

HARVARD INTERNATIONAL LAW JOURNAL

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Foreword by the *Editors-in-Chief*

Dear Reader,

We write, with great pride and ardor, to introduce to you Volume 65, Issue 1, of the *Harvard International Law Journal*.

Over our Journal's sixty-five-year history, many authors who have chosen to publish with us have done so to challenge global legal thought and disrupt mainstream narratives. We are honored to say that the pieces of writing herein contribute to our Journal's tradition of radical, groundbreaking scholarship.

Professor Kathleen Claussen's article is the first of its kind to identify and document the phenomenon of modern trade policing, whereby American administrative agencies pursue and punish global corporations for violations of not just U.S. law, but of foreign law. In her much-anticipated piece, Professor Naz Modirzadeh argues that Third World Approaches to International Law ("TWAIL"), a critical legal studies movement championed by progressive legal scholars over the past two decades, is in fact failing the Global South interests it purports to empower. Drawing on novel, self-compiled empirical data of investor-state dispute settlements ("ISDS"), Professor Weijia Rao demonstrates that regulatory chill at the hands of large corporations is more complex than popular discourse would otherwise suggest. Professors Gregory Fox and Noah Novogrodsky critique the U.S. Supreme Court's recent decision in *Federal Republic of Germany v. Philipp*, a 2021 case about the Takings Exception to the Foreign Sovereign Immunities Act, and uncover a normatively satisfying typology of alien and citizen property that had been hiding in plain sight in international law. Finally, Cecilia Yue Wu reimagines the roles of *domaine réservé* and coercion in the principle of non-intervention, an especially pertinent endeavor in light of continued paternalistic interference in the developing world.

On a more solemn note, we feel compelled to acknowledge that this issue goes to print as the world is confronting armed conflict, invasion, annexation, and war. Understandably, its citizens look to international law for answers. While this issue cannot claim to hold any such answers, we are fortunate to reference you to a keynote address by Yuji Iwasawa, Judge of the International Court of Justice, on the various means of enforcement in international law.

We owe tremendous gratitude to each of the 108 editors of the *Harvard International Law Journal*. As you move through these pages, please know that this issue is the product of their fortitude, industriousness, and intellect.

Yours,

Arjun Gananathan & Julia Lee

EDITORS-IN-CHIEF