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SOVEREIGNTY AND GLOBALIZATION IN THE CONFLICT OF LAWS

SOBERANIA E GLOBALIZAÇÃO NO CONFLITO DE LEIS

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Abstract
This research investigates whether globalization weakens states' sovereignty, or reframes the channels that its uses within the conflict of laws. It is doctrinal and theoretical in nature and follows the analysis of the scholarship and authority materials adopted in the text to illustrate the role of sovereignty in fundamental conflict of law domains such as jurisdiction, applicable law, objective connecting factors, public policy, and the recognition and enforcement of foreign judgments. This work argues that globalization does not extinguish sovereignty. It disrupts pure territorial assumptions and imposes a need for sovereignty to proceed better under coordinated, targeted, and context-sensitive conditions. The rise of digital commerce, transnational private normativity, cross-border transactions, and the adoption of technical standards do not eliminate the role of the state in any conflict of laws event. Instead, it changes the circumstances in which states allocate authority, admit foreign law, and cooperate with foreign courts. therefore, this work argues that the core task of current conflict of laws is not to abandon sovereignty, but to reformulate doctrinal methodologies and strategies so that they respond to transnational private relations without compromising legal certainty, public policy, and the state's continuing normative role.

Keywords: Globalization, Sovereignty, Private Norms, Digitalization.

Resumo
Esta pesquisa investiga se a globalização enfraquece a soberania dos Estados ou se reformula os modos pelos quais ela se exerce no âmbito do conflito de leis. O estudo tem natureza doutrinária e teórica e segue a análise da doutrina e dos materiais de autoridade adotados no texto para ilustrar o papel da soberania em domínios fundamentais do conflito de leis, como jurisdição, lei aplicável, fatores objetivos de conexão, ordem pública e reconhecimento e execução de sentenças estrangeiras. Este trabalho sustenta que a globalização não extingue a soberania. Ela desestabiliza pressupostos puramente territoriais e impõe a necessidade de que a soberania opere de forma mais coordenada, direcionada e sensível ao contexto. A ascensão do comércio digital, da normatividade privada transnacional, das transações transfronteiriças e da adoção de normas técnicas não elimina o papel do Estado em qualquer questão de conflito de leis. Ao contrário, altera as circunstâncias em que os Estados distribuem autoridade, admitem a aplicação do direito estrangeiro e cooperam com tribunais estrangeiros. Portanto, este trabalho defende que a tarefa central contemporânea do conflito de leis não é abandonar a soberania, mas reformular metodologias e estratégias doutrinárias para que respondam às relações privadas transnacionais sem comprometer a segurança jurídica, a ordem pública e o papel normativo contínuo do Estado.

Palavras-chave: *Globalização. Soberania. Normas Privadas. Digitalização.*

1 INTRODUCTION

This article addresses the issue of how globalization might reduce the status of state sovereignty in the context of the conflict of laws. Or, it may be just changing the nature of sovereignty while being applied through the conflict of laws mechanisms giving states their regulatory authority across national borders. The issue becomes important because traditional structures of the conflict of laws were almost always territorially-bound, faced with challenges of state's supremacy, and always aiming to achieve predictability. Yet contemporary cross-border events are marked by digital transactions, transnational supply chains, overlapping regulation, private standard-setting, and the everyday flows of people, data, and capital. These developments put pressure on jurisdictional rules, which law applies, and, mainly, state's authority to enforce its own public policy and mandatory rules in any cross-border adjudication.

Our key inquiry investigates how has globalization transformed the exercise of state sovereignty within the doctrinal structure of the conflict of laws? This research operates on the hypothesis that globalization does not weaken state sovereignty in the sphere of the conflict of laws; rather, it transforms the doctrinal mechanisms through which sovereignty is exercised, particularly in jurisdiction, choice of law, and the recognition of foreign judgments.

In this sense, globalization does not *ipso facto* relinquish sovereignty in the sphere of the conflict of laws, nor does it render the state normative authority irrelevant. What globalization does is, transform the context within which sovereignty is put into practice. When there is a conflict of laws event at play, sovereignty is no longer a state's exclusive power that is tied to territoriality or fixed objective connecting factors. Instead, sovereignty works more under more flexible, relational and context-sensitive structure. States determine jurisdiction, applicable law, and allow the recognition and enforcement of foreign judgments based on the principle of openness to foreign (states and non-state) norms. But they do so in a legal environment shaped by interdependence, coordination, and a pragmatic need to address cross-border private activity that cannot be framed within older territorial presumptions.

This article introduces the concept of "Relational Sovereignty in Conflict of Laws", proposing a doctrinal framework that explains how state authority is maintained

through coordinated intermediation rather than unilateral exclusion. It contributes to the literature by demonstrating how digital globalization and transnational private normativity do not bypass the state but rather necessitate a reformulation of jurisdictional and choice-of-law proxies to preserve legal certainty. This is not entirely a new proposed conceptual structure given that relational sovereignty exists between two sovereign authorities (Mills, 2009), but it is critically important to ascertain when the relational sovereignty is necessary in case of any events between state and non-state normative frameworks.

Thus, it does not advocate for the state's disappearance or for a complete cosmopolitan legal framework. It makes the narrower claim that the doctrinal practices of the conflict of laws still rely on state authority while laying bare the change of state sovereignty. It is not whether sovereignty is still alive, the key question is how sovereignty is mediated via the new approach that aims to identify jurisdiction and the applicable law, and the use of the safety valve of public policy and mandatory rules protections.

Methodologically, this research is doctrinal, and it is also analytical based on a restricted theoretical framework. It does not provide a comprehensive comparison between jurisdictions, nor does it purport to do this. Instead, it is inspired by the authorities referred to in the article including key scholarship on sovereignty, globalization, and conflict of laws -supplemented by a few cited cases- to indicate how the notion of sovereignty emerges in a new shape in the realm of a globalized conflict of laws. Theoretical materials are employed as filters, not options, for interpretation, but only as explanatory, not as a stand-in for a doctrinal critique.

The discussion is organized into five parts. The second part names the way that sovereignty has largely underpinned conflicts of laws and how globalization puts that model under siege. Part three explores the doctrinal framework of the article by discussing jurisdiction, relevant law, connecting factors, and the influence of public policy and foreign judgments. In Part four, we consider private normativity, soft-law standards, and digital cross-border interactions as places where transformed sovereignty emerges. In Part five, broader lessons of this analysis are outlined regarding its implications for the conflict of laws.

2 SOVEREIGNTY, GLOBALIZATION, AND THE TRADITIONAL STRUCTURE OF CONFLICT OF LAWS

The classical structure of the conflict of laws has always been associated with sovereignty even if sovereignty is not mentioned in every rule. Factors of territorial connecting objective factors, such as domicile, nationality, or the place of the formation of the contract can no longer self-justify. Their legal force is shaped by an institutional background in which states assert authority over persons, acts or events based on their legal order. On that note, conflict of laws is more than a technical process of competing laws. It is, also, a domain within which states articulate the extent of their own normative order through recognition, limitation or coordination with the normative claims of other actors (Mills, 2009; Brand, 2002).

A robust territorial account of sovereignty is the perfect fit for this traditional view. In Westphalian view, the state is the locus of legal authority in a bounded territory, and conflict of laws serves as a tool for sorting out conflicts among sovereign legal systems. This makes sense, given that, historically speaking, doctrine often treats jurisdiction, choice of law and recognition and enforcement of foreign judgments as separate, yet closely connected, expressions of state authority. Courts assume jurisdiction even with international disputes, because the forum establishes a legal standing with respect to the dispute. They apply domestic or foreign law as relating to objective connecting factors that the forum is entitled to and they recognize or deny foreign judgments in keeping with domestic law's fairness, competence, reciprocity, or public policy. That territorial model, though, has never exhausted the field. The conflict of laws has, too, always had to balance mobility, commercial interdependence, and legal diversity. And, the demand from globalization accelerates the influence of those old features, not generates them at all (Watt, 2016).

Ralf Michaels (2013) contends that the law increasingly works beyond the state in the sorts of forms that challenge the earlier relationship between law and territorially-bound political communities. Watt also describes conflict of laws as a space where legal pluralism is made visible so that the field of law can no longer be understood from a purely territorial perspective (Watt, 2016). This conception doesn't erase sovereignty. They argue that sovereignty must now be understood within the larger frame of

intersecting claims to sovereignty, transnational private ordering, and institutional interdependence.

However, the initial conception of sovereignty presented in the thoughts of Hobbes and Schmitt where they shed some light on a conception of sovereignty being the supreme authority, decision-making, and the maintenance of public order. Hobbes emphasises that sovereignty is an integral part of the state and potentially represent the heart of its existence, and the state sovereignty refers to several matters that are indicative of the state's power such as determination of economic policies, imposition of taxes, legislation of laws. (Hobbes, 1651; Schmitt, 1985). In The Leviathan, Hobbes presents the state as an artificial or fictional person the head of which is the sovereign leader and all the people under his authority are part of a social contract to be the body of that fictional person, which he called the leviathan and represented sovereignty as the soul of that person.

Later, post-national conception of sovereignty continues in the opposite direction, emphasizing the legal position of people over international lines and the possibility that justice within cross-border relations cannot be confined to a unilateral state's will (Kant & Nisbet, 1991; Leonelli, 2021). The role of disaggregated sovereignty is particularly useful to Slaughter, because it is how state power can be maintained as genuine, through networks, coordination, and functional interaction rather than through absolute exclusivity (Slaughter, 2004).

Meanwhile, it is these theories that matter not as isolated philosophical stances, but as an approach to naming pressures which are already tangible within the context of the conflict of laws. The key implication of this is that globalization challenges three of the central assumptions often embedded in stronger territorial models of sovereignty.

First, it diminishes the plausibility of treating territory as the primary or even the dominant organizing principle for all transnational private disputes. Second, it illuminates the limitations of assuming that one state can dominate complex transnational activity by single-sided means only. Third, it draws attention to the role of non-state norms, market standards and institutional coordination in creating the legal context where states continue to operate. Of which, there is no need to conclude that sovereignty is absent. It does entail rejecting the assertion that sovereignty in the sphere of the conflict of laws is still sufficiently absolute, indivisible, and territorially closed.

It is also vital to be clear about what this "transformation" means here. This does not mean that sovereignty has been transferred wholesale to non-state actors; that states have simply become equivalent to private ordering; and that all conflict-of-laws questions are resolved with respect to principles that transcend national law and the law of the land. Here transformation denotes the change in the kind of legal activity undertaken. Sovereignty in the conflict of laws, nonetheless, is still public and institutionally driven, but increasingly held in doctrines that are in concert with foreign legal systems, sensitive to transnational factual environments, and that recognize that a number of normative orders may converge around the same problem. What it is, the change of legal form and method, is not the abrogation of the state power (Oddenino & Bonetto, 2020). In this context, sovereignty in the conflict of laws refers to the state's authority to regulate cross-border private relations through jurisdictional control, choice-of-law mechanisms, and the recognition and enforcement of foreign judgments.

3 THE DOCTRINAL CORE: SOVEREIGNTY INSIDE THE CONFLICT OF LAWS

3.1 Jurisdiction and the projection of state authority

Sovereignty can only be expressed at the most immediate doctrinal site of a jurisdiction. The hearing of a case is to affirm institutional authority in regard to a dispute through the court system, and often also through practice with foreign elements. Classical territoriality was once a principle that made that claim convenient when the parties, assets, or events were clearly localized within a state. Globalization, however, muddies the landscape by creating disputes in which contracts, domicile, company governance and digital impacts are all dispersed over many places (Koos, 2022).

This complication is not an inconvenience at all. This one aspect of it, being something we need to take, is our key. If sovereignty were limited to a strict territorial monopoly, cross-border adjudication would be exceptional and largely restricted. Yet contemporary doctrine reveals a much more complicated truth. Uniform jurisdiction rules in integrated regulatory spaces may also limit discretion in contexts where discretionary doctrines manifest that forum control is unilateral. In Owusu, this point is evident, as it

shows that, within the comprehensive system of jurisdiction, the court may decide that it is necessary to apply jurisdiction in respect of arguments based on the doctrine of forum non conveniens. The importance of that development doesn't concern any particular pattern of facts so much as what it suggests about sovereignty: the forum acts under law now, though in a coordinated and law-bound manner rather than one which is purely discretionary (Merwe, 2022).

A similar lesson is apparent in the Vedanta case. The case is a good illustration of why a court will grant jurisdiction to claims stemming from overseas harm by virtue of its links to the defendant's domicile and to managerial oversight exercised from the forum (Bradshaw, 2020; Ho, 2020; Sambo, 2019). The point, if reading with caution, is not that sovereignty has gone extraterritorial in a freewheeling fashion. It is that jurisdictional authority can be justified more by a tripartite nexus of territorial, organizational, and relational links. Another example is domicile, where it remains important but is not necessarily the only element that counts. Corporate structure, decision-making, and practical control can also influence the jurisdictional analysis. Sovereignty thus seems not to entail the elimination of cross-border adjudication but rather the legal power to determine and reset the foundations upon which adjudication can take place.

There can also be some short-term discussion around the role of party autonomy in this context. Party choices will frequently be held up as evidence that the field has moved from sovereignty to a place of private ordering. The reason party autonomy exists is that the forum allows it to exist and defines its limitation. The forum determines if party choice is possible, in what relations it is open, when that choice must be explicit and when it will be replaced by mandatory rules or public policy. So, even the most liberal account of party autonomy assumes an act from state authority. Globalization may increase the practical significance of choice as commercial interest needs legal certainty in cross-border transactions, but that development does not substitute sovereignty. It shows that sovereignty operates by permission, limitation, and enforcement rather than through unilateral order alone (Law *et al*., 2024).

That is where (Buxbaum, 2009) analysis of territoriality and jurisdictional conflict is useful, because it shows that territoriality also remains important, but no longer serves as a full solution to disputes involving distributed conduct and overlapping state interests. Such jurisdiction is not a sign that sovereignty has collapsed. Rather, it demonstrates that

sovereignty operates now more through the tools designed to manage overlap than just to deny it. Thus, conflict of laws does not occur post-sovereign exercise, at the level of jurisdiction, but rather, it becomes a field where sovereign authority is managed and coordinated.

3.2 Applicable law, connecting factors, and the limits of territorial exclusivity

Traditional choice-of-law approaches depend, largely, on objective connecting factors including domicile, nationality, or place of formation of contract. These connecting factors are attractive to those who prefer them, because they appear neutral and predictable. They express also the idea that legal relations may be anchored to a state through socially intelligible points of attachment.

The trouble is that globalization multiplies the number and instability of those attachments. Digital contracting, platform-mediated transactions, cross-border supply chains, and transnational corporate organization make it artificial to view one place as uniquely decisive. Nonetheless, not all connecting factors become with no value, it is, merely, that their operation must be grasped as discretional constructs rather than a clear articulation of territorial fact. The reason why a connecting factor is so persuasive is that the forum finds the relationship between dispute and legal order as normatively relevant. That still is, or at least not least when understood in neutral methodological language, a matter of state sovereignty (Peari & Teo, 2023).

Thus, we suggest that globalization reveals the contingent and policy-laden character of connecting factors. States, naturally and usually, choose, authorize, and regulate. But those reasons for choices now largely are shaped by considerations of coordination, party expectations, commercial utility, and how to deal with regulatory overlap among them. Sovereignty is not absent from this process, but it is evident in choices, to hold on to, adapt, limit or adapt certain connecting factors given the transnational situation (Bickerton *et al*., 2022).

The point is additionally confirmed by mandatory rules that represent the forum's opinion that certain policies are so crucial as to transcend the law otherwise ascribed by ordinary connecting factors to apply. Their very existence shows that choice of law is never completely neutral. The forum might still accept foreign law, but still assert that

some domestic mandatory rules remain as a control. In that respect, these mandatory rules are not external exceptions to conflict of laws; they are some of the clearest doctrinal manifestations of sovereign priority within it. What becomes different with globalization is how often, and how complex, courts are faced with determining how far such rules should extend as far as transnational realities allow (Roorda & Ryngaert, 2020).

3.3 Enforcement of public policy and mandatory rules protections

A key and salient case of the imposition of controls by states, in a demonstration of states' sovereignty may be seen in the enforcement of public policy and mandatory rules. Thus, these protections specify where and when a forum will not allow any other law to be applied. The latter is, unquestionably, one of the clearest doctrinal expressions of the ongoing role of state power in the conflict of laws. The forum may be ready to recognize a foreign law or judgment with regard only to ordinary circumstances, but it is entitled to refuse to enforce them in cases where the forum's principles have been violated in the first place (Roorda & Ryngaert, 2020).

Public policy and mandatory rules are important, not because they prove that globalization is false. They are, however, evidence that, even with cooperative regimes and intensified cross-border transactions, states remain central. Bonomi describes the ways in which judgments are recognized and enforced, arguing that foreign judgments spread within regimes built upon principles of acceptance, refusal, and review (Bonomi, 2019). Recognition is not an inevitable result of globalization; it is a legal effect determined by states through domestic laws, treaty commitments, or regional agreements. By limiting recognition on the basis of public policy, the forum does not exit the conflict of laws. It is using one of the discipline's central tactics of conveying the ongoing normative borders of its own legal order.

Meanwhile, globalization, also, transforms the way of how these principles must be viewed. Public policy can no longer be regarded merely as a residual endorsement of an unaccountable sovereign will. But the broader the application of public policy is, the greater the risk for this sort of interference to be put at risk, in a globally shared law system, and for that of predictability, comity and the possibility of real cross-border private life. The better take, of course, is that policy under public authority reflects a

transformed form of sovereignty: One that continues to be decisive in times of major conflict, but done so in a way that allows for a level of careful consideration of the costs of unilateral closure. So, this conception has a dual meaning, these protections must be preserved, but, also, carefully, applied, only when necessary. (Golia, 2020).

Recognizing foreign judgments and enforcing them will be a sign that sovereignty has not been totally stamped out or unscathed. So, accepting a foreign judgment does not mean we lose sovereignty. It is to ascertain that the adjudication under another state shall come into force when it meets the requirements of the forum's law. Refusal, too, isn't only a nationalist revolt; it can also be seen as a pointer to the limits imposed on outside legal authority by the forum. So, it is not whether sovereignty persists, but rather how it can be recalibrated in the sphere of the conflict of laws (Brand, 2022).

in the realm of EU's private international law, sovereignty is manifested through highly codified, uniform regulations that prioritize mutual trust and the automatic recognition of judgments to facilitate the internal market; conversely, Common Law systems often rely on the flexible doctrine of *forum non conveniens* and judicial discretion to balance state interests with the convenience of parties. In global transnational commercial practice, sovereignty is increasingly expressed through the enforcement of mandatory rules and the "public policy" exception, which serves as a final sovereign check against private or foreign norms that conflict with the forum's fundamental legal commitments.

4 IMPACT OF PRIVATE NORMATIVITY AND DIGITAL COMMERCE ON SOVEREIGNTY

4.1 Private norms and legal relevance

There are many pressures created by globalization, but one of the most significant is the proliferation of private norms, soft laws, and transnational commercial practices. These are not identical to state law, rather they imply the very contrary concept, but neither can be legally disregarded. Private norms in cross-border commerce frequently govern expectations and define behavioural choices leading to practical contents of contractual arrangements.

The normative force of the norm is dependent on public or judicial endorsement or legislative inclusion. (Cerny & Belmonte, 2023) while private ordering is important, it matters via pathways that are still framed by law. This is precisely where globalization shows the transformation of sovereignty. The state is not a sole originator of norm production applicable to transnational private relations in the cross-border sphere, but it still plays a central role in the legitimation, restriction, and enforcement of those norms. Michaels's work (Michaels, 2020) on 'global legal pluralism' captures this intermediate position with great precision: there are indeed several normative orders coexisting, but coexistence in itself does not abolish the need for conflict of laws because, through cohabitation, legal ordering is not abolished as a result (Michaels, 2020). Therefore, we require a discipline that takes into consideration not only interstate diversity but also the interrelation of public law, private norms, and transnational trade.

Legal pluralism theories are especially useful in this context, as they account for why cross-border disputes are coming to rely on more than just a choice between two total state systems. The shape of a transnational commercial dispute could be influenced co-constructed by domestic law, foreign law, contractually incorporated standards, norms of platform construction, normative technical elements and institutional expectations through commerce or control. But pluralism does not get rid of the need for the conflict of laws. In fact, the discipline is made more necessary because courts still require standards for determining which norms will be accepted, promoted or barred. Consequently, the state's sovereignty is made visible not in the face of pluralism, but simply by the legal management of pluralism (Humfress, 2023).

4.2 Digital and transnational commercial interactions

Digitalization exacerbates these issues because it diminishes the explanatory power of location-based assumptions. In this sense, contracts may be concluded online without physical proximity and performance may be spread across servers and jurisdictions. These developments cannot be kept out of the conflict of laws, for they affect the operation of jurisdictional doctrines, the identification of applicable law, the interpretation of party autonomy, and the design of enforcement mechanisms (Parisi *et al*., 2021).

The proper response is not to make territoriality irrelevant. Territoriality still matters, but in different ways. In digital transactions, courts or legislatures still frequently invoke the location and business place of territorial proxies in the name of maintaining legal certainty. The only thing that hasn't changed, then, is the understanding that proxies are not comprehensive reflections of social reality, but practical tools. States use them to preserve a manageable legal structure amid technological change.

Moreover, digitalization illustrates why sovereignty in the conflict of laws can no longer be understood purely in terms of territorial exclusivity, and why it remains indispensable. It is up to someone to ascertain which courts will hear a case, which law applies, when party choice will be respected, when mandatory rules override that choice, and when foreign judgments or privately generated standards will have legal effect. Those decisions continue to be made via institutions of public authority. Hence, the state is still central, despite the fact that its environment has changed (Graber, 2021).

5 IMPLICATIONS FOR THE CONFLICT OF LAWS

As sovereignty, public policy, mandatory rules, and the overall understanding of the conflict of laws is being recalibrated, there are, still, four implications that remain. First, "the conflict of laws" should not be equated with the understanding that globalization is purely eliminating sovereignty. Most of the conflict of laws rules and doctrines continue to require state authorization. Jurisdiction, relevant law, public policy, and recognition: such are all methods deployed by which the state shapes the terms of a state's legal openness to the global scene of life (Riegner, 2021).

Second, sovereignty, as enshrined in the conflict of laws, remains in place, and does not establish that states operate in a vacuum, nor that territoriality can in, and, of itself.s. What remains is a sort of judicious and coordinated authority that is enforced through doctrines not of negation, but, instead, of intermediation over overlap.

Third, theory is to be subordinated to doctrinal explanation. The value of Hobbes, Schmitt, Kant, Habermas, Agamben, and Slaughter in the article is not, however, that they give us a complete account of the conflict of laws. Their importance comes in sharpening the opposing pictures of authority that still undergird doctrinal discussion. So, a publishable legal argument must come back from theoretical backstopping to the

institutional modalities in the field. Those strategies reveal that conflict of laws is still state-based but also reflects pluralism, coordination and the legal importance of transnational practice.

Then, fourth, there may be a modest more persuasive normative implication. Legislators and courts need to avoid framing reform as a choice between sovereign closure and post-state openness. The better challenge is how to improve existing doctrines so that they can handle digital and transnational private relations without neglecting legal certainty or the forum's fundamental commitments. This means close attention to jurisdiction bases, to the design of connecting factors, to the area of mandatory rules and public policy, to the conditions on which foreign judgments and privately-created standards are recognised.

Without any doubt, it would be simplistic to assert that our previous analysis generates the full model of reform in any matter of the conflict of laws. What it does, though, set out to provide a framework for thinking about reform. Rules of conflict of laws should be considered in terms of whether those rules nevertheless link disputes with legal orders in terms which should be predictable, normatively defensible and operative in transnational contexts. Where digital commerce and private normativity make inflexible territorial rules seem inadequate, adaptation may be necessary. But that adaptation needs to be done within the conflict of laws, not in any areas external to it (Ryngaert, 2023).

6 CONCLUSION

The connection between globalization and sovereignty in the conflict of laws has been argued in this article as one of transformation rather than extinction. The classical conflict-of-laws model depended on territorially anchored connecting factors and an image of sovereignty as bounded, exclusive, and centrally controlled. The image of borders has come under strain due to contemporary cross-border events. Jurisdictional overlap, transnational corporate organization, digital commerce, foreign judgment circulation, and private normativity all demonstrate that cross-border private relations cannot be described properly within a fully closed territorial model.

However, the analysis finds no reason that sovereignty is no longer legally relevant. Instead, the doctrinal approaches within the conflict of laws largely remain based upon state authority. States determine when transnational disputes might be heard in their courts, when foreign law will be applied, when its own mandatory rules and public policy will take precedence, and when foreign judgments or privately made norms will also receive legal effect. It is that authority that changed. Sovereignty in the realm of the conflict of laws now seems increasingly less like a monolithic, all-encompassing exercise of authority over a closed territory, and more like a discretional, mediated, context-sensitive capacity for establishing legal relations across borders.

Overall, we found that the contribution of this article was, though limited, still important. A state-based discipline of sovereignty critically remains operational within the realm of the conflict of laws. Its operational conceptualizations are no clearer and more distinct than by emphasizing coordination, overlap, and legal pluralism. Knowing this fact can help avoid two mistakes: (1) suggesting that globalization has hollowed out sovereignty, and (2) suggesting that older territorial models remain fully sufficient for contemporary disputes. It is better to explain that sovereignty adapts. Conflict of laws remains one of the main legal sites where that adaptation is exposed.

The implications need not be exaggerated. The analysis does not suggest that every jurisdiction has already succeeded in transforming its rules, or that the doctrinal tensions drawn here are simple and easy to resolve. It is only evidence that a serious account of sovereignty in the conflict of laws needs to recognize both continuity and adaptation. The state remains at the center of the system, but mediation, coordination, and discretional control are now seen as the means by which centrality is manifested rather than a vision of complete territorial self-sufficiency.

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Authors' Contribution

All authors contributed equally to the development of this article.

Data availability

All datasets relevant to this study's findings are fully available within the article.

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