Foreword

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The thirteenth volume of the *San Diego International Law Journal* is composed of articles illustrating the value in looking abroad at the diverse historical experiences of foreign nations to help shed light on solutions to contemporary legal issues. The articles tackle general legal topics such as property rights, patent regulation, and internet censorship, while utilizing an international lens to provide perspective and possible solutions. This issue aims to foster a comparative understanding of national legal structures and demonstrate the benefit in researching, understanding, and applying international and comparative law to modern legal problems.

David S. Rudstein's Article *Retrying the Acquitted in England, Part 3: Prosecution Appeals Against Judges' Rulings of "No Case to Answer"* is the final Article of a three-part series analyzing recent changes in English double jeopardy law.[1] In his concluding Article, Rudstein discusses a recent statute enacted in England that allows a prosecutor in a felony case to appeal a trial judge's ruling that the defendant has no case to answer, and if successful, to try the accused a second time for the

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1. The first two parts, *The Exception to the Rule Against Double Jeopardy for "New and Compelling Evidence"* and *The Exception to the Rule Against Double Jeopardy for "Tainted Acquittals"* may be viewed at 8 S.D. INT'L L.J. 387 (2008), and 9 S.D. INT'L L.J. 217 (2008), respectively.

same offense. His analysis focuses on the wisdom of this significant change in English law in terms of the policies underlying the protection against double jeopardy.

In *Explaining Global Divergence: Property Rights in Land, Agricultual Capitalism and The Relative Decline of Pre-Industrial China*, Taisu Zhang examines the relative decline of China from the sixteenth century to the nineteenth century, when it was overwhelmed with European—specifically English—economic and military superiority. Zhang focuses on the historical differences between Chinese and English property rights, particularly regarding land transaction norms and agricultural development in pre-industrial times. He argues that the primary problem with Chinese property rights was not that they restricted the transaction of land, but rather that they frequently gave the owner of transacted property an extremely strong right of redemption.

Lawrence A. Kogan discusses the topic of technology development and patent rights in his article *Commercial High Technology Innovations Face Uncertain Future Amid Emerging "BRICS" Compulsory Licensing and IT Interoperability Frameworks*. The Article begins by explaining the domestic and foreign regulatory and policy risks associated with high technology development, commercialization, and market behavior, and discusses the obstacles faced by inventors and innovators of technologies. Next, Kogan explores the World Intellectual Property Organization (WIPO), current regulations and policies promulgated by the WIPO, and the potential effect these policies could have on the patent rights of BRICS nations. He concludes with suggestions for public and private law opportunities to mitigate the risks created by the WIPO policies.

The Genius of Roman Law from a Law and Economics Perspective, by Juan Javier del Granado explores how Roman private law can provide a model for Latin American countries currently undergoing economic liberalization. He first provides an introduction to Roman private law, particularly property law and the law of obligations. He then discusses the interaction of private law and morality, arguing that Roman private law creates order through heterarchy. Granado concludes by showing how Roman law and economics can help the reorganization of civil law in countries in Latin America.

In her Comment, *Untangling the Web: Exploring Internet Regulation Schemes in Western Democracies*, Renee Keen investigates past censorship schemes proposed and implemented by select democratic nations to gain insight and develop an improved framework and infrastructure for internet regulation. Keen evaluates internet censorship in Australia, the United States and the United Kingdom, identifying the successes and limitations of each national policy. She concludes with a proposal

delineating guidelines to implement an effective internet regulatory scheme in a democratic nation.

Finally, Nicole T.C. Marques explores the unique problem of the politicized national identity of Native American tribes in the context of passport recognition in her Comment, *Divided We Stand: The Haudenosaunee, Their Passport and Legal Implications of Their Recognition in Canada and the United States*. In her Comment, Marques begins by providing a historical background on the Haudenosaunee tribes, and examining the complex relationship between the United States, Canada and Native American tribes. She then analyzes the current regulatory schemes in light of international human rights. Marques concludes with recommendations for new legislation, including the possibility of an international agreement in support of a Haudenosaunee passport.