

## Introduction: Law as Change and Survival

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One of the first analogies I can recall from Constitutional Law class, and the associated common law jurisprudence and academic writing, was that of a Constitution being a “living tree,” so that its underlying values and purposes would be interpreted, and its body able to branch off and adapt to ensure it remained relevant for states and their societies as the world changed. The contributions to the general conference exemplify this concept in examining and frequently challenging the law as it and how it ought to be while our world changes. Notwithstanding critiques that arise of the incrementalism of “Law Reform,” it was clear from our contributors that laws and their associated normativity presented possibilities, and inherent obligations to make our world better. At a more fundamental level, legal adaptation often was highlighted as fundamental to the survival of the human race and states in general.

Given recent, extreme challenges from the natural environment, such as the COVID-19 pandemic and climate change, it was not necessarily surprising that many authors considered the role of law in addressing environmental regulations broadly, whether at the state level or internationally (as can be seen in all sections of this volume). Surprising to me in the submissions was the broad degree to which the environment was understood and the nuanced understanding of human factors, transcending traditional models of bluntly balancing competing human/economic interests with those of the physical world. These include sacred landscapes which require legal recognition of both physical spaces and their human history/societies, properly incentivizing different levels of government to work towards reducing carbon-dependency for power generation, recognizing beneficial business relationships to promote better trans-modal travel, and deploying national and supranational legal instruments to achieve change both within and without courtrooms. Lacunas in previous regulatory regimes and understandings of jurisprudence were highlighted and solutions presented with an urgency borne of the high stakes involved. As we currently only know of one habitable planet, and cannot yet travel to the past nor revert it to prior “healthy” states easily, the rational (if difficult) course of action would appear to be deploying necessary legal changes to ensure that human actions do not render our world unlivable.

As a corollary to the environmental theme and that of survival is that of identity. It is analytically bankrupt to consider the above struggles as solely dictated by rational, logical models of behaviour. Our writers argue that for cultural rights, citizenship, human heritage, and reproductive technology governance, what we choose (or not), who we choose (or not), and where we choose to regulate speaks volumes to the values and populations we prize and are willing to resource. These in turn inform the underlying assumptions, logics and initiatives that animate the implementation of changes to statutes, administrative regimes, judicial interpretations and the like. For the external observer, this process illustrates what societies care about, and who they actually are, when platitudes and messaging must give way to the deployment of power, something that will always involve costs. Through definitions, assuming/declining jurisdiction, creating standards, the process of responding (or not) to developments quickly informs the observer as to the contours of societal membership, rights, obligations, and by extension, exclusion and sanction.

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A common adage of the modern, mechanized battlefield (which the world finds itself exposed to through the current Ukraine-Russia conflict) is that if you stay still, you die. Movement, and the ability to adapt and overcome are key to surviving and thriving. I offer that the articles in this section, and arguably throughout the rest of the volume, exemplify the view of the law as introduced, a living thing which can change to remain relevant and of service to the society in which it resides. It is with pleasure that invite you to discover and debate these themes in the submissions that follow.