providing help when crisis-stricken countries need it the most. However, something needs to be done in the face of tragedy.
In early September, news broke that Wells Fargo & Co., an American financial services company, had opened as many as two million unauthorized bank accounts in its customers’ names over the past several years. These so-called “ghost accounts” reaped unwarranted bank fees for the company and allowed Wells Fargo employees to inflate their sales figures and receive greater year-end bonuses. Details of the scandal have since emerged revealing that employees went so far as to create fake PINS and phony e-mail addresses to enrol customers in pricey banking services. While 5,300 employees have since been fired for their involvement in the scandal, many Americans view this unseemly conduct as just the tip of the iceberg. Since the Great Recession of 2008, the public has grown wary of even the slightest trace of instability in the financial system, but fear quickly turns to anger when not a single corporate executive is held accountable.

Recently, John G. Stumpf, the Chief Executive Officer of Wells Fargo, was summoned to Capitol Hill and alleged, with regards to the scandal, that there was “no orchestrated effort, or scheme on the part of the company.” As the U.S. Senate Committee on Banking, Housing, and Urban Affairs sifts through the debris and works out all the details, we ask the question: even without any direct involvement, how could a CEO not be aware of such massive improprieties within their own company? To me, it speaks either to incompetence or indifference. A Chief Executive sets the tone for a company and is responsible for cultivating an ethical standard that employees can live up to. This is hard to do when the culture at the bank is one of aggressive sales tactics, prompting employees to reach lofty sales goals that employees can live up to. This is hard to do when the culture at the bank is one of aggressive sales tactics, prompting employees to reach lofty sales goals.

While Elizabeth Warren, a member of the Senate Banking Committee, sought to drive this point home during the questioning period of Mr. Stumpf, it will more broadly applied to any situation in which an executive’s contract is terminated, including being fired. This has created a conundrum of sorts — if an executive maintains their position atop a company, they will rake in millions of dollars in salary and an assortment of other benefits, but if they are let go for whatever reason, they have a lucrative exit package estimated at over $100 million in pension and stock benefits that await him even if he is fired. Herein lies the issue: there is little incentive for corporate executives like Mr. Stumpf to conduct themselves ethically. As long as the value of the company continues to inflate, they continue to enrich themselves, and if things go south, they still walk away with millions. If regulators are serious about reining in the excesses of Wall Street, I believe that it will be necessary to broach the topic of executive compensation, and put an end to this idea of golden parachutes.

The latest development in the Wells Fargo saga is that the Consumer Financial Protection Bureau levied a $185 million fine against the company, the largest in the regulatory agency’s five year history. Although that sum is nothing turn one’s nose up at, it amounts to what the company earns in profit in just three days. It’s getting to the point where most Americans would probably be more satisfied with an actual slap on the wrist. The story of Wells Fargo is a story we’ve all heard before: Wall Street bankers feast and run off—the financial equivalent of the dine-and-dash, except that America is left to foot the bill. Nowadays though, it’s beginning to feel routine; it’s beginning to feel as if the only thing emptier than the promises made by corporate executives are the threats made by government regulators. They say that the best time to plant a tree was twenty years ago and the second best time is right now—perhaps the same can be said about comprehensive financial reform.
I repeat: one hundred percent. One, zero, zero. It doubled. For two of those years Peres was Prime Minister, and that’s right-hand man, and for one of them he was the premier himself.

I once wrote a poem after reading George Orwell’s 1984. I’m glad I finally have a place to put it.

We call it war.
They call it peace.
They hoped for more.
We hoped it’d cease.

Peres’s reign of terror didn’t stop with the Palestinians. And yes: I do believe his reign was one of terror. For Peres’s many victims, this epithet is no hyperbole.

In April 1986, Peres authorized the shelling of a UN refugee camp in Quna, Lebanon, killing over one hundred civilians. Half of the victims were children. Their limbs lay scattered about. Their faces recognizable. Alas! I now see—this must be what Peres’s votaries mean by “peace.”

He did apologize, though. We can give him that. He even confessed that it was a “bitter surprise” that civilians were at the wrong end of Israeli “anti-personnel” weapons.

Oops.

A UN investigation found, however, that it was “unlikely that the shelling...was the result of gross technical and/or procedural errors.” It also reported “unlikely that the shelling...was the result of gross technical and/or procedural errors.”

It’s not a fluke (injury issues notwithstanding), and Sanchez’s league-leading ERA made fools of anyone collectively held their breath whenever our starter got the hook. We have a dependable closer in Roberto Osuna and Joe Biagini has been a pleasant surprise, but even that in the minors were it not for the aforementioned injuries. Even if Salazar recovers in time for the series, Cleveland is likely to be outmatched in the first six innings of most games.

The Jays' bullpen is the team’s most glaring weakness. While some smart trades throughout the season have addressed some of its issues, Jays fans have collectively held their breath whenever our starter got the hook. We have a dependable closer in Roberto Osuna and Joe Biagini has been a pleasant surprise, but even that in the minors were it not for the aforementioned injuries. Even if Salazar recovers in time for the series, Cleveland is likely to be outmatched in the first six innings of most games.

Starting Pitching:

The Jays came into the 2016 postseason with one of the best starting rotations in baseball. J.A. Happ had easily the best season of his career, Marco Estrada proved that his outstanding performance last year was not a fluke (injury issues notwithstanding), and Sanchez’s league-leading ERA made fools of anyone who wanted him to finish the season in the bullpen. Stroman struggled, but he gave us over two hundred innings and a solid performance in the Wild Card Game. Even if Franscisco Liriano doesn’t return from injury, we at least have a dependable core of starters who gave the 2016 Jays the best ERA in the American League.

Cleveland also has a solid rotation, with a team ERA ranking second only to the Jays. However, injuries to their second and third best starters (Carlos Carrasco and Danny Salazar) is going to hurt like being a Red Sox fan after their unceremonious drubbing in the ALDS. 2014 Cy Young Award winner Corey Kluber is at least the equal to anyone on the Jays' rotation, but after that, they might be in trouble. Josh Tomlin and Trevor Bauer are both decent pitchers, but hardly a match for any of the Jays' top four, and Mike Clevinger is a spot-starter who would probably be in the minors were it not for the aforementioned injuries. Even if Salazar recovers in time for the series, Cleveland is likely to be outmatched in the first six innings of most games.

Relief Pitching:

The Jays’ bullpen is the team’s most glaring weakness. While some smart trades throughout the season have addressed some of its issues, Jays fans have collectively held their breath whenever our starter got the hook. We have a dependable closer in Roberto Osuna and Joe Biagini has been a pleasant surprise, but Cody Allen – is at least as good as Osuna, and then you have Dan Otero and Andrew Miller, who can pretty much guarantee scoreless seventh and eighth innings. Miller is particularly frightening: he struck out 123 out of the 275 batters he faced this year. Their other relievers are good, but just don’t compare to the three players I just listed.

Catcher

The Jays have Russell Martin, one of the best all-around catchers in baseball and a perennial playoff presence. Unfortunately, Martin has a tendency to disappear in the postseason, and his backup – Dioner Navarro – is past his prime. They’re both good enough defensive catchers and with Dickey not pitching this post season at least we don’t have to give a roster spot to Thole, but we can’t count on either for offense.

Cleveland doesn’t really have a quality starting catcher. I actually made catcher a separate position on my analysis because they have three catchers on their playoff roster. Incidentally, none of their catchers played more than seventy-five games, and only
one batted over .200 (Gimenez, at .216). It looks like they’re going with Robert Perez as their starter, who hit well in the ALDS and has a cannon for an arm, but the fact that Cleveland has dressed two players with no offensive upside doesn’t bode well for their squad.

Slight Edge: Toronto

Infield

The Jays have one of the best infielders in baseball, hands-down, even with an injured Devon Travis. Tulowitzki and Donaldson are both dangerous hitters and solid defenders who have regularly come through in clutch moments. Darwin Barney may be offensively mediocre, but he provides great defence at second base. While Encarnacion is generally regarded as the Jays’ DH, he’s actually been playing at first base so far this postseason, and that doesn’t look like something that’s about to change, given the Jays’ thin bench. He’s also the best clutch hitter in baseball, but if you didn’t know that already, you’ve probably spent the last year living in a subterranean tunnel system like a morlock or CHUD.

As good as the Jays’ infield is, dismiss Cleveland’s infield at your peril. Francisco Lindor and Jason Kipnis provide excellent defence at shortstop and second base respectively, third baseman Jose Ramirez is a great contact hitter who can punish you on the basepaths, and first baseman Mike Napoli’s career-best 34 home runs and 101 RBIs are solid numbers by any standard. Also, those four players combined for 61 stolen bases, more than the entire Jays roster. That’s a scary enough stat, especially when you consider Russell Martin’s mediocre throwing arm.

Edge: Call it a draw

Outfield

The Jays have an okay outfield. Kevin Pillar is the best defensive centre fielder in the game, but the rest of the team’s outfielders are defensively unremarkable. Bautista isn’t quite the offensive threat he used to be, but he’s still a fine hitter who will make any smart pitcher sweat. Carrera and Upton seem to be sharing duties in left field, and while both are barely better than replacement players, they’ve come through nicely enough in this postseason. Still, the Jays’ outfield is not its strong suit.

On the other hand, Cleveland’s outfield is nothing remarkable. They seem to be fielding a rotating roster of Rajai Davis, Lonnie Chisenhall, Tyler Naquin, Coco Crisp, and Brandon Guyer. All of these players are decent hitters and none are defensive liabilities, but none possess the defensive acumen of Kevin Pillar or the power and plate discipline of Jose Bautista. That said, they do have Rajai Davis’ explosive speed, and Brandon Guyer’s almost fetishistic need to get hit by pitches. They won’t wow you, but they won’t be the main reason a team loses a series.

Edge: Again, call it a draw

Bench/DH

After the bullpen, the biggest issue facing the Jays is their bench. The Jays don’t have a single big bat they can call off the bench. Justin Smoak’s a decent first baseman, but his weak hitting has forced the Jays to start using Encarnacion at first. This has put Michael Saunders at DH, which is fine because he’s a pretty weak fielder and it’s a way to keep his bat in the lineup without having to hold our collective breath every time a ball gets hit to left. With Upton and Carrera alternating at left, we have a deep enough outfield, and if Travis returns we shouldn’t have any concerns in the infield. Still, it would have been nice to have a reliable pinch hitter somewhere on our roster.

Fortunately for the Jays, Cleveland’s bench has its own holes. While there’s some legitimate outfield depth (as mentioned previously), they have two catchers on their bench who couldn’t hit a beach ball with a tennis racket, and their backup infielder Michael Martinez is similarly weak at the plate. The only thing that puts them over the Jays is their DH, the awesomely-named Carlos Santana. He can hit for contact and power, and is also one of the league’s most disciplined hitters. He definitely deserves the edge over the mercurial Saunders.

Slightest of Edges: Cleveland

Intangibles

The Jays are hungry. They want to make it to the big dance. Losing to the Royals last year was devastating, but by sweeping the Rangers and winning the Wild Card in epic fashion, they can also add momentum to their thirst for blood. They have a roster that can perform in the clutch, a number of players who have only improved with experience, and a manager who knows how to work with what he has. Betting against these boys would be risky.

As for Cleveland… I think their lack of playoff experience could hurt them, but sweeping the Red Sox shows that the boys in the absurdly racist hats are in it to win it. Also, they are a much better small ball team than the Jays, and as the Giants and Royals have showed us in 2014 and 2015 respectively, small ball can win it all. Terry Francona is a great manager, and even a mediocre manager should be able to look at the Jays’ susceptibility to a bunt-and-steal game.

Slight Edge: Cleveland

Verdict

This one will be close. We have two teams that are simultaneously very alike (lack of roster depth, but a great core of starting players) and very different (Jays’ power and Cleveland’s speed). Cleveland is the sort of team that beat the Jays in last year’s ALCS, and as much as I’m hoping for something different, I’d feel foolish expecting it. I expect it’s going to be a great series and a long series, but I’m not too hopeful about the outcome.

Sigh. Sorry folks.

Cleveland in 7
Without intending to create drama, and with full appreciation for the busy lives we’re all leading, I do not believe I treated this piece with more deference than I would any other author. The edits made to this piece were lazy, simply because I finished it just a bad week and we’ll all be in better form next issue.

Jurisfoodence: The Best of blogTO's Best of Toronto Nadia Aboufariss, Arts & Culture Editor

The Best Pizza in Toronto Pizzeria Libretto (ranked #4)

Location: 221 Ossington Avenue, with three other locations at 550 Danforth, 545 King, and 155 University Atmosphere (Ossington location): Low-lit hipster chic

I’m breaking one of my own “rules” here by reviewing a place I’ve been to before, but the last time I went to Libretto it was at the University location and was right after a Jays game, so I may not have been at my most discerning. Also, pizza is important, and I can easily see myself revisiting this list throughout the year, so might as well start from the top.

Where to begin? First of all, blogTO, I feel like this is a really uninspired list. Libretto at Number One and Terroni at Number Two! I’m surprised that Pizazzolo was not third. Not that I’m ragging on Libretto and Terroni, but they just seem like safe and not very well-researched choices. I spent some time the past couple weeks trying to figure out how blogTO does their rankings, after I saw someone post a comment saying that it was done by reader poll. I thought this was definitely bullshit, and people responding in the thread seemed to agree. However, my searches were unsuccessful in finding a better answer, so for all we know, blogTO’s rating system is one in which the readers rate restaurants out of a hat. One of these days, I’ll e-mail the website and ask.

Second, and this may seem heretical, but I had an epiphany whilst eating this pizza again. No matter how good a traditional Neapolitan style pizza is, I’m never going to think it’s the best pizza. Yes, I know modern pizza was invented in Naples, and don’t get me wrong, I like it. But I have a personal bias—as a native New Yorker, I am always going to think that New York or Roman-style pizza is better. Although pizza was first popularized in New York City by a Neapolitan immigrant, the dough has transformed over time to something more akin to the Roman variety. The main difference is the addition of olive oil and a touch of sugar to the crust, allowing for a crispier, more structured base on which to place, let’s say, three times the amount of cheese you can put on a Neapolitan pie.

Don’t even get me started on Chicago-style pizza, which is not pizza at all but instead a mockery of everything good in this world.

Having exposed my inherent bias, let’s get on with the review. I decided to go to the original location of Libretto it was at the University location and was right after a Jays game, so I may not have been at my most discerning. Also, pizza is important, and I can easily see myself revisiting this list throughout the year, so might as well start from the top.

I have taken the liberty of reversing the edits that were clearly wrong from context. Some of the edits were misspelled.

“its” to “it is,” which was clearly wrong from context.

To change a possessive “whoever edited this piece before me did not do their full appreciation for the busy lives we’re all leading, at the University location, but the atmosphere was which is not pizza at all but instead a mockery of

New York or Roman-style pizza is better. Although I admit it definitely had more flavours going on, but there is some sort of simple beauty in the Margherita. Libretto on University is perfect for a Bay Street power lunch, while the Ossington location is a fun, hip place to take a group of friends for pizza and wine before hitting up some trendy bars.

The Ossington branch also doesn’t take reservations, which is good to note as it is almost always packed. We arrived at about 9:00 p.m. on a Friday night and left at 10:30 p.m., and the restaurant was full the entire time. The service is quick though, bordering on rushed, so wait times are usually not that crazy. Our service was competent, but nothing special.

Since I am reviewing this place on its pizza, I’ve tried my best not to let my opinion of Libretto’s appetizers affect my rankings, but I think it is worth mentioning that all of the items I’ve ordered from the small plates portion of the menu have been poor. Not the aubergine that I’ve had twice, served with walnuts, shaved Pave cheese, and pears—the salad is delicious. Last time, I was very unimpressed with the calamari and octopus carpaccio, so I ordered the ricotta gnocchi fritti because I thought it was a safe pick: fried gnocchi on a bed of tomato sauce with dollops of ricotta. But the sauce was only okay, the meat tasted suspiciously like smashed up meatballs and not nduja, and they way overdid it on the ricotta so the entire dish was cold by the time it arrived.

On the bright side, I also ordered a summer Negroni off the cocktail menu, a spin-off of the traditional drink made with Dillon’s rose gin and Aperol, and it was incredible. One of my favourite things about Libretto is its cocktail and wine list, which I’ve consistently found to be excellent. The wines are mostly from lesser known Italian varietals, all chosen to pair well with pizza. There is also an incredible list of digestivos if you are into that sort of thing, and I may have helped myself to a black walnut amaro (also made by Dillon’s and only available at Libretto) after our tiramisu. Dillon’s is, by the way, a small batch distiller located in Niagara wine country that makes some really fantastic liquors and bitters.

All of the pizzas at Libretto range from eleven to seventeen dollars, and are split into three categories: the D.O.P. pizzas (Denominazione di Origine Protetta, meaning the product is E.U. certified to be traditionally made with geographic-specific ingredients); Pizza Rossa (with tomato sauce); and Pizza Bianca (without tomato sauce). We ordered the gold standard of Neapolitan pizza off the D.O.P. menu, the Margherita, topped with tomato sauce, basil, and mozzarella, and a slightly more adventurous pie off the Rossa list, the Eggplant, which came with slices of eggplant and garlic, oregano, thyme, and ricotta in addition to the Margherita base.

Both pizzas were great. My partner liked the Eggplant and I thought it was the Margherita and I admit it definitely had more flavours going on, but there is some sort of simple beauty in the Margherita. Libretto’s San Marzano D.O.P. tomato sauce is quite good and probably my favourite part of their pizzas. It really shines in the Margherita because it’s the most dominant flavour. The eggplant was savoury and delicious, lightly fried, and tossed with herbs, but it distracted from the tomato flavour. With a delicate Neapolitan crust, I think that simple is best and I noticed a lot of reviews mentioned that the more heavily topped pizzas—ones with anchovies, capers, or prosciutto—were too salty or overwhelming. I didn’t find that to be the case with the eggplant pizza (or the nduja I had on my previous visit), but I could see it being an issue.

As good as it is, I don’t think this is five-star pizza and not only because of the bias I mentioned previously, but because I think you can get pizza of this quality in a number of places in Toronto. My partner mentioned he thought the Margherita tasted similar to a place we go to on Mount Pleasant, Viva Napoli (also specializing in San Marzano D.O.P. tomato sauce), and I know people who swear that Pizzeria Delfina on Roncesvalles is better. Neither of these restaurants are even on the blogTO list and I cannot help but think there are probably half a dozen more that are similar.

As I previously mentioned, we ended our meal by sharing the tiramisu, which in true hipster fashion was served in a mason jar. It was well-made with a rich coffee flavour, so it could’ve been served in a pumpkin for all I care (this reminds me, as a desert special they had pumpkin spice gelato, which I thought was terribly basic for a place like this). I realize I have been sort of harsh on Libretto: in all honesty, it has great pizza, and for twenty-five dollars you can grab a whole pie to yourself and a glass of good vino, which makes it an excellent value. I definitely recommend it, but in a cosmopolitan city like Toronto, pizza like this should be standard.

And if anyone has any tip on where I can get some quality New York-style pizza in this city, please let me know.

Cost for an appetizer, pizza, and half a dessert (excluding drinks): $25.50 + tax + tip

Service: 3.5/5 Dean Sossins

Food: 4/5 Dean Sossins

Value: 4.5/5 Dean Sossins

Overall: 4/5 Dean Sossins

Tuesday, October 18th, 2016
The Lady with the Dog

Hidden animal abuse and/or neglect on the streets of Italy

The lady with the dog was crying today. I saw her lift the lower reaches of her skirt hem to wipe her sunburned face and wrinkled cheekbones. I watched her cut across the street, almost hunched, almost desperately, two other women hot at her heels. Slowly, surely, a crowd was gathering. I walked on, more quickly now, heading back from Campo dei Fiori, from where the church had immobilated the brilliant 16th century priest, Giordano Bruno. He had committed the sin of daring illuminated questions. How many worlds had God created? Were they truly without number? Had He also peopled them? And, did Christ have to die on each one?

Curious, I kept on walking, heading toward Largo Argentina, right outside where Caesar habitually walked to the Senate. The little street - Via dei Giubbionari - had now become a bustling shopping district, run over with stores, run over with tourists, with artisans and craftspeople, men and women, Bohemians, plying their trade. Panhandlers, too, took up residence, slouched beneath signs that they had scrawled together, bemoaning their own wretched situation. All day they sat around, appealing to human sympathy, soliciting a few Euros. They made me uncomfortable - these recipients of the worst life had to offer. They took up great brushes dipped in the red ink of privilege and smeared my social status across my face. They scandalized my life of art and ease and reflection, or so it seemed, vis-à-vis their own imisation.

And her - since first I had seen her, about a week and a half ago, I had planned to sketch a vignette about her. “The Lady with the Dog,” pace Chekhov, was to be the working title. Except, this lady was no Russian of aristocratic proportions, nor yet so sensual as to turn a man on, let alone transform his Don Juan dispositions. She was old and wrinkled! And the work animal. Oh, it was cute alright. Tiny nozzle, big purpose. The first time I saw them together, I was excited. Seeing the big dog, it began to yip and yap and wag its little body, obviously wanting to be held. And, far from the sheltered pug carried around as the embodiment of its owner, for all intents and purposes, though the lady would never admit it, was a work animal. Oh, it was cute alright. Tiny nozzle, big purpose.

And there she was, clutching the small dog, huddled like an infant across her bosom, she herself whimpering like an animal. I got closer, watching. She shot back across the street and dropped onto her bottoms. Flopped down on the upside down crate that she had taken to sitting on, she proceeded to muffle anathema in a barely discernable Italian. What was she saying? Closer still, I caught a bit from one of the two women, “È reato! È reato!” the woman was shouting. “Non è permisibile!” And I, anxious to understand, what? What’s illegal? I wondered. What could the woman have done that was not permissible? Or had someone robbed her? A homeless woman?

That would be disgraceful!

I had watched the two women angrily address their comments to a third, and so, I figured that that woman must have stolen the old woman’s purse.

But then, the woman shot up in a rage, as though an ant nest had erupted beneath her. She pounced at one of the two women, the one that was crying, “ille-gal!” clinging a menacing hand across her face. The woman dodged, but the blow connected with her forearm. The old woman’s hate was clear, and when the man standing off in the corner, amid the mob that gathered, called her down, scolding her to cease immediately, I understood in an instant. The two women were not defending her. They were denouncing her, for the sake of the dogs. For she had had not one, but several, two of which I had seen, although she carried only one at any one time.

“Ce l’ho visto!” the man called out, “lerti!” “I saw it myself, yesterday!” And then one of the two women added, holding up the four fingers, “I cacciual, appena nati, sarebbero potuti morire! Tutti!” “The puppies” she called, in anger, “Newborns, they could’ve died! All of them!” And then, the old woman answered, spitting as she did so, “Va’ fanculo! Va’ fanculo!” “F*** off! F*** off!” she shrieked in clearly perceptible Italian. “Va’ fanculo, tu! Tuoi bambini? Tua famiglia! Tutti! Va’ fanculo Italia!” “F*** you! Your children! Your family! All of you! F*** Italy!”

And it intrigued me how every foreigner immediately learns to swear, even if they know no other words, in the host language. Why is that? I wondered, barely able to articulate a clear sentence, but fully equipped to damn an adversary. Some equally intrigued spirit must have been lingering about me. For though I couldn’t see it, I heard the categorical voice of its answer, “Because words are weapons,” it said, “and gross language, above all, is the sword we wield when threatened. So, whether or not the old woman speaks a staggered Italian, her ability to fence with foul words, parolace as the Italians call it, should not be held against her.” And it was right. For, living as she was, in a land that was strange to her, on the fringe of the social milieu, a nobody, a nomad, gross language was all she had.

And, of course, she had the dogs! They too were weapons. And well she knew how to wield them.

The first time I saw them together, I was moved. She was leaned up against a wall, sitting on the upside down crate, in a corner of the street that intersected just where Via dei Giubbionari meets Via dei Chiavari. One couldn’t help but see her. The dog, on a cloth spread out before her, was sleeping at her feet. Just beside, a bowl containing sparse coins in Euro. What a darling, I couldn’t keep from thinking. And I tossed a few loose pence inside the bowl. From then on, I would always see her - her and the small dog. They stirred tenderness within me. For she codded it, humanized it, and lovingly attended it. Or so it struck me. It could have been an infant.

To me, they were friends. And once, I had seen it trapse away from her and she, stepping hurriedly behind, caught it up, ever so gently, and shifted it around, changing its position. And the little darling, it ne’er so much as twitched an eyebrow; it kept right on snoozing.

“Well,” my friend responded “she drugs the dogs. You do know that, right?” “What?” I answered, startled. “You can’t be serious.” “Yup,” she assured me, “Usura told me.” “Usura said that they do the same in Pakistan. Homeless people go around with dogs and they drug them. The dogs spend their lives sleeping, and unsuspecting people, passing by, moved by the sight of them, think they’re cute or pitiful, and offer money. It’s all a ploy,” she said.

“No,” I said, disbelieving. “It’s true,” she confirmed. “Plus, they hardly feed them; didn’t you see the hips on that one dog! You didn’t see how meagre and limp and saggy it was! Aleseca said that’s how they do it in India. They starve the dogs then put nothing in their mouths, let them starve. And it’s the first step of starvation.” (Aleseca and Usura were acquaintances in the group I had come to know. Several times in the days preceding, we had tsk’d rather wishfully that such treatment of animals could never be tolerated in the country we were from.)

And if her account was not enough to convince me, my friend recounted a harrowing episode that she herself had seen. Only a few days before, she was walking along Corso Vittorio Emanuele: the great big concourse that stretches along Roma Capitale, outside what used to be Mussolini’s offices. Along the way, she saw a homeless man, sitting with a dog. It was a large one. At the same time, approaching from the opposite direction was a lady walking a pug. When she saw the vagrant, the large dog, she stopped and scooped up her dog. The pug, however, was excited. Seeing the big dog, it began to yip and yap and wag its little body, obviously wanting to approach it.

This lady with the dog, at first reluctant, nervously gave over to her pug. She set it down and, just as promptly, it ran right over to the vagrant. But the big dog was not friendly. It snapped at the pug, sunk into its neck, hoisted it up, and started flinging it around. My friend started screaming, as did the owner of the pug. The street-person continued to sit there, despite the painful yelps of the dog. “Make it stop! Make it stop!” my friend hollered. But the man did nothing. Not until the pug’s owner caught hold of a stick and presently began to beat the monster down, only then did it release it clasp. The small dog promptly ran back to its owner, tiny wincing sounds emitting from its snout.
"And it was right.  For, living as she was, in a land that was strange to her, on the fringe of the social milieu, a nobody, a nomad, gross language was all she had."

To me, it was a scandal. And then I thought about the puppies and the old woman with the dog. Two days ago, a group of us had walked by and oh the start it gave us. “Where? When? How?” we gasped, confounded. For what we saw was not simply the lady, not simply the dog, but the lady with the dog and a brand new litter! Four tiny, black all over, so minute, they could fit in your palm, each one – puppies! We could hardly believe it. The dog had never so much as appeared to have been pregnant!

But then, we realized that it wasn’t the same one. They looked alike, but this was a different dog, and here it was with a brand new litter: barely but a few hours come into the world. I, for my part, could not resist them. Not only did I ask whether I could take a picture and promptly proceeded to do so, I also tossed a generous amount of loose Euros into the old container. A number of admiring passers-by did the same thing. And I gather that that was one of her most profitable days of panhandling.

And then it rained, later, the same morning. In torrents. For Rome had come under an unusual system: hot, suffocating days, punctuated by violent, extended downpours. Around midday, I was going by and saw her cupping the puppies in her hand. I saw, as well, my friend go by, looking across at them, visibly perturbed. I called out to her and waved hello. She acknowledged my greeting and, getting nearer, said how bad she had felt for the dogs. Didn’t I think that she should go buy them an umbrella, she inquired, and give it to the woman, so she could keep them from the storm? “I suppose you could,” I said, “but you can be sure she collected a lot of money today,” I added. And then, hurriedly, in afterthought, “But don’t let me discourage you; if buying them an umbrella is what you want to do, then, by all means, do that. I only meant that I saw her smoking, so I figured…” “It’s just that they’re in the rain,” she interrupted, regretful.

And that, precisely, was the point of the two women jostling her now with words. “We don’t care about her!” they were screaming, “We care about the dogs! You saw her with them, newborn puppies, in the rain; you did nothing. How come?” They were addressing the passers-by who were reprimanding them for harassing the old woman, “la zingara” was the Italian term. For her part, the woman went on crooning. And when a passing stranger went over to inquire what had happened to be the matter, she took hold of the woman, leaned into her shoulder, and proceeded to weep on her neck. This unexpected gesture made the woman shirk, at which point the woman took hold of her face and pathetically kissed her. Was it thus that Judas had kissed Jesus?

Others walked by and stopped short to condole with her. A middle aged man berated the animal activists as anti-Italian, “Partigiani,” he ejaculated, spitefully. “Grazie!” one of them retorted. A couple of other women, colluding, started to usher the old woman away from the crowd. The one, young, covered in tattoos, surprised me most of all. I had thought, until that point, that tattoo-aficionado went hand in glove with animal rights activism. It was confounding that hardly anyone stood ground with the two women. And by this time, as one of them had managed to be standing quite near me – for I had gone and got myself smack in the middle of the row – I leaned over and quietly mumbled, “Ha ragione, signora; è uno scemo; ce l’ho visto anch’io, ieri; ho pure scattato delle foto.”

The young tattooed lady, in concert with another woman, took hold of the woman’s arm. Presently, they began to whisper conspiringly and proceeded to carry her way, “Va’ via, va’ via,” they told her. “Just go along, leave, get away.” But the two women wouldn’t allow it. They followed, rounding round her like hounds upon a jackal, blocking up the way. “She can’t leave,” they insisted. “The cops will soon be here.”
The Davies summer experience?

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