

Introduction: The Many Meanings of Adaptation

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In the introduction to the previous section, JC Sulzenko captured, as but a poet could, the vanishing essence of *adaptation* within and without the realm of international law. As an expression of “resilience”, “shaping finished and unfinished change/ [...] across [...]/ the combined works of nature and men”,¹ this invisible, mutating force was, in turn, handled by our authors in many different ways. Luter Atagher understood it as a polycentric, quasi-spontaneous phenomenon of globalized trade law, which can be profitably harnessed through the lens of legal pluralism. Gianluigi Mastandrea Bonaviri, on the other hand, cast it as a technique that the expert and progressive jurist ought to adopt in a world equally marked by ongoing conflicts and a need for peace, beauty, and truth.

Whatever the form, legal adaptation has emerged as a complex and winding trail on which the law, lawyers, and the world encounter themselves as frequently as unexpectedly. In or out of our hands, adaptation thus carried us forward toward deep, multifaceted, and interrelated transformations.

The Scotiabank Seminar on Addressing Anti-Racism, Diversity and Inclusion gave participants a chance to explore the critical connection between these themes, adaptation, and the law.

Professor Ljiljana Biukovic, the Keynote speaker for this edition of the Graduate Law Conference, highlighted adaptation as a fundamental mechanics that mediates the adoption of international trade law into local contexts, especially in the Global South, where culture, values and traditions might very well differ from the ways in which the bulk of international lawyers from the Global North might have intended.

The tension implicit in the colonial matrix of law (which can also be cast as paternalistic, male-dominated, white-supremacist, ableist, and so on) is often undeniable and yet fiercely denied or normalized and carried on by educators, scholars, and practitioners. This dynamic, in turn, perpetuates the exclusionary effects of law upon its subjects and those who aspire to be its agents as well as performative components of any legally structured community and social order.

Michael Poon explores the trickeries of pedagogical environments in which law is taught and thought of as a technique and a one-sized science, a method, a language, or a mentality that ought to fit a very particular mold and that should be expressed through a specifically defined vocabulary. Formal and informal mechanisms, such as socialization, play into this process in subtle ways, but Poon investigates equity, diversity, and inclusion (EDI) initiatives as potential counters to it.

Adaptation, sided by the allied concept of translation, emerges from his analysis as both a phenomenon and a technique that helps us making sense and impress a trajectory onto the ways in which law could escape its exclusionary tendencies across the jurisprudential domains of Law Faculties and Law Firms and the seldom examined context of military training, specifically as

¹ See Sulzenko, JC, (*A form of transparency*), in this Volume, at p. 1.

embodied by the Canadian Armed Forces, a body “dedicated to the application of physical force (including lethal force) to achieve political objectives, almost exclusively outside national borders”.²

Moreover, if it is to operate across educational sectors, adaptation requires mutual understanding and careful mediation. Therefore, relationships informed by these principles need to be cultivated both at the institutional level and within social groups that participate in and come in contact with them.

Thus, by pointing in the direction of introspection, reflexivity, and the search for the pluralities that both populate and miss from our deep selves, Poon ultimately goes to the troublesome and fascinating heart of adaptation. Not unlike in the movie inspiring this conference, we often must look for the deep-seated assumptions about our own selves to truly find our place in the (legal) world, gain some agency over it, and begin to understand the other.

That idea is also at the core of Yuri Alexander Romaña-Rivas’ contribution. In the Colombian progress towards peace and reconciliation, the nationwide pathway of justice could only be meaningfully undertaken through the (re)affirmation of Indigenous and Black communities’ identities and traditions. By both adopting the formal structures of the state and striving to adapt them to ancestral legal practices, prolonged and massive violence began giving way to plural forms of law and unprecedented progress.

The communities’ remarkable capacity to “spring back” and “reflect”, as the Latin origin of the word “resilience” suggests, thus reveals yet another node of adaptation’s conceptual network. Whether it’s trade law, ecological governance, legal education, transitional justice, or human rights, the sometimes draining but always also creative flow of change that works through similarity and difference represents a fundamental feature of legal theory and practice, as much as any other human or non-human endeavor.³

Hopefully, this volume will help shine a light on these and many other aspects of law that too often remain misunderstood, misrepresented, or unacknowledged.

² See Poon, Michael (*Those of Teach Must Also Do: Diversity, Equity and Inclusion in Legal Education and the Canadian Armed Forces*), in this Volume, at p. 6.

³ It is perhaps significant that John Laroche, the fictional orchid thief of the movie *Adaptation.*, exploited Indigenous knowledge for extractive, capitalistic, and vainly egoistic purposes. He affirms that the world goes on because of the flowers and insects’ reciprocal attraction and yet they “will never understand the significance of their lovemaking” (see Spike, Jonze, *Adaptation.*, Amazon 2002). However, one could reasonably assume, it is really Laroche that fails to understand the world and deprives it of agency for his personal gain. *Adaptation.*, in other words, should not be thought of as a passive or active process, but as an ever evolving, challenging and constitutive relationship.