

Michaels on the U.S. Conflict of Laws

[Ralf Michaels](#), who is a professor of law at Duke University School of law, has posted [After the Revolution – Decline and Return of U.S. Conflicts of Laws](#) on SSRN.

Scholars in the US have become uninterested in conflict of laws, at least in the core issues that spurred the conflict of laws revolution, especially questions of method and areas of tort and contract law. Proposals for a new (third) Restatement have not yet led very far. By contrast, new interest comes from the fringes: special political questions and interdisciplinarity. As to the first, I use the example of same-sex marriages to discuss the extent to which discussions about politics are inseparably linked with discussions over conflict of laws. Conflict of laws is here not a mere additional field in which policy interests clash; rather, conflict of laws is central to these clashes themselves. As to interdisciplinarity, I discuss (drawing on an issue of Law & Contemporary Problems co-edited with Karen Knop and Annelise Riles, Vol. 71, Summer 2008) the new interdisciplinary interest in the discipline: especially law and economics, but also political science and sociological and anthropological ideas about legal pluralism. We should welcome these developments, because the return of politics and (interdisciplinary) theory may be necessary if we want to make progress in the discipline, including if we want to start working on a new Restatement.

The paper is forthcoming in the *Yearbook of Private International Law* 2009 (Vol. 11, pp. 11-30). It can be downloaded [here](#).