

THE SENIOR COLLEGE MESSENGER

Issue 12: October, 2022

This is an organ for members of Senior College to submit short articles that share news, opinions, reactions to the program and anything that they feel will be of general interest. Its regular appearance will allow for an exchange of opinion of topics of interest to the members. In particular, it would be interesting to record reactions to the talks, collquium topics and books discussed.

Please submit contributions to the editor, Ed Barbeau at barbeau@math.utoronto.ca

US SUPREME COURT DECISION: THE SEQUEL

In the July issue of the *Messenger*, I invited readers to grade the the recent US Supreme Court decision, *Dodds v. Jackson Women's Health Organization*, as a student assignment. This was perhaps reckless on my part, as it drew an shocked response from Helen Lenskyj who castigated me for a “completely inappropriate trivializing a decision that is currently having life-altering implications for pregnant Americans and their loved ones” and urged that the “decision cannot and should not be reduced to a mere grading exercise”. I sent her a response that indicated that we were not as separated on the issue as it might seem, which I am willing to share.

I think that, for the Supreme Court, the occasion was one of those that arises for many organizations where it can either exceptionally enhance its reputation and credibility or greatly disappoint through the quality of its opinion.¹ In my view, the latter occurred, as there were many aspects of the situation that should have been weighed and were not. The decision depended heavily on whether the Constitution enshrined a right to abortion, whether it was an entrenched right justified on historical grounds, or whether some other right, such as a right to privacy justified the *Roe v. Wade* decision. This seems unduly restrictive in view of maturation of social values and attitudes in recent years.

Laws are not promulgated in a vacuum, and the spectrum of public opinion needs to be considered. Prevailing opinion may indicate needed reforms or it may perpetuate practices that disadvantage or marginalize some group and require challenges on the basis of more fundamental principles. In any case, any law is viable to the extent that it enjoys broad public support and respect. While the Constitution and precedences are important, any ruling has to speak to the present.

¹Henry Litman, the legal commentator for the *Los Angeles Times* wrote on June 26, 2022 that “the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health* is a double disaster. First and foremost, overturning *R. v. W.* will have a devastating impact on the lives of Americans, especially women of childbearing age. Secondly, it is certain to be disparaged – even derided – by legal scholars and to result in a plunge in the Court’s already fragile public standing.”

Ruling against abortion will evidently not stop women from seeking an abortion. Some will have the money, mobility and the connections for a safe operation; others will be driven to situations that threaten their health and life. This is not to say that some regulation of abortion is not needed, but that any attempt to do so must take into account those conditions that make it so common. There is an equity issue to be addressed.

Alito's historical survey downplays that fact that there are moral arguments on both sides of the debate and that these were known in earlier times. The issue has long been contentious. It seems the right to moral autonomy should factor into the decision, perhaps as an extension of the right to religious freedom.

I think a key issue is when a foetus can be regarded as a person entitled to rights under the law and this certainly should have been subjected to a detailed analysis. The Court probably should not decide this, but it can certainly indicate that such a decision should be a federal one, not left up to the individual States, and offer guidelines and guardrails that Congress should consider.

Unfortunately, the opinion appears as though the conclusion preceded the argument rather than the other way around. The invitation for comment remains open. (EJB)

IN MEMORIAM

Irwin (Irv) Tallan (June 26, 1927 - July 17, 2022)
Department of Zoology

CALENDAR OF COMING EVENTS

Events marked with **F** are for fellows and external fellows. Registration a few days ahead is necessary for each event. This can be done in response to a weekly email from Senior College to its members that describes the events or by going on line at www.seniorcollege.utoronto.ca .

Talks: Wednesdays, 10 am

Talks will take place at the Faculty Club **and** on Zoom.

October 5: Ronald F. Williamson, *New understandings of Great Lakes indigenous history and archaeology*

October 12: Ron Saporta, *Tackling climate change and carbon emissions at U of T (St. George)*

October 19: Arthur Ripstein, *Law and the morality of war*

October 26: Lorraine Weinrib, *The Charter at 40*

November 2: Ian Williams (poet, novelist), *Disappointment*

November 9: Peter Victor, *Herman Daly's Full World Economics*

November 16: Charlie Maurer, *Illusion, reality, canvas and camera*

November 23: Charlie Kiel, *How do films work?*

November 30: Ramin Jahanbegloo, *Gandhi, our contemporary*

Colloquia: Thursdays, 2-4 pm (In person only) (F)

October 20: Should we censor hate speech and if so, where should we draw the line? (Chair: Phil Sullivan)

November 17: Is democracy the best for governance? If so, how can we strengthen its positive features and minimize its weaknesses?

December 8: How can we better protect our environment? (Chair: Guiliana Katz *et al*)

Book Club: Monday: 2-4 pm (Zoom only) (F)

October 3: Tom Wolfe, *From Bauhaus to our house* (Leader: Lisa Steele)

November 7: Suzanne Simard, *Finding the mother tree: discovering the wisdom of the forest* (Leader: Daphne Maurer)

December 5: Yascha Mounk, *The great experiment: why diverse democracies fall apart and how they can endure* (Leader: Max Nemni)

Please note: The author will be discussing this book at a free event at the Toronto Reference Library (Bram and Bluma Appel Salon) on **Thursday, November 10** from 7:00 to 8:30 pm; the doors open at 6:00 pm. You can book your tickets online. Visit

<https://www.nowplayingtoronto.com/event/yascha-mounk-why-diverse-democracies-fall-apart>

or search "Toronto Reference Library Yascha Mounk".

Aftermath

For any two people (if they live long enough), it will happen that for lengths of time totalling one year, the age last birthday of the older will be twice the age last birthday of the younger. (For twins, this will be during their first year of life.)

Analogously, if two runners at the same speed start at different times from the same position on a circular track, then one will have completed exactly twice as many laps as the other for as long as it takes for either to complete a circuit.