



International Journal of Migration and Border Studies

ISSN online: 1755-2427 - ISSN print: 1755-2419

<https://www.inderscience.com/ijmbs>

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DOI: [10.1504/IJMB.2026.10080259](https://doi.org/10.1504/IJMB.2026.10080259)

Article History:

Received:	31 August 2025
Last revised:	10 April 2026
Accepted:	27 May 2026
Published online:	16 September 2026

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Abstract: Foregrounding an understanding of global mobility as the movement of legal norms across borders, this article argues that a focus on legal interactions provides a distinctive perspective on how this movement unfolds. Building on global mobility law scholarship, it analyses the movement of legal norms by examining historical and contemporary contexts of global commerce characterised by extraterritoriality and territorial extension. First, it considers capitulation agreements in Western-Ottoman relations, conceptualised as a case of semi-colonial ‘entanglement’. Secondly, it examines developments within the European Union in the area of corporate accountability around global value chains. These examples reveal that a focus on legal interactions is crucial for understanding how legal norms move across borders. Zooming in on how this mobility of norms unfolds, the article identifies both continuities and change. Legal interactions in contemporary global commerce tend to be organised around the concepts of due diligence and human rights.

Keywords: global mobility law; global commerce; global value chains; legal interactions; corporate accountability; entanglements; capitulations; extraterritoriality; sustainability; semi colonial.

Reference to this paper should be made as follows: Corradini, F. (2026) ‘Global commerce and global mobility law’, *Int. J. Migration and Border Studies*, Vol. 9, No. 6, pp.97–114.

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This article is a revised and expanded version of a paper entitled ‘(Dis-)continuities from semi-colonial entanglements to global mobility law’ presented at Global Mobility Law: Norms, Geographies and Theory, Copenhagen, 5–6 September 2024.

1 Introduction

The world is often portrayed as a globalised place, yet neither the ability to move nor to regulate mobility is equally distributed. While the freedom to cross a border has become structurally more difficult for some persons than for others, borders have a different meaning or a less constraining effect for participants in transboundary markets. This article seeks to contribute to this special issue through a broader understanding of mobility than the mere movement of persons and commodities across borders. Building on studies on the role of law, legal infrastructures and regulation in global mobility

(Byrne et al., 2024a), it conceives of the movement of legal norms themselves as a form of mobility and argues that legal interactions are the main driver behind this movement.

To better understand the factors that enable and constrain global mobility both historically and at present, this article focuses on global commerce – an area characterised by the cross-border movement of persons, goods, capital, and legal norms. The remainder of the discussion proceeds in five sections. Section 2 introduces a framework to analyse legal interactions in global commerce as a case of global mobility. Section 3 illustrates the nexus between global mobility and legal interactions in earlier forms of transboundary commerce, focusing on the capitulation agreements. Formulated in the context of European-Ottoman interactions, these agreements were used to regulate the mobility of foreign merchants by authorising the application of European legal norms in the Ottoman territory. In this space of legal interactions, norms of European origins were authorised to move across borders while, at the same time, creating distance from local legalities.

Section 4 focuses on the regulation of global value chains (GVCs). GVCs enable the mobility of economic actors, goods, services and money on a global scale. Yet they also pose challenges to law and the legal profession. Blurring boundaries by definition, they cut across national and jurisdictional borders and connect people, problems, and legalities from different contexts. Overall, the legal situation in this domain is defined through a complex interplay between different claims to authority.

Section 5 provides insights for our understanding of the movement of law across borders and the legal interactions around it. It zooms in on continuities and change in the two examples of global mobility examined, focusing on the structure of the legal interactions that shaped mobility. The capitulation agreements and contemporary GVC regulation show how global mobility is not only about the movement of persons, commodities, or relations of production but also about the mobility of legal norms themselves. These two examples also show that the way in which legal norms move across borders has not remained the same over time. The provision of extraterritoriality afforded by the capitulation agreements was a key driver behind the mobility of legal norms. 19th-century European jurists could still rely on the notion of a Western ‘standard of civilisation’ to make sense of the relations between the international legal order and the Ottoman Empire as they saw them. In the context of contemporary global commerce, the available legal conceptuality and norms have changed and multiplied over time. While the use of open concepts remains prevalent, the flow of legal norms through GVC regulation takes a more subtle form, which is less dependent on extraterritoriality as such. This movement is shaped through legal interactions that have been reorganised around a multiplicity of concepts, including due diligence and the discourse on sustainability.

In conclusion, Section 6 suggests that an understanding of mobility that foregrounds the movement of legal norms across borders would be beneficial for global mobility law scholarship.

2 Cross-border movement in global commerce

The legal situation of global mobility involves relations across multiple fields, from human rights to trade, as well as national, international, regional and subnational law (Chetail, 2017; Dehm, 2021). While international migration law governs the conditions of human mobility across borders (Chetail, 2019), relevant bodies of law can also be found

in other areas of global mobility, including world trade. Legal scholars have foregrounded how different regimes and legal infrastructures relevant to global mobility, including domestic legislation, European Union (EU) law, and various fields of international law, relate to each other (Byrne and Gammeltoft-Hansen, 2025; Ramji-Nogales and Spiro, 2017). Furthermore, the law is experienced in different ways by differently situated people. Because of the citizenship they hold or can gain access to, some persons, especially the wealthy, can enjoy greater freedom of movement than others (Prenner and Gammeltoft-Hansen, 2024; Jiménez Laurence and Hoffmann, 2024). Thus, borders have different effects exacerbated by structural inequalities in different contexts. This situation has been shaped in a terrain of struggle through law that is relevant for our understanding of the world economy more broadly (Kennedy, 2016).

The power differences in global mobility are especially remarkable when it comes to the actors navigating the legal waters of global commerce – a clear illustration of how law is implicated in processes of circulation (Byrne et al., 2024b). Shipping companies, for example, have become pivotal players in world trade. Transboundary in character as they are, it is not surprising that they have found attention in global mobility law scholarship (Gammeltoft-Hansen and Mann, 2024). More striking for our purposes is how multinational companies with a global reach have been authorised to operate across jurisdictions and in multiple societal settings at the same time. Their organisation in separate legal entities has not prevented the transnational corporation as a single economic entity from spreading its activities in multiple locations (Clapham, 2006; Ruggie, 2018). In practice and discourse, they benefit from a virtually unparalleled capacity to ‘travel’ across jurisdictions, while remaining relatively invisible to international law (Johns, 1993; Pahuja and Saunders, 2019). This capacity to travel has arguably increased over time, particularly since the emergence of GVCs, understood “as complex and dynamic economic networks in which production crosses at least one border” (Salminen et al., 2024).

Building on insights from global mobility law scholarship, this article understands the movement of legal norms themselves as a form of mobility. In international law, one example of this form of movement is the phenomenon of extraterritoriality, understood as “the spatial extent of normative authority beyond a State’s territorial boundaries” (Parrish and Ryngaert, 2023). This article suggests that this extension of normative authority can be analysed in terms of legal interactions – a space in which the relative weight of different norms or claims to authority is discursively redefined through the interplay of societal actors. The main argument of this article is that a focus on legal interactions is important for understanding how legal norms move across borders.

From this perspective, the notion of mobility is also about legal interactions and the translation of normativity between different legally structured contexts, including legal transfer processes (Duve, 2014; Ghezelbash, 2023; Kjaer, 2019). One area in which this translation of normativity is on display is global commerce. As legal scholars and historians have shown, commerce has often involved interactions between different polities of a colonial or semi-colonial character (Anghie, 2005; Mommsen and De Moor, 1992). These interactions have often been coupled with legal and institutional innovations (Dejung and Petersson, 2013; Mallard and Sgard, 2016; Jupille et al., 2013). Yet, we know little about the forms that these legal relations have taken in different contexts.

The analysis draws on the concept of legal entanglement to foreground the discursive construction of legal relations (Krisch, 2021) and their transformative effects over time (Gammeltoft-Hansen and Madsen, 2021; Krisch et al., 2020). This reading is compatible

with accounts of the co-constitutive relationship between global mobility, infrastructures and legal regimes (Byrne et al., 2024b; Scott Ford, 2024).

In sum, the question of whose norms get to move across borders, and whose norms get to remain local, is partly shaped by the way in which the relationship between norms is defined. To illustrate the significance of these interactions for the mobility of legal norms, the following sections examine two examples from the history of the capitulations in the Ottoman Empire and GVC regulation. Due to their relational quality and link with the global mobility of legal and non-legal entities, both cases foreground how law matters to processes of circulation in the world economy and how legal norms themselves move across borders.

3 Legal interactions in and around the capitulation agreements

The mobility of private economic actors has been particularly visible in the context of interactions between Europe and the Ottoman Empire, which were facilitated by a series of instruments known as the capitulations. Legal scholars have foregrounded the role that these instruments played in channelling and regulating European Ottoman trade (Özsu, 2012). The capitulations emerged in the context of diplomatic, commercial and political relations between European countries and the Ottoman Empire. Relied upon at least since the 16th century, the practice of capitulations came to involve more and more European countries from the 18th century onwards (Kayaoğlu, 2010; Keeton, 1948; Özsu, 2012; Pradier-Fodéré, 1869; Tait Slys, 2014). Historians have interpreted this practice as a form of extraterritoriality, which provided for the select application of norms of Western origins in Ottoman territory. While self-regulation by private merchants anticipated a stronger form of intervention by their home states, a more direct intervention of the state grew over time (Kayaoğlu, 2010; Özsu, 2012).

From the perspective of 19th-century European international lawyers, capitulations and the status of the Ottoman Empire more generally appeared surrounded by ambiguities (Nuzzo, 2012; Özsu, 2012). These ambiguities were reflected, for instance, in the heterogeneous 19th-century European literature that dealt with the relationship between international law and the Ottoman Empire (Rodogno, 2016). In their writings, international lawyers made use of the concept of a ‘standard of civilisation’ to interpret the relationship between European and non-European legalities. Although the practice of capitulation might have been difficult to classify according to the paradigms of European international lawyers, these agreements are particularly significant for global mobility law and they should be examined more closely. The capitulatory documents were structured in different chapters known as ‘capitula’ (Özsu, 2012), providing for a list of privileges whose main addressees included foreign merchants from Christian countries. In particular, these documents were interpreted as providing nationals from European countries with freedom of navigation, religion, commerce, residence, safe passage and transit in the Ottoman territory (Angell, 1901; Becker Lorca, 2014; Özsu, 2016).

Beyond providing norms that regulated the mobility and behaviour of foreign merchants in Ottoman territory, another important feature of the capitulations was the provision of extraterritoriality (Augusti, 2011; Chimni, 2022; Kayaoğlu, 2010). This norm was interpreted as authorising foreigners in the Ottoman Empire to be governed by the law of their home state and to distance themselves from Ottoman local rule.

Initially, these capitulatory norms were unilaterally granted by the Ottoman sultans to European sovereigns. Over time, they came to be linked with bilateral commercial treaties between the Ottoman Empire and a growing number of European powers. One of the first capitulations granted to France around 1535 or 1536 was followed by subsequent concessions also granted to France and other European sovereigns (Kayaoğlu, 2010; Miles, 2019; Özsu, 2012).

Evidence of these assemblages of norms can be found in the many capitulatory documents that were negotiated and interpreted over centuries. These texts provide an important site of investigation to reconstrue the process that paved the way to the mobility of legal norms. For example, the capitulations granted to Great Britain in 1675 were linked with the ‘capitulations and other privileges’ that had been granted to France, Venice, Poland, and other countries (Noradounghian, 1903). In this way, the drafters of the 1675 treaty straddled the boundaries between the norms applicable in the relations between the Ottoman Empire and Venice, France, Poland, and, on the other hand, Great Britain. Similarly, the contracting parties to the treaty of commerce between Turkey and Great Britain of 1861 created new legal relations between their respective countries by referencing the ‘rights, privileges and immunities’ that had been granted to Great Britain and other countries. Article 1 of the treaty also stipulated that “all rights, privileges or immunities which the Sublime Porte now grants, or may grant in the future, to the subjects, vessels, trade or navigation of any other foreign Power, or which it may tolerate the enjoyment of, shall be granted to the subjects, vessels, trade and navigation of Great Britain” (Noradounghian, 1902).

The above excerpts offer a glimpse into the norms that some of the relevant actors deemed relevant and how they related to one another. They show how the capitulations provided a site in which norms from different origins or addressing different actors were linked. Their drafters created connections with past legal norms by referencing the concessions that had been previously granted to other actors. As we have seen in the treaty of 1861 with Britain, legal relations were created not only with norms previously addressed to Britain, but also with norms originally addressed to nationals from other states, thereby blurring the boundaries between them.

Based on the texts of the commercial treaties containing references to the various capitulatory norms, their authors did not seem to be bound by a pre-existing legal framework that would structure the relation of legal norms across contexts. Nevertheless, closer connections between the various capitulations were formed and the boundaries separating them became more difficult to distinguish over time. This vast production of statements linking bodies of norms with one another was closer to a ‘straddling practice’, understood as the utterance of claims that link “together norms from different origins ... in an ad hoc or circumscribed fashion” (Krisch, 2022b). This practice, in turn, opened a discursive space in which capitulatory actors -local rulers, foreign merchants, their home states and other observers- navigated between bodies of norms from different contexts. As Umut Özsu has written, “each capitulatory document was first and foremost a site of contestation” (Özsu, 2012). They can be characterised as bodies of norms in the sense of “looser assemblages the boundaries and strength of which [were] themselves produced through discourses in and around law” (Krisch, 2021). The discursive construction of these boundaries and legal relations was shaped by the different actors negotiating, implementing and interpreting the capitulations over time (Özsu, 2012; Rodogno, 2016).

As such, the capitulations provide a vantage point for observing the nexus between global mobility and legal interactions. This is particularly visible when it comes to the

institutions authorised to interpret the law as a result of the provision of extraterritoriality. The text of the capitulatory document of 1740 with France is illustrative in that respect. Article 15 provided that “if any murder or other disorder should occur among the French, their ambassadors and consuls shall decide on it according to their customs and traditions, without any of our officers being able to interfere in this regard” (Noradounghian, 1897). Similarly, the commercial capitulations with Denmark of 1746 stipulated that “any disputes that may arise between the Danes and their subjects shall be examined and decided by the Danish Minister or Consul in accordance with the laws and constitutions of Denmark, and the judges or courts of the Sublime Empire shall not be permitted to interfere” (Noradounghian, 1897).

As sites of legal interactions, the capitulations brought into relation actors and norms from different origins. They not only granted foreign merchants substantive rights deriving from their home state’s legal order, but they also gave greater weight to the jurisdiction of European consular courts vis-à-vis the authority of local courts. They created a space where relations between different layers of law and authority were formed – especially between the local law of the Ottoman Empire and the law of the state to which capitulations had been granted. These interactions involved different actors, bodies of norms, and unfolded over centuries. It was in this space of negotiation that legal mobility itself – the selection of the relevant legal norms and the extent to which they could move and apply across borders – was defined.

By virtue of the jurisdictional exemptions afforded by the provision of extraterritoriality, consular jurisdiction and foreign law took precedence over local law with respect to select relations with nationals of the states to which the capitulations had been granted. Rather than occurring in a vacuum, these arrangements were shaped by the broader geopolitical relations between the Ottoman Empire and the West (Kayaoğlu, 2010; Özsü, 2012). Undoubtedly marked by shifting power imbalances, capitulatory arrangements were not a form of European colonialism. They were based less on direct imposition than on interactions and mutual recognition. The descriptor ‘semi-colonial’ (Chimni, 2022; Erpelding, 2022) seems a better fit to characterise the entanglement construed around them. Over time, the capitulations led to the emergence of a vast body of literature, which brought together the capitulatory documents that had been formulated over centuries of practice (Liu, 1925; Noradounghian, 1903; Tait Slys, 2014).

4 GVC regulation across borders

Legal interactions and the mobility of legal norms have resurfaced around efforts at regulating multinational companies (MNCs) organised through complex supply chains and structures that span multiple jurisdictions (Bartley, 2018; Kennedy and Koskenniemi, 2023; Muchlinski, 2021; Zerk, 2006). In this context, the concept of GVCs (Gereffi et al., 2005; Ponte et al., 2019) has become an influential tool to analyse patterns of extraction, production and exchange in the world economy, which were previously studied from a historical perspective under the rubric of ‘commodity chains’ (Bair, 2005; Hopkins and Wallerstein, 1986).

The concept of GVCs foregrounds key transnational aspects of global mobility in the world economy today. Legal scholars and sociologists have highlighted a disconnection between legal territoriality and the space or territory of GVCs (Baars et al., 2016; Bair, 2017; Sassen, 2013). Channelling the ebb and flow of contemporary world trade, GVCs

involve multiple actors, sites, and a ‘transnational sphere of operation’ (Ruggie, 2018) that cuts across national borders and legal categories. Kjaer defines GVCs as “a contract-based network stretching from suppliers to customers and capital owners ... engaged in the transplantation (i.e., extraction, transmission and incorporation) of condensed components of meaning with economic value (i.e., capital, products and persons) from one legally structured societal context to another ... implying boundary crossings” (Kjaer, 2019). GVCs are regarded as critical infrastructures of connectivity in the world economy that “channel people, commodities, ideas and capital globally” (Salminen et al., 2024) and as “networks of economic actors that serve as basic operative units of today’s economic organization and transnational production” (Eller, 2025).

While GVCs are recognised for their role in global trade (Baldwin, 2016; World Bank, 2020), they have been foregrounded in the literature on transnational law and legal pluralism (Kjaer, 2019; Krisch, 2022a; Zumbansen, 2023). Two features make them particularly significant for present purposes. First, GVCs imply constant movements of persons, goods, services, money and data across borders through law. Second, these infrastructures of the global economy are also spaces that link many sites where actors, legalities and problems from different contexts are connected. Loosely structured around a contract-based network, this transboundary situation is also reflected in GVC regulation, which depends on actors with different priorities and normative orientations, from national governments, trade unions, human rights and environmental activists, multinational companies to the media industry and consumers (Backer, 2008; Kennedy, 2016; Ponte et al., 2019). One area where legal interactions in GVC regulation are frequent is that of business and human rights (Buhmann et al., 2019; McCorquodale, 2024; Morochovič, 2024). In recent years, various law-making initiatives in the areas of corporate social responsibility (CSR) and accountability have emerged, which are part of a wave of efforts to subject transnational corporations to a law of corporate responsibility to address the negative impacts of corporate activities within and beyond the EU borders (Eckert and Knöpfel, 2020; Knöpfel and Lüth, 2021).

Much of the governance action in this area unfolds in various institutional settings simultaneously. As a result, GVCs have become the locus of interactions between multiple jurisdictions, including public and private, national and international spheres. This includes legislation enacted by home states of multinational companies, often located in rich countries of the Global North (Deva, 2023; Okafor, 2022; Seck, 2008). A group of countries, including France, the UK, the Netherlands, Germany, and Norway, has adopted instruments to regulate GVCs around the concept of due diligence (Castellanos-Jankiewicz et al., 2024; Gustafsson et al., 2023). Beyond national parliaments and governments, the EU is another site where jurisdiction over GVCs is shaped and asserted. One example is the EU Directive on Corporate Sustainability Due Diligence (Directive (EU) 2024/1760) (CS3D). Adopted by the EU Parliament on 24 April 2024 and endorsed by the Council of the EU on 24 May 2024, the CS3D entered into force on 25 July 2024 (e.g., Bueno et al., 2024; Buhmann and Feld, 2024).

A particularly significant aspect of the CS3D is the creation of due diligence requirements, especially in the areas of human rights and the environment, for companies within its scope (CS3D art. 2). These requirements are relevant for the mobility of legal norms. Companies from third countries, too, must comply with these due diligence requirements if they have a “strong connection with the internal market” (Beckers, 2023), measured in terms of a ‘turnover criterion’. The CS3D does not contain a formal provision of extraterritoriality as such. Instead, it is interpreted as creating a territorial

connection between the regulating jurisdiction and the regulated entities based on presence in the EU market. In practice, this means an expansion of jurisdiction over companies and their global networks, with little regard for where they are physically located. Based on the interpretation and application of due diligence requirements, legal norms of European origin can flow across boundaries, following the global operations of companies (Kilpatrick and Scott, 2025). Legal scholars have shown how the use of unilateral measures in GVC regulation effectively turns GVCs, and the companies within them, into ‘regulatory proxies’ (Salminen et al., 2024) that further enable the movement of legal norms beyond the EU’s borders.

Despite the entry into force of the CS3D, the law of GVCs remains in flux. Indeed, while the EU Member States initially were expected to transpose the CS3D into their domestic legal orders by 2026, its implementation has been postponed through a simplification process known as Omnibus (EU Commission, 2025). Nevertheless, we can expect that the future transposition and interpretation of the CS3D will help clarify the meaning of concepts like ‘chain of activities’. This practice of interpretation and application will, in turn, provide one of the sites in which the relationship between different bodies of norms is discursively construed. This entanglement could potentially include not only interactions with norms from different domains, such as human rights and the environment, but also with the domestic legal orders of states beyond the EU borders.

The responses to the adoption of the CS3D have been mixed so far. Its civil liability provision may be potentially groundbreaking in the field of transnational legal activism (Saage-Maaß et al., 2021) as it can create new space for transnational lawsuits to “entangle the laws of host states with those of the home states of multinational companies” (Eckert, 2021). While some observers expect it to bring about change through the provision of corporate accountability to victims of human rights abuses related to business activities beyond the territory of the EU, the directive has triggered criticism. For example, empirical findings suggest that real participation in the making of the directive from weak and poor persons, especially from countries in the Global South where the negative impacts or ‘externalities’ of GVCs are usually located, has been limited, calling the effectiveness and legitimacy of this instrument into question (Davis et al., 2024). Relatedly, the directive may be regarded as an attempt to spread EU standards beyond the EU borders via private corporate actors (Dehbi and Martin-Ortega, 2023; Lichuma, 2021; Salminen et al., 2024). This line of critique connects with a broader debate in international law about the exercise of unilateral jurisdiction and the legitimacy questions surrounding it (Buser, 2024; Krisch, 2022b; O’Keefe, 2022). Under international law, jurisdiction is territorial as a rule, while extraterritoriality is generally treated as an exception. When it comes to companies embedded in globally operating networks, the active personality in one’s territory provides a basis for exercising prescriptive jurisdiction over such companies, to the extent that their presence in the EU market may trigger a jurisdictional nexus, with implications for companies outside the EU borders as well.

In this context, the jurisdictional claim over GVCs, of which the EU directive is but one example, is closer to a form of ‘territorial extension’ of EU law (Kilpatrick and Scott, 2025; Scott, 2014) than extraterritoriality as such. Nevertheless, this territorial extension amounts to a significant expansion of the jurisdiction of the EU over mobile actors in the global economy. As we have seen, GVCs imply constant movements of different entities across borders. It is by virtue of the border-transcending character of GVCs (Eckert and

Knöpfel, 2020) that the assertion of jurisdiction by the EU could have effects well beyond the EU's borders, further enabling the cross-border transplantation of its legal norms. The effects of this form of unilateral action operate more on a factual basis rather than a purely formal one. While international law may provide a formal basis for practicing jurisdiction beyond borders (Buser, 2024; O'Keefe, 2022), given the current power inequalities in international society, only some states have the capacity and the resources to resort to practices that amount to territorial extension or even extraterritoriality as such. Power differences shape the conditions of global mobility, and this is also true for determining which legal norms move and how they move in the global economy.

Furthermore, the turn to unilateral instruments in GVCs regulation does not mean the disappearance of transnational standards or other informal norms. As previous scholars have shown, multinational companies and their supply chains are not only targets of regulation but also sources of their own self-regulation and private authority (Ruggie, 2018; Teubner, 1997; Zerk, 2006). Indeed, while GVCs are "increasingly registered and legally re-conceptualised in national regulation...these national regulations also conceptualise and come to terms with the private governance of GVCs" (Salminen et al., 2024). It is precisely in this space of engagement where different forms of law come to terms with each other that we can expect to find further interactions between norms from different origins, including public, private, domestic, international, and transnational norms (Backer, 2021; Cashore et al., 2021; Morochovič and Reimers, 2021). As a result, the potential entanglements in and around GVC regulation include interactions with bodies of norms other than the domestic legal orders of third countries. Ultimately, the legal situation is characterised by interactions between various legalities from different contexts, which are interpreted and discursively brought into relation.

5 Continuities and discontinuities

The analysis presented so far is not sufficient to draw general conclusions on the global mobility of legal norms, nor is it generalisable to other areas of global mobility. This section highlights patterns of continuity and change in the instances of mobility examined, bearing in mind their contextual specificities. The two cases involved different entities and historical contexts. The main mobile actors around the capitulations in the Ottoman Empire were foreign merchants. In the context of GVCs, the range of cross-border entities is potentially much broader, and the speed of mobility itself is often entwined with digital infrastructures (Byrne et al., 2024b; Byrne and Gammeltoft-Hansen, 2025), which were simply not available in earlier periods. Yet both cases help show the 'materiality/norm nexus' at the core of processes of circulation in global law (Kjaer, 2019), including global mobility law.

This nexus implies that global mobility is not only about the material transplantation of persons, commodities, or relations of production but also about the movement of legal norms themselves. The practice of capitulations went beyond facilitating the conditions for human migration, the flow of commodities, and, ultimately, the spread and consolidation of a capitalist economy globally (Chimni, 2022). It also created a space of encounter (Pahuja and Saunders, 2019) between European legalities and Ottoman local rules. The circulation of merchants across borders, legal interactions and the movement of law itself were intertwined and had a potentially transformative effect – the

facilitation of global trade became confounded with ‘legal harmonisation’ (Fidler, 2000). Capitulatory documents and treaties of commerce were a site in which legal relations were formed. The capitulatory documents comprised assemblages of norms that referred to earlier capitulations. Over time, the multiplication of these bodies of norms led to the emergence of thick compilations of the various legal instruments, which eventually came to form a body of Ottoman law.

The capitulations can thus be understood as a site of entanglement (Krisch, 2021) that opened a space where actors engaged with local and foreign claims to legality. It was in this process of interaction that the flow of European legal norms became possible in the first place. This movement was accompanied by the creation of distance from Ottoman local rules and institutions in relation to certain activities involving foreign merchants.

Questions surrounding the relationship between law and territory are again visible in legal debates on GVCs and have gained traction in international legal scholarship more broadly (Buxbaum and Fleury Graff, 2022; Gammeltoft-Hansen and Feith Tan, 2021; Lythgoe, 2024; Parrish and Ryngaert, 2023). GVC regulation raises questions about the legitimacy of unilateral extraterritorial economic regulation in relation to other jurisdictional claims in the international order. From an international legal perspective, a striking aspect of this regulatory action is that it mainly involves lawmakers and regulators at national and regional levels rather than multilateral institutions. This activity tends to take the form of unilateral measures rather than international law (Buser, 2024). European countries and the EU have been particularly active in this area. The centrality of unilateral regulatory measures in the global economy can be read in continuity with a pre-1914 epoch when English law and courts played a central role in the governance of global commodities markets (Mallard and Sgard, 2016).

Similar to the capitulations, GVC regulation shows how law serves as a medium of transplantation of both non-legal and legal components of meaning through self-transplantation processes (Kjaer, 2019). In particular, the CS3D provides a window into the question of how law travels across state borders. The scope of application of the directive is especially enlightening in this respect. While under EU law the formal addressees of the directive are the EU member states (CS3D, art. 39), its due diligence requirements are addressed to large companies with a connection to the EU market. As also foregrounded in the CS3D, human rights norms and the concept of due diligence in GVC regulation operate as ‘connectivity norms’ (Kjaer, 2019), which facilitate the material transplantation of both non-legal components of meaning as well as the flow of legal norms themselves, creating further interactions with other norms in the processes of circulation in which they are embedded. The concept of due diligence could also work as a ‘legal infrastructure’ (Byrne et al., 2024b) where the nexus between material entities and legal norms is part of the same phenomenon of circulation across borders. While these developments aim to enhance corporate sustainability and accountability, they also illustrate how some states are seeking to gain control over a broader transboundary space (Krisch, 2022b). The transboundary character of this space, then, potentially facilitates an expansion of the jurisdiction of states in a position to articulate jurisdictional claims over GVCs. States’ regulatory activity over the space occupied by GVCs becomes highly mobile to the extent that it produces effects beyond their national borders. Furthermore, some of these regulatory efforts are arguably more mobile than others.

Only a small number of economically powerful states, sometimes with a colonial background, have positioned themselves in the jurisdictional struggle over GVCs. Unilateral claims by European states and the EU to speak or determine the law in this

domain (Krisch, 2022b; O’Keefe, 2022) should be approached as part of a wider sea of (actual or potential) legal claims rather than in isolation. A more complex picture emerges when we situate the EU directive in relation to attempts to assert jurisdiction by less powerful economies. The struggle for jurisdiction over GVCs can thus be understood as a space of ‘claim-making’ (Kjaer, 2018) – a political space of contestation in which the relative weight of different claims about the norms that are seen to matter in global commerce is being staged and redefined. From this perspective, it becomes possible to consider how jurisdictional claims interact. The struggle to define the law in this domain potentially includes the domestic legal orders of the host states in which the companies’ ‘chains of activities’ operate or produce effects.

As a result, there remain considerable differences among states in the actual capacity to set and implement rules that enable and constrain global mobility around transboundary markets (Krisch, 2022b). We should pay attention not only to the relations between formal and informal law but also to how societal actors and legal orders in the Global South respond to European initiatives such as the CS3D, as statements criticising the simplification process of due diligence legislation illustrate (Anti-Slavery International, 2025). Further claims could potentially come from multilateral initiatives in the area of business and human rights that are currently underway at the United Nations.

Beyond continuities, there is also change. First, the way in which legal norms moved via the capitulation agreements differs from how mobility works through GVC regulation. The concession of extraterritoriality through the provision of consular jurisdiction was initially unilaterally granted by Ottoman sultans and was subsequently included in bilateral treaties with European sovereigns. While these instruments of extraterritoriality might have been similar to ‘unequal treaties’ (Anghie, 2005; Craven, 2005; Cong and Mégret, 2021), they at least provided for some diplomatic space of negotiation between the different contracting parties at play.

By contrast, as previously mentioned, the making of the CS3D was not based on a serious engagement with claims from interested parties from the Global South (Davis et al., 2024). In a world of GVCs, the flow of legal norms through GVCs often takes a more ‘fluid’ or less visible form (Backer, 2012; Salminen et al., 2024). Legal norms and normative meaning move less as a result of a formal circumvention of third states’ territorial borders than through practices that create connections with the regulating jurisdiction. As we have seen, the use of a ‘turnover criterion’ in the CS3D creates a territorial nexus between the regulating jurisdiction and the regulated companies, thereby redefining what is understood as territory (Krisch, 2022b). The use of such open concepts as ‘due diligence’ and ‘chains of activities’ creates the conditions for further redefining the meaning of territory, with implications for how legal norms flow across borders. Thus, the CS3D has a transformative effect to the extent that it turns the companies within its reach into vessels that facilitate the further transplantation of European legal norms and values across borders.

The discontinuities become even clearer when examining the structure of legal interactions at the core of this fluid circulation of norms. The discursive construction of mobility around the capitulations depended less on an overall framework than on an evolving ‘straddling practice’ (Krisch, 2021) between bodies of norms from different origins in a more open-ended way. The concept of a ‘standard of civilisation’, which was used in the European international law literature of the 19th century, does not reveal much about how actors directly involved in capitulatory affairs conceived of the different norms at play. While structural inequalities persist in the international order today

(Anghie, 2005), the conditions for using the concept of a ‘standard of civilisation’ no longer seem available in the international legal order as we have come to know it.

In the context of GVC regulation, the content of the ‘interface norms’ (Krisch, 2021) between different claims to determine the law differs from those available in earlier periods. In particular, the concept of due diligence is deemed central in GVC regulation (Beckers, 2024). Similarly, human rights norms are invoked not only to regulate conduct directly but also as tools to create connections with other norms. Closely connected with the role that GVCs play as vessels of mobility of legal norms across contexts, human rights norms act as connectivity norms – as vehicles that enable the transplantation of law itself (Kjaer, 2019). Furthermore, human rights norms co-exist with other open concepts that may become part of the legal episteme of contemporary global commerce going forward, including the concepts of ‘sustainability’ (Renckens, 2020; Paiement, 2021) and security. While there seems to be a pluralisation of different types of interface norms and practices, connectivity norms and rationalities at play at once, we can expect that these practices will continue to provide pathways for defining the mobility of legal norms.

6 Conclusions

Foregrounding an understanding of global mobility as the movement of legal norms across borders, this article argues that a focus on legal interactions provides a distinctive perspective on how this movement unfolds. It has analysed two cases of global mobility in the area of global commerce. Epitomising the circulation of persons, goods, data and capital in the world economy, global commerce provides a privileged terrain to study the mobility of legal norms across borders. Legal scholars have shown how the flow of legal norms and normative meaning across boundaries is often co-constituted with circulating practices and materials (Byrne et al., 2024b). Building on this insight and related ones, this article has shown that circulating practices around global commerce provide a vantage point for observing aspects of global mobility law. While foregrounding the role of law in global mobility, the two cases account for the ‘self-transplantation’ (Kjaer, 2019) of legal norms across different legally structured contexts. In particular, the practice of capitulations in the Ottoman Empire and more recent attempts at governing the space of GVCs show how processes of global mobility are sometimes contingent on legal interactions.

Despite their ambiguous and contested legal status (Özsu, 2012), the history of capitulations reminds us that the cross-border mobility of people, goods and capital went hand in hand with the flow of legal norms (Tait Slys, 2014). One of the purposes of entering into capitulation agreements in the first place was to grant privileges that would facilitate the entry and freedom of movement of foreign merchants in Ottoman territory. Beyond enabling the circulation of persons, commodities and capital, the practice of capitulations created conduits through which European countries and the Ottoman Empire could define their terms of encounter. They created a space of interactions between different legally structured contexts, as well as a site of negotiation over the norms and institutions that were authorised to move across borders. They authorised foreign merchants to be governed by European legal norms, which were interpreted and applied through consular jurisdiction, thereby creating distance from local laws and courts. Over time, this legal interaction through the exercise of extraterritoriality had a transformative effect to the extent that it shaped the legal self-understanding of European

states and the Ottoman Empire. Further research could be devoted to deepening the analysis of how, in practice, norms and concepts of European origin were discursively linked with local norms.

The global mobility of economic actors and legal norms is not limited to the past of global commerce. Multinational corporations have come to enjoy a high degree of mobility, which has arguably increased with the spread of GVCs over the last few decades (Baldwin, 2016). While GVCs provide insights into the role of law and legal institutions in the global economy (Baars et al., 2016; Medellín Group, 2025), they are salient for global mobility law scholarship. Transboundary in character as they are, GVCs are perceived to be in tension with the boundedness and boundaries traditionally associated with legal discourse. Their regulation foregrounds legal interactions and the complex relationship between jurisdiction and the territorial *problématique* in international law more broadly (Byrne and Gammeltoft-Hansen, 2025; Krisch, 2022b; Lythgoe, 2024). Under international law, the exercise of prescriptive jurisdiction is territorial as a general rule. Forms of extraterritoriality or extraterritorial regulation are usually considered to be an exception. International law is interpreted as providing various bases for the exercise of jurisdiction. However, especially economically powerful states are in a position to effectively exercise practices that amount to extraterritorial regulation or territorial extension. Straddling national and jurisdictional borders, GVCs and their regulation illuminate central themes in global mobility law scholarship. Not only is their global mobility enabled through law, but they are the locus of legal interactions and the transplantation of law itself across different legally structured contexts (Kjaer, 2019).

Recent initiatives on GVC regulation at national and EU levels have generated mixed responses. In particular, legal scholars have highlighted legitimacy issues and debated whether the turn to unilateral regulatory measures amounts to earlier forms of extraterritorial regulation or even colonialism and imperialism (Lichuma, 2021; Okafor, 2022). Indeed, in the struggle for jurisdiction in the domain of global commerce, only some claims to determine the law get to travel across borders, contingent as this movement is on vast power inequalities in the international order. The ‘territorial extensions’ of EU law instruments in GVC regulation (Scott, 2014; Kilpatrick and Scott, 2025) illustrate this point well. More research is needed to understand how the terms of relations between different claims will be shaped in practice. This is especially the case in the current geopolitically fraught context, in which competing rationalities might emerge, with potential implications for the global mobility and future trajectory of legal norms.

Funding

This work was supported by the European Research Council Advanced Grant Project ‘Global Value Chain Law: Constituting Connectivity, Contracts and Corporations (GLOBALVALUE)’. Grant agreement ID: 101054237.

Declarations

The author declares that they have no conflicts of interest.

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