

LAW, LIFE, AND LORE

Law is best interpreted in the context of the traditions and cultures which have shaped its development, implementation, and acceptance. However, these can never be assessed truly objectively: individual interpreters of legal theory need to reflect on how their own experiences create the framework within which they understand legal concepts. Theory is not separate from practice, but one kind of practice. It is rooted in the world, even if it is not grounded by it. In this highly original volume, Allan C. Hutchinson takes up the challenge of self-reflection about how his upbringing, education, and scholarship contributed to his legal insights and analysis. Through this honest examination of key episodes in his own life and work, Hutchinson produces unique interpretations of fundamental legal concepts. This book is required reading for every lawyer or legal scholar who wants to analyse critically where he or she stands when they practice and study law.

ALLAN C. HUTCHINSON is a Distinguished Research Professor at Osgoode Hall Law School, York University, Toronto. He was awarded the University-wide Teaching Award, and has held a variety of visiting appointments around the world, including Cardiff, London, Sydney, Monash, Toronto, and Harvard. He has been elected to the Royal Society of Canada. As well as publishing more than 25 books, he is the author of many essays, notes, and comments in a range of popular newspaper outlets and is a regular contributor to the media.

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Allan C. Hutchinson

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PREFACE

I completed the final draft of this book around my sixty-fifth birthday. This is an unwelcome milestone, as many will attest, that is not easy to come to terms with – how did I get to be so old? Where did time go? And what does it mean for me as a person and an academic? It seemed a suitable time to look back and also to look forward. I wanted to take a step back and see if there were any sustaining themes to my work. In making that effort, I wanted to be as much a reader as a writer. But I also wanted to remind myself (and others) that there is still much more to do and, hopefully, much more to come. As the book subtitle suggests, *it's too late to stop now*.

Fittingly, this collection of essays draws on old work and offers new work. However, even the older work has been substantially reworked not only to make it more pertinent, but also to adjust it so as to reflect better where I now stand. Many thanks to Nicole Daniel for her help in bringing this book through to publication. I recognize that some will find my efforts to thread together (auto)biography and scholarship entirely too pretentious and indulgent. But I maintain that the central thrust of my critical work has been to interrogate others about their 'standing' when they offer truths and insights about law, life, and their workings. As I have made a career out of putting others' feet to the critical fire, as it were, it behooves me to make a similar bracing challenge to my own work.

In reaching this point in my professional and personal life, I owe enormous debts to all manner of people – teachers, mentors, friends, colleagues, loved ones, protagonists, antagonists, research assistants, reviewers, students, and many more. To name only a few of these would do a grave injustice to the many I would omit. However, that said, I want to mention one person who has been there throughout and has not always received the thanks and recognition she deserves – my mum. Through her example and her energies, she has constantly shown me the worth of commitment and caring. I cannot claim to have lived up

to the standards she has set, but I proudly and lovingly acknowledge all that she has done for me. Thank you.

In reworking some older material, I am grateful to several sources for permission to draw on parts of published papers – *Dalhousie Law Journal*, *German Law Journal*, *Jurisprudence*, *Law Society Gazette*, *Osgoode Hall Law Journal*, *Seattle University Law Review*, *Southern California Interdisciplinary Law Review*, and *University of Queensland Law Journal*.