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 40th 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 law1 and
its relationship to customary international law2 to its potential as a human
rights enforcement mechanism3 and a lawmaking tool employed by
international organizations,4 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.

* 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
2. See, e.g., Laurence R. Helfer & Ingrid B. Wuerth, Customary International Law:
3. See, e.g., Shana Tabak, Ambivalent Enforcement: International Humanitarian Law
4. See, e.g., Claire R. Kelly, Institutional Alliances and Derivative Legitimacy, 29