

# Foreword

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The United States has experienced unprecedented change over the last several months: the election of a black President, extreme volatility in the stock market,<sup>1</sup> and the price of a barrel of gas dropping almost \$100 in five months.<sup>2</sup> However, these events on U.S. soil remind us how globally connected the world is. The election of Barack Obama caused global celebration. The economic downturn in the U.S. induced Britain, France, and others to execute massive stimulus packages.<sup>3</sup> And when the price of a barrel of gas hit highs and lows, international markets reacted.<sup>4</sup>

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1. Jason Cox, University of Iowa Center for International Finance and Development, Credit Crisis Timeline, (Dec. 3, 2008), [http://www.uiowa.edu/ifdebook/timeline/Credit\\_Crisis\\_Timeline.pdf](http://www.uiowa.edu/ifdebook/timeline/Credit_Crisis_Timeline.pdf).

2. Stephen Gandel, *Oil-Price Drop Forces Big Energy to Retreat*, TIME, Dec. 3, 2008, available at <http://www.time.com/time/business/article/0,8599,1863742,00.html>. For more information on what caused the price drop see Ari J. Officer, *What Caused the Big Slide in Oil Prices*, TIME, Nov. 14, 2008, available at <http://www.time.com/time/business/article/0,8599,1859380,00.html>.

3. See Victoria Burnett, *Spain Unveils €11 Billion Economic Stimulus Package*, INT'L HERALD TRIB., Nov. 27, 2008, available at <http://www.iht.com/articles/2008/11/27/business/peseta.php>; Associated Press, *France Unveils €26 Billion Stimulus Plan*, INT'L HERALD TRIB., Dec. 4, 2008 available at <http://iht.com/articles/ap/2008/12/04/business/EU-France-Stimulus-Package.php>; Kevin Sullivan, *\$30 Billion Stimulus Announced in Britain*, WASHINGTON POST FOREIGN SERVICE, Nov. 25, 2008, at A08, available at <http://www.washingtonpost.com/wp-dyn/content/article/2008/11/24/AR2008112402458.html>.

4. Crude Prices Spiral Down to 4 Year Low, 106 OIL AND GAS JOURNAL 45 (Dec. 1, 2008), available at [http://www.ogj.com/display\\_article/347070/7/ONART/none/GenIn/1/MARKET-WATCH:-Crude-prices-spiral-down-toward-4-year-low/](http://www.ogj.com/display_article/347070/7/ONART/none/GenIn/1/MARKET-WATCH:-Crude-prices-spiral-down-toward-4-year-low/); see also Martin Fackler, *Financial Crisis Spreads to Emerging Nations*, NY TIMES, Oct. 23, 2008, available at [http://www.nytimes.com/2008/10/24/business/worldbusiness/24won.html?\\_r=1](http://www.nytimes.com/2008/10/24/business/worldbusiness/24won.html?_r=1).

These international impacts remind us that the world is interconnected and that the decisions of one country can have drastic impacts on others. The 10<sup>th</sup> volume of the *San Diego International Law Journal* recognizes that much can be learned from other countries and cultures, and it is our job to continue to strive to create the ideal legal system.

In his article, *The Meaning of Wrongdoing-A Crime of Disrespecting the Flag: Grounds for Preserving "National Unity"?*, Dr. Mohammed Self-Alden Wattad questions whether the United States should have a ban on the desecration of the U.S. flag. Wattad first examines the meaning of wrongdoing and the validity of crimes under the Constitution. Using this criminal theory, he compares the laws of the United States for "desecrating the flag" to the laws of Canada, asking if flag destruction could and should be a crime in the United States. Wattad concludes by arguing that flag desecration cannot constitutionally be a crime.

Edward J. Eberle also compares values of Americans to another country in his article *Equality in Germany and the United States*. Eberle examines the nature and quality of equality as a fundamental right in both the Germany and the United States Constitutions. Eberle argues that while both countries have identified specific traits that merit a higher level of judicial review, the review by German courts tends to more intensive and rigorous. Eberle concludes that this is particularly apparent when there is a significant disparity in the effect of a measure on similarly situated groups.

In another article, *Tort Reform with Chinese Characteristics*, Andrew Green analyzes tort law in China specifically focusing on personal injury tort law. In a time when Americans are very concerned about the safety of Chinese products, Green provides a general background on the role of tort law in China and the balance between the social and political factors at play. The article concludes by suggesting further steps the Chinese government should take to improve the personal injury tort system, including passing tort law that would give judges additional direction and political support in tort cases. Additionally, Green suggests that China should encourage class actions, allow for contingency fee agreements, and continue its commitment to legal reform.

Alexandra Harrington, in her article *Policing Against the State: United Nations Policing as Violative of Sovereignty*, explores the role of police in U.N. peacekeeping missions. Harrington first recognizes the unique relationship between a police force and the body that it is protecting because they share common national and socio-legal referents. She argues, however, that since U.N. peacekeepers do not share a cultural connection, and make no attempt to, U.N. peacekeepers undermine the sovereignty of both the state sending the U.N. peacekeepers and the state

to which the peacekeepers are deployed. Instead, Harrington advocates a system of community policing in which police are trained in modern policing tactics and the legal, moral, and procedural framework of the state to which the peacekeepers are deployed.

In his comment "*Bazaar*" *Transnational Drafting: An Analysis of the GNU Public License Version 3 Revision Process*, Christopher DiLeo addresses the difficult problem of drafting transnational legal documents. After comparing the different styles of drafting, DiLeo uses the GNU General Public License version 3 (the GPLv3) Revision Process as a case study for an "open source" process where numerous individuals, connected through the Internet, were allowed to comment on the creation of a licensing agreement. DiLeo argues that an open process, such as the GPLv3 Revision Process, is the best way to develop international agreements where the parties involved can have legal, language, and cultural barriers.

Finally, in her comment *Moving Beyond the WTO: A Proposal To Adjudicate GMO Disputes In An International Environmental Court*, Marguerite Hutchinson proposes an international solution to the issue of genetically modified organisms (GMOs). Currently, the United States and Europe have conflicting views about the safety of GMOs, which Hutchinson argues is because of cultural differences understanding risk, government regulation, and food safety. Hutchinson proposes the development of an international environmental court with the goals of maintaining biological diversity and ecosystem stability and protecting humans from new allergens and toxins. She also encourages scientific testing and labeling to ensure accountability and recourse.

The articles in this issue present just a few of the benefits and disadvantages of a globally integrated society. In this year of change, we hope the articles will foster meaningful debate on and inform future critical analysis of pressing international challenges.

