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The Law is the Legal Framework that Governs Relationships

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The law is the legal framework that governs the relationships of a society amongst its people, both the relationship the people have with one another as well as the relationship the people have with the society itself. It is a foundation that can shape the way people see themselves — we are who we are to some extent as a result of seeing ourselves not in a vacuum but contextualized within the framework of a society. Our concept of ourselves is created by our relationships to others within that framework. As a result, where there exist fundamental differences in laws between two societies, it stands to reason then that each citizen of a society will view themselves in fundamentally different ways.

Much of the discourse surrounding Cuban-American relations flows from this differing conception of self. Americans are Americans fundamentally because of the U.S. Constitution and Bill of Rights. Citizens of other societies, like Cuba, that have a fundamentally different legal framework accordingly view themselves in fundamentally different ways. Understanding such differences is critical to clear-brushing away the rhetoric from what remain fundamental conceptual differences of who we are as people.¹ Thus, an understanding of the legal system (which in turn denotes basic understanding of the political infrastructure enforcing such system) is essential in connecting to and understanding different societies. Debate over whether such a connection should be made is one for a different time. To make such a connection, however, it is essential that we come to a fundamental understanding of the legal systems of other societies both in their abstraction as well as in common practice.

Each of the articles in this edition, “Thinking About Cuba — Post-Castro Cuba Began A Decade Ago” by Michael Wallace Gordon, “Familias Sin Fronteras: Mujeres Unidas Por Su Historia” by Berta Esperanza Hernández-Truyol, “Cuba’s Business Enterprises: How Business is Conducted on the Island” by Antonio R. Zamora, “Obstacles Encountered Representing the Interests of Cuban Nationals in the American Courts” by Jose Valdes and Enrique Zamora, and “Selected

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1. None of this should be read to mean that a people living within a society necessarily endorse the legal or political forces that govern it; simply that such legal and political forces are fundamental in shaping one’s concept of self, even if such a concept is formed in antagonism to those forces.

Aspects of Cuba's Intellectual Property Laws" by Jesus (Jay) Sanchelima, are articles that form the necessary premises from which an understanding of Cuban-American relations can be formulated. In contrast to the usual rhetorical starting points (i.e., political ones), the basis here is fundamentally different in that the starting point is the legal system of each country and the differences in each. The unique value of each of these works of authorship is not simply the discussion of the legal systems in theoretical terms but in common application as well. As James Madison noted in *The Federalist* No. 37, "All new laws, though penned with the greatest technical skill, and passed on the fullest and most mature deliberation, are considered as more or less obscure and equivocal, until their meaning be liquidated and ascertained by a series of particular discussions and adjudications."² Thus, each work contributes singularly — as works addressing application versus theory — to create a basis for understanding Cuban-American relations.

In the current climate of world discord and anxiety over peace or war, the apperception of our own existence and those of different cultures is critical. Such knowledge is power, including the power to change — if, of course, change is the goal. Thus, there may be other ways to undo the Gordian knot than by sword alone. By commencing the development of a new set of premises by which dialogue can be created, works such as those found in this edition of the *Florida Journal of International Law* enhance our ability as lawyers and citizens to advance Cuban-American relations in valuable new ways. The authors are to be commended for their contributions, both for the instructional value of these works as well as their foundational value as building blocks for future discourse.

2. THE FEDERALIST NO. 37, at 2 (James Madison).