

Blog Post Series on Perspectives on Law in a Transnational Context by the Aberdeen Centre for Private International Law & Transnational Governance

The Centre for Private International Law and Transnational Governance at the University of Aberdeen published several blog posts on Perspectives on Law in a Transnational Context. The blog post series explores the transnational tendencies in applying laws and rules of law and critically assesses their purpose from different legal and ethical perspectives.

The blog post series started with the post 'Tracing the Transnational Evolution of Commercial Law', exploring transnational commercial law's development from its roots in Roman law to modern international commercial arbitration, authored by Jonathan Ainslie and Patricia Živkovi?. It highlights the transnational nature of legal authority, starting with the *ius commune* and *lex mercatoria* in medieval Europe, which laid the foundation for cross-border commercial practices and principles for dispute resolution which had cross-border application. The post further examines how international arbitration today employs a similar transnational methodology, allowing arbitrators to apply non-state laws and broader principles, thus challenging the traditional notion of state authority as the sole source of legitimate legal rules.

In the next blog post, Gloria Alvarez discusses the concept of *ex aequo et bono* as the applicable law in international arbitration from a transnational perspective. The author lays out the meaning - and value - of *ex aequo et bono* beyond the principles of good faith and equity established in common and civil systems. To do so, the blog makes reference to cases in international investment treaty practice, where *ex aequo et bono* has been put to test regarding its practical limitations and criticisms.

Alice Krzanich's blog explores transnational women's legal history, focusing on

the reform of sexual slander laws affecting women in the 19th century. The author highlights how common law jurisdictions like New Zealand, Australia, the U.S., and Canada enacted legislation that removed the need for women to prove economic loss (special damage) in slander cases involving accusations of unchastity. This legal evolution, sparked by shared dissatisfaction with restrictive defamation laws, illustrates how domestic legal changes often reflected broader transnational trends inspired by legal reforms in other common law nations. Additionally, while these reforms empowered women, they also reinforced certain sexist and racial stereotypes, demonstrating the duality in their impact. Through this case study, Krzanich emphasises how global legal movements influenced women's rights across different jurisdictions.

Francesca Farrington's blog, 'Oil in the Amazon', explores how corporate power may influence the development and application of transnational legal norms through an analysis of the Chevron-Ecuador case. Farrington examines how Chevron were able to leverage their corporate power to the disadvantage of victims of corporate polluting and influence the development of key legal norms that govern transnational accountability. The case highlights how corporations can shape legal norms to their advantage, often reinforcing global inequalities and perpetuating historical power imbalances.

Nevena Jevremovic's post, "'Rhetorical Community" and the Question of Equality in the Vienna Sales Convention', explores the CISG (Vienna Sales Convention) in its broader political context. As a uniform legal text, the CISG constitutes a rhetorical community where discourse is essential in the continuity of uniform law among the different legal, social, and political context of its members. Jevremovic emphasises that the inequalities present during the CISG's creation (and in contemporary trade) do not occupy a prominent place in the CISG's discourse. She critiques the market-focused application of the CISG, arguing that it overlooks socio-economic inequalities and colonial legacies that still impact global trade. The blog post calls for a more inclusive interpretation of the CISG to address disparities among contracting parties.

The Centre for Private International Law has expanded its core scope of research and teaching activities over the modes of transnational governance. To reflect these changes, in 2024, the Centre's mission was formally broadened due to globalisation tendencies in law, and the Centre was renamed 'the Centre for Private International Law and Transnational Governance'. This blog series

enhances the understanding of specific aspects of transnational governance and its fundamental connection to the field of private international law.

We welcome any commentaries or additional views on this and other topics.