Is Eating People Wrong?

Great cases are those judicial decisions around which the common law develops. This book explores eight exemplary cases from the United Kingdom, the United States, Canada, and Australia that show the law as a living, breathing, and down-the-street experience. It explores the social circumstances in which the cases arose and the ordinary people whose stories influenced and shaped the law, as well as the characters and institutions (lawyers, judges, and courts) that did much of the heavy lifting. By examining the consequences and fallout of these decisions, the book depicts the common law as an experimental, dynamic, messy, productive, tantalizing, and bottom-up process, thereby revealing the diverse and uncoordinated attempts by the courts to adapt the law to changing conditions and shifting demands. Great cases are one way to glimpse the workings of the common law as an untidy but stimulating exercise in human judgment and social accomplishment.

Allan C. Hutchinson is a Professor at Osgoode Hall Law School at York University, Toronto, and a widely recognized leading law scholar. In 2004, he was elected to the Royal Society of Canada, and in 2006, he was named a Distinguished Research Professor of York University. Hutchinson has authored and/or edited sixteen books, most recently, *The Province of Jurisprudence Democrtized* and *Evolution and the Common Law*. 
Is Eating People Wrong?

Great Legal Cases and How They Shaped the World

ALLAN C. HUTCHINSON

Osgoode Hall Law School, York University
This Book Is Dedicated to
Foxes, Snails, and Litigants Everywhere.
“Novelty is better than repetition.”

– T. S. Eliot
## Contents

<table>
<thead>
<tr>
<th>Preface</th>
<th>page ix</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. In Praise of Great Cases: The Big,</td>
<td>1</td>
</tr>
<tr>
<td>the Bad, and the Goodly</td>
<td></td>
</tr>
<tr>
<td>2. Is Eating People Wrong? The Law</td>
<td>13</td>
</tr>
<tr>
<td>and Lore of the Sea</td>
<td></td>
</tr>
<tr>
<td>3. Bearing Witness: In Support of the</td>
<td>41</td>
</tr>
<tr>
<td>Rule of Law</td>
<td></td>
</tr>
<tr>
<td>4. In the Hunt: Power, Property, and</td>
<td>67</td>
</tr>
<tr>
<td>Possession</td>
<td></td>
</tr>
<tr>
<td>5. Shades of Brown: A Constitutional</td>
<td>89</td>
</tr>
<tr>
<td>Catharsis</td>
<td></td>
</tr>
</tbody>
</table>
Contents

7. An Aboriginal Title: The Lie and Law of the Land 141
8. Grinding at the Mill: Putting Limits on Agreements 165
9. Of Crimes and Cautions: The Rights and Rites of Investigation 191

Bibliography 223

Index 231
In some ways, the main idea for this book has been gestating for a long time. In my classes and writings, I have always tried to emphasize the extent to which law is not so much a science or even an intellectual system. Instead, I have played up the rich historical context in which law arises and functions; it is a dynamic mix of personalities, circumstances, and politics. However, the more immediate impetus to write about the common law and its great cases in a way that was directed primarily to nonlawyers came in 2008. I was invited by Holland-America to give a series of talks on a leg of one of its world cruises. I decided that it would be an excellent opportunity to try out my ideas. Even if I say so myself, it turned out to be a great success: people seemed to be genuinely fascinated by these
Preface

tales and thought it a wonderful way to access the otherwise dense and unfriendly world of legal scholarship. I am grateful to Carolyn Craig for her invitation to give the lectures and to all the guests who found it worthwhile to forgo the more obvious pleasures of sun and sea to attend my talks.

In researching and writing this book, I have relied extensively on the fine body of research that has developed over the years on all these great cases. I have done little original or primary research myself. With full acknowledgment of gratitude, I have been as comprehensive as possible in listing those sources at the end of the book. Also, although I have not followed the old adage “not to let the facts get in the way of a good story,” I have taken the liberty of selecting the most fascinating or plausible interpretation of the available historical evidence where there is uncertainty or doubt.

As usual, many people have played important parts in helping me complete this book. I have benefited from a host of critics and colleagues, mostly friendly, who have shared their time and insights. In particular, I am grateful to Bruce Mann, Derek Morgan, Beverly Myhal, Marilyn Pilkington, Bruce Ryder, Joe Singer, Mark Tushnet, and Kevin Washburn, for reading earlier drafts of chapters and for preventing me from making even more startling errors and omissions. However, my greatest debt is to my two research assistants, Cynthia Hill and Tiffany Herbert-Ramsubick,
Preface

who did a simply splendid job in bringing together all the available sources and research; they made writing this book both the easiest and the most enjoyable of tasks. And, to Ian Langlois for putting the book to bed with his characteristic rigor and insight, many thanks.

Allan C. Hutchinson
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