

**NEW CHALLENGES FOR TRANSNATIONAL CIVIL AND COMMERCIAL
LAW IN THE WAKE OF THE COVID-19 PANDEMIC.
RETHINKING THE ROLE OF LAW AND LEGAL INSTITUTIONS IN TIMES OF CRISIS**

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This issue of the *Juris Poiesis Journal* features extended abstracts of papers which have been presented at the roundtable entitled ‘New Challenges for Transnational Civil and Commercial Law in the Wake of the COVID-19 Pandemic’, hosted by the Law and Society Association (LSA) in Chicago from 26 to 30 May 2021. The roundtable was organized by Dr Emilie Ghio from Edinburgh Napier University (Scotland, UK) and Professor Ricardo Perlingeiro from Estacio de Sa University (Brazil). It gathered experts from different jurisdictions across the world and different academic fields who discussed the challenges caused by the COVID-19 crisis to their area of study and practice.

The roundtable is the fruit of an ongoing project which was granted the status of International Research Collaborative by the LSA in 2020 in partnership with the Fluminense Federal University Centre on Judiciary Sciences (Núcleo de Pesquisa e Extensão sobre Ciências do Poder Judiciário (NUPEJ) and the Research Center for Administrative Justice in Context at Estácio de Sá University (NUPEJAC). The project has an international inter-disciplinary, as well as comparative dimension, as it brings together social sciences experts from different jurisdictions around the world.

The objectives of the International Research Collaborative are to: (i) create a network of universities; (ii) deepen the law and social science scholarship on transnational civil and commercial law in the wake of pandemic; and (iii) inform policy and industry discussions taking place among law and social science researchers world-wide around the effects of Covid-19. The roundtable was its first deliverable.

The project was born from common concerns in the academic and industry community of the devastating impact of the COVID-19 crisis on their field of study and/or practice, which

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came at a time where the world was grappling with an unprecedented number of other challenges. Indeed, the word ‘crisis’ is not merely common anymore; it is everywhere, and crises are increasingly global. This is not surprising in an increasingly integrated, international economy, which confronts most countries with similar social, economic, political and environmental issues. As we navigate these connected set of crises – health crisis, economic crisis, ecological crisis, human crisis – it is clear that we are at an unprecedented moment of reckoning. Over the years, these crises have highlighted two opposing tendencies: (i) increased cooperation and a natural phenomenon of legal convergence as States find common solutions to common problems; or (ii) a preference for state-centric solutions, which prioritise domestic interests, a rejection of supranational standards and harmonisation efforts and a protection of domestic sovereignty.

Generally, the roundtable tackled several challenges concerning transnational civil and commercial law in the wake of the COVID-19 pandemic, which have brought to the fore the need to rethink the role of law and legal institutions in times of crisis. Discussions investigated how law has at times contributed to these crises, and at other times, helped in solving them. Specifically and within the lens of global crises, Dr Laura Cordes (Arizona State University, United States) spoke about how United States courts address standalone litigation in cross-border insolvency cases; Dr Emilie Ghio (Edinburgh Napier University, United Kingdom) focused on the role of legal harmonisation in times of crisis; Professor Rafael Mario Iorio Filho (Estacio de Sa University, Brazil) reflected on federalism in Brazil during the pandemic, Professor Ricardo Perlingeiro (Fluminense Federal University, Brazil) discussed international cooperation between judicial and administrative authorities; finally, Luisa Silva Schmidt (Estacio de Sa University, Brazil) questioned the economic recovery versus environmental cooperation divide. Ultimately, participants at the roundtable determined whether globalisation and legal integration have come to a halt and whether the world is witnessing a phenomenon of disintegration.

The uniqueness of the discussion came from the fact that the discussants hold different views on a same principle, depending on their area of expertise as well as their jurisdiction. This diversity is welcomed as it illustrates the richness, yet complexity, of the debate on global crises, including the COVID-19 pandemic. The diversity of views revealed that common problems are at times, provided with common solutions and at times, dealt with within the realm of national sovereignty. The extended abstracts featuring in this issue are the preliminary results of the research conducted by the LSA roundtable participants on the abovementioned topics.

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