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## Introduction to Symposium on the Role of "Soft Law" in International Insolvency and Commercial Law

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# INTRODUCTION TO SYMPOSIUM ON THE ROLE OF “SOFT LAW” IN INTERNATIONAL INSOLVENCY AND COMMERCIAL LAW

*Layan Charara\**

The articles included in this special symposium issue were submitted at a conference held at the University of Michigan Law School on September 21–22, 2018. The Law School, in collaboration with the International Insolvency Institute, welcomed experts from across the globe to discuss the critical role that soft law has played in the development of international insolvency and commercial law. Participants sought to address questions about the utility of soft law as an instrument for crafting norms and obligations in the international commercial realm. Readers of this special issue will find a range of perspectives demonstrating that soft law’s influence manifests in different ways in the legal regimes discussed.

The symposium has coincided with the 40<sup>th</sup> anniversary of the *Michigan Journal of International Law*. Over the course of its 40 years, the *Journal* has also pondered the role soft law plays in a variety of fields of international law. From its impact on international environmental law<sup>1</sup> and its relationship to customary international law<sup>2</sup> to its potential as a human rights enforcement mechanism<sup>3</sup> and a lawmaking tool employed by international organizations,<sup>4</sup> soft law’s influence spans the manifold regimes that comprise the international legal architecture. The mantle soft law currently assumes in international insolvency and commercial law presents the *Journal* with an exciting opportunity to continue its discursive journey into soft law, and we hope this issue helps answer some of the pressing questions soft law presents for the legal regimes described in the following articles.

As the *Journal* enters its fifth decade, we look forward to continuing and fostering important discussions on the role of international law around the world. We hope that our pages inspire thoughtful dialogue and encourage more people to engage with international law.

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\* Editor-in-Chief, *Michigan Journal of International Law*, Volume 40.

1. See, e.g., Pierre-Marie Dupuy, *Soft Law and the International Law of the Environment*, 12 MICH. J. INT’L L. 420 (1991).

2. See, e.g., Laurence R. Helfer & Ingrid B. Wuerth, *Customary International Law: An Instrument Choice Perspective*, 37 MICH. J. INT’L L. 563 (2016).

3. See, e.g., Shana Tabak, *Ambivalent Enforcement: International Humanitarian Law at Human Rights Tribunals*, 37 MICH. J. INT’L L. 661 (2016).

4. See, e.g., Claire R. Kelly, *Institutional Alliances and Derivative Legitimacy*, 29 MICH. J. INT’L L. 605 (2008).