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PART II: COMMERCIAL LAW HARMONIZATION: THE PAST AS PROLOGUE—A “FESTSCHRIFT” IN HONOR OF NEIL B. COHEN

*Edward J. Janger**

In May of 2022, the *Brooklyn Journal of Corporate, Financial and Commercial Law* convened a “Festschrift” Symposium in honor of Neil Cohen. In the tradition of festschriften, the Symposium considered a scholarly topic – commercial law harmonization – but more than incidentally, it also served as an opportunity to reflect on the role of Neil Cohen and his role in the many commercial law harmonization efforts in which he has participated. The question for the Symposium, posed by Neil, was, after a half-century of commercial law harmonization, both domestically and internationally: “*What have we learned, and what should we do next?*” The essays produced for the Symposium overflowed one issue of the journal. The essays in the first volume considered the history of uniform lawmaking, current efforts to harmonize secured credit internationally and to reflect the advent of digital assets, and considered secured credit harmonization as a frame for broader harmonization efforts.¹

The authors of this second set of essays are each uniquely situated to comment on the role of multilaterals in international harmonization efforts. Hal Burman steered US government participation in international commercial law harmonization efforts from his position in the Office of the Legal Adviser of the US Department of State. He considers the history of commercial harmonization, starting with the Bretton Woods Conference, offering lessons for the path forward. Spiros Bazinas, as Senior Legal Officer in the International Trade Law Division of the United Nations Office of Legal Affairs, served as Secretary to UNCITRAL Working Group VI (Security Interests). He offers reflections on Neil’s crucial role in preparing the UNCITRAL Legislative Guide and Model Law on Secured Credit. Finally, Timothy Schnabel is currently the Executive Director of the Uniform Law

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1. See generally, Edward J. Janger, *Commercial Law Harmonization: The Past as Prologue—A “Festschrift” in Honor of Neil B. Cohen*, 17 BROOK. J. CORP. FIN. & COM. L. 1 (2023); Edward J. Janger, *Reviving the Realist Restatements and the Common Law Codes: Neil Cohen and the Grand Style*, 17 BROOK. J. CORP. FIN. & COM. L. 5 (2023); Carl S. Bjerre, *Flow of Commerce, Flow of Traffic*, 17 BROOK. J. CORP. FIN. & COM. L. 21 (2023); Henry Gabriel, *The Development of the American “Security Interest” and its Effect on the International Harmonization of Security Rights*, 17 BROOK. J. CORP. FIN. & COM. L. 39 (2023); Stephen L. Sepinuck, *Formulating Lists of Factors: Lessons from the Good, the Bad, and the U.C.C.*, 17 BROOK. J. CORP. FIN. & COM. L. 61 (2023); William H. Henning, *Achieving Law Reform Sometimes Requires a Strong Defense*, 17 BROOK. J. CORP. FIN. & COM. L. 75 (2023); Roberta S. Karmel, *Failed Efforts At Harmonization of Securities Regulation*, 17 BROOK. J. CORP. FIN. & COM. L. 87 (2023); Louise Gullifer, *The UNCITRAL Model Law and Secured Transactions Law Reform*, 17 BROOK. J. CORP. FIN. & COM. L. 97 (2023).

Commission. He considers the various multilateral organizations seeking to harmonize commercial law and possible mechanisms for coordinating their efforts.

Together these essays form a fitting coda to the Symposium: considering the past, evaluating the success of recent instruments, and proposing a path forward.