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The Jurisprudence of Global Supply Networks: Legal Theory, Risk Distribution, And Contractual Sovereignty in Modern Commerce

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Abstract

This review examines *The Jurisprudence of Global Supply Networks: Legal Theory, Risk Distribution, and Contractual Sovereignty in Modern Commerce*, which provides a comprehensive analysis of how legal frameworks are evolving to address the complexities of modern global supply chains. The review explores the book's examination of risk distribution mechanisms in interconnected supply networks, where traditional contractual approaches are being challenged by new business models and technological advancements. The review highlights the book's discussion of contractual sovereignty in cross-border commerce, examining how multinational corporations operate across multiple jurisdictions and the resulting challenges to traditional concepts of national sovereignty. It covers the book's integration of modern legal theories, including critical legal studies and global justice frameworks, to understand inequities in global supply chain governance. Key areas addressed in the review include the role of international institutions in shaping legal norms, the growing importance of corporate social responsibility and ESG standards, and the challenges of enforcing legal standards across diverse regulatory environments. The review also discusses the book's analysis of technological advancements' impact on legal frameworks, power dynamics within supply networks, and the integration of human rights law into corporate governance. The review concludes that the book serves as an essential resource for understanding how legal structures must adapt to govern modern commerce more ethically and equitably, bridging legal theory with practical insights for creating more just and sustainable global supply networks.

Key Words: *Legal theory, risk distribution, contractual sovereignty, regulatory compliance, corporate accountability*

1.1 Introduction

The Jurisprudence of Global Supply Networks: Legal Theory, Risk Distribution, and Contractual Sovereignty in Modern Commerce provides a comprehensive exploration of the evolving intersection between legal theory and global supply chain management. The book offers an in-depth analysis of the legal frameworks that underpin the functioning of global supply networks and examines how legal principles have adapted to address the complexities of modern commerce. Through an exploration of risk distribution, contract law, and the sovereignty of states in regulating cross-border trade, the author argues that the legal landscape surrounding global supply chains is undergoing significant transformation. The book builds on the notion that legal systems must evolve alongside the increasing interconnectedness and digitalization of global supply networks, where traditional models of governance and legal intervention may no longer be sufficient to address contemporary challenges.

One of the central themes of the book is the evolution of risk distribution in global supply chains. The author examines how traditional methods of allocating risk between suppliers, manufacturers, and distributors are being challenged by the advent of new business models and technological advancements. With the rise of just-in-time supply chains, automated production systems, and global e-commerce platforms, the book argues that risk distribution is no longer a simple contractual issue but rather a complex web of negotiations that involves multiple stakeholders across different jurisdictions. Rothwell emphasizes that risk must now be shared more equitably among all parties involved in the global supply chain, with particular attention given to the challenges posed by external factors such as climate change, political instability, and technological disruptions. Through detailed case studies and theoretical analysis, the book explores the mechanisms by which risk is allocated in these dynamic and unpredictable environments, offering a critique of current legal mechanisms and proposing new approaches to achieving fairness in risk distribution.

2.1 Literature Review

The book addresses the concept of contractual sovereignty in the context of modern global commerce, a crucial issue that arises as businesses increasingly engage in cross-border transactions. Rothwell critiques the traditional notion of national sovereignty as it pertains to the regulation of international trade and supply chains. The author explores how multinational corporations often find themselves operating in legal gray areas where multiple jurisdictions intersect, each with its own set of rules governing trade, contracts, and dispute resolution. In this context, the book explores the rise of private arbitration, the influence of multinational trade agreements, and the role of international organizations in shaping contractual norms. The author discusses how the concept of contractual sovereignty is being reshaped by global commerce, where corporations, rather than states, often have more influence over the terms of trade and the resolution of legal disputes. Rothwell advocates for a rethinking of contractual sovereignty that takes into account the asymmetries in power and influence between large multinational

corporations and smaller suppliers or workers, urging for a more balanced approach to governance in global supply networks.

Another key aspect of the book is its examination of the role of legal theory in understanding and regulating global supply networks. Rothwell delves into how legal scholars and practitioners are increasingly looking at supply chain governance through the lens of modern legal theories, such as critical legal studies, postcolonial legal theory, and theories of global justice. The book argues that these frameworks offer valuable insights into the inequities and injustices that often characterize global supply chains, particularly in relation to labor rights, environmental degradation, and the exploitation of vulnerable communities. Rothwell challenges the conventional legal approach that treats global supply chains as a purely economic or transactional domain, advocating for a more holistic legal theory that considers the social, ethical, and political dimensions of supply chain governance. By integrating insights from various schools of legal thought, the book provides a nuanced critique of the current legal structures that govern global supply networks, suggesting that a more interdisciplinary and justice-oriented approach is necessary for addressing the ethical challenges posed by modern commerce.

In exploring the legal frameworks that regulate global supply chains, the book also addresses the increasing role of international and regional institutions in shaping legal norms. Rothwell highlights the role of entities such as the World Trade Organization (WTO), the United Nations (UN), and regional trade agreements in creating a unified legal framework for global commerce. However, the book also points to the limitations of these institutions in addressing the full range of challenges faced by contemporary supply chains, including issues of environmental sustainability, human rights, and corporate accountability. Rothwell argues that while these international bodies have made significant strides in harmonizing trade laws, their capacity to enforce compliance across diverse legal systems remains weak. The book calls for a more robust and cohesive international legal framework that not only facilitates trade but also ensures that global supply chains are governed by principles of fairness, equity, and respect for human dignity.

The book's critical analysis of legal theory and its application to global supply networks also touches on the growing importance of corporate social responsibility (CSR) and environmental, social, and governance (ESG) standards. Rothwell explores how these emerging concepts are influencing legal decisions and shaping the obligations of multinational corporations. The author examines the growing pressure on companies to adopt ethical business practices that extend beyond mere compliance with national laws. Through a detailed discussion of case law and international legal precedents, Rothwell highlights the increasing importance of ESG criteria in corporate governance and the ways in which companies are now being held accountable for their supply chain practices. The book suggests that legal frameworks must evolve to better accommodate these new norms and provide clear, enforceable guidelines for businesses to follow in order to promote ethical practices across global supply chains.

The book also explores the challenges of enforcing legal standards across diverse legal systems, particularly in countries with weak or fragmented regulatory frameworks. Rothwell emphasizes

that one of the primary obstacles to effective governance in global supply chains is the disparity in legal and regulatory environments between developed and developing nations. Multinational corporations often operate in jurisdictions where local laws are less stringent, leading to exploitation of labor, environmental degradation, and a lack of accountability for poor business practices. The author discusses how international legal norms, such as the United Nations' Guiding Principles on Business and Human Rights, have attempted to address these challenges by encouraging companies to adopt ethical standards regardless of their location. However, Rothwell critiques the voluntary nature of many of these initiatives, arguing that stronger enforcement mechanisms are needed to ensure compliance and accountability. The book proposes a more comprehensive approach to international supply chain regulation, one that involves both the private sector and international bodies working together to create enforceable standards that transcend national borders.

Additionally, Rothwell examines the role of technological advancements in shaping the legal landscape of global supply chains. As digital technologies continue to transform global commerce, the book explores the new legal challenges and opportunities that arise in areas such as blockchain, artificial intelligence, and data privacy. The author argues that while these technologies have the potential to streamline supply chain operations and increase transparency, they also raise significant legal and ethical questions. For instance, the use of blockchain for tracking the provenance of goods can offer more reliable and transparent data, reducing fraud and improving accountability. However, the legal implications of using such technologies, particularly in terms of data ownership, privacy, and jurisdictional conflicts, are still largely unaddressed. Rothwell examines how existing legal frameworks are struggling to keep pace with technological advancements, and he calls for new legal theories and regulatory approaches that can adapt to the rapid evolution of digital tools in global supply chains. This focus on technology underscores the need for a more forward-thinking approach to legal governance in the context of modern commerce.

Another significant contribution of the book is its examination of the power dynamics within global supply networks. Rothwell discusses how legal frameworks can be used to address the imbalances of power that often exist between multinational corporations and their suppliers, particularly in developing countries. The author critiques the "race to the bottom" phenomenon, where companies source goods from low-cost regions with minimal regard for workers' rights, environmental impact, or ethical considerations. Rothwell explores how legal mechanisms, such as international labor standards, corporate transparency regulations, and consumer protection laws, can be leveraged to shift the balance of power in favor of workers and small suppliers. The book calls for a more equitable distribution of power within global supply chains, suggesting that legal reforms must empower the most vulnerable parties in the supply chain to negotiate better terms and hold corporations accountable for their actions. This analysis extends beyond traditional legal frameworks to explore how global supply chains can be governed more justly and sustainably, ensuring that all participants benefit from the global economic system.

The text also delves into the role of human rights law in regulating global supply chains, highlighting the increasing importance of incorporating human rights considerations into corporate governance. Rothwell critiques the failure of traditional legal structures to adequately address the human cost of global supply chains, particularly in terms of labor exploitation, child labor, and unsafe working conditions. The book argues that human rights should be a foundational element of legal frameworks governing cross-border trade and supply chain management. Rothwell examines the various international human rights instruments, such as the Universal Declaration of Human Rights and the International Labour Organization's conventions, and explores how these can be incorporated into national and transnational legal systems to protect workers and communities impacted by global supply chains. Through a critical lens, the author examines the gap between the legal obligations that corporations are expected to uphold and the realities of working conditions in many parts of the world. The book proposes solutions for bridging this gap, including mandatory human rights due diligence, binding legal requirements for corporate accountability, and stronger enforcement mechanisms at the international level.

Finally, the book highlights the importance of integrating global supply chain governance into broader discussions of economic justice and equity. Rothwell argues that the regulation of global supply chains cannot be separated from broader efforts to address economic inequality, social justice, and sustainable development. The author contends that legal reforms aimed at improving global supply chain governance must consider the broader socio-economic implications of trade, particularly in terms of wealth distribution and access to resources. The book explores how legal frameworks can be used as tools for promoting more inclusive economic growth, reducing poverty, and ensuring that the benefits of global commerce are shared more equitably. Rothwell calls for a rethinking of the role of law in shaping global trade, urging policymakers, legal scholars, and business leaders to consider the social and ethical implications of supply chain practices as integral to the future of global commerce. Through this critical lens, the book challenges the current legal order and proposes a more just and sustainable vision for the governance of global supply networks.

3.1 Conclusion

In conclusion, *The Jurisprudence of Global Supply Networks: Legal Theory, Risk Distribution, and Contractual Sovereignty in Modern Commerce* offers a profound exploration of the complex legal challenges facing contemporary global supply chains. Rothwell's analysis underscores the need for a fundamental rethinking of legal structures that govern cross-border trade, emphasizing the necessity of adapting to technological advancements, shifting power dynamics, and evolving ethical standards. Through a critical examination of risk distribution, human rights, corporate accountability, and the role of multinational organizations in shaping legal norms, the book calls for a more balanced and just legal framework that can effectively address the growing complexities of modern commerce. It serves as an essential resource for scholars, policymakers, and business leaders looking to understand and navigate the intricacies of global supply chain governance. By

bridging legal theory with practical insights, Rothwell provides a compelling vision for creating more ethical, transparent, and equitable supply networks in the digital age.