Preface

For this volume, I assembled an unsurpassed group of international law experts on the concept of remote warfare. Unfortunately, the volume is missing one key contributor. There is no chapter from Michael Lewis, professor of law at Ohio Northern University, and a former Top Gun F-14 navigator. Mike was scheduled to participate in the project but died, at the premature age of 50, at 10:47 p.m. on Sunday, 21 June 2015.

I met Mike Lewis during my first year of law teaching at Cornell Law School. Mike was scheduled to give a lecture at the law school about torture and I was invited to give a commentary on his presentation. Mike had pre-circulated the paper that the presentation was based on. I disagreed with his thesis and pressed him sharply on its details during the event. His argument had the virtue of proposing a very workable standard for defining torture, but I felt it yielded counter-intuitive results for particular reasons that I articulated during the event. Afterwards, I was worried that I might have offended Mike, but it was not the case. Immediately after he got home, he wrote me a lovely note saying how much he appreciated our substantive exchange and was grateful that I had taken the time and energy to respond to his scholarship. He was a true scholar and intellectual.

In the ensuing five years, I spent much time reading and learning from Mike’s other articles on IHL. This came at a crucial time for me as I was broadening my research agenda from exclusively ICL to include a wider range of IHL and law of war issues as well. I became heavily involved in debates about drones, targeted killlings, targeting in general, and the relationship between IHL and human rights law. In all of these areas, I was heavily influenced by Mike’s explanations and positions that he articulated in his many law review articles. And I should hasten to add that on most of these crucial questions I was in agreement with Mike. Although I disagree with the Obama Administration’s legal positions on a few issues (definition of imminence, over-reliance on covert action and its consequences, use of the vague and indeterminate ‘associated forces’ moniker, etc.), the general tenor of my scholarship has been to

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1 Some of these remarks and thoughts were originally expressed in a post published on Opinio Juris on 25 June 2015.
recognize that the deep architecture of IHL continues to be fundamen-
tally Lieberian. I came to this view of IHL by reading a great many
sources, but I would rank Mike’s articles near the top of that list. Simply
put, I would not hold the views that I hold today if I had not been so
richly educated by reading Mike’s work.

I spent some time with Mike at the ethics and law of war conference at
the University of Pennsylvania Law School. Mike was full of plans and we
discussed the possibility of collaborating on future projects on the subject
of the privilege of combatancy—a common interest for both of us. We
hosted him at Cornell University last year as part of our university-wide
Lund Critical debates series, where he debated Mary Ellen O’Connell on
the use of drones. Mike’s presentation to the packed auditorium was both
insightful and extremely clear. He had the ability to translate complex legal
material to a wide audience, and Mary Ellen’s thoughtful critique on U.S.
policies made for a lively debate between the two of them.

As I set about working on a new collected volume on remote warfare, I
emailed him in October to commission a chapter from him; he enthu-
siastically responded in the affirmative. Three weeks before he died, he
informed me of his illness and said he could not definitively commit to the
project anymore but was hopeful that he might still produce a chapter for
it. Though he was still optimistic and making important plans for the
future, I understood the nature of the diagnosis and prognosis because he
gave me the name of his illness, but I labored under the illusion that we had
more time. He was fighting cholangiocarcinoma, a very rare form of
cancer that is especially lethal because it is often inoperable. But even so,
when I heard the news about his death, I was shocked that the end had
come so quickly. I was unprepared for the news even though in the back of
my mind I inferred the seriousness of the situation.

I am devastated that we have been denied his voice for what should
have been another 50 years. It highlights for me the fragility of life and
our time on this earth and the ultimate unfairness by which some people
are denied the privilege of a long life. But I take some comfort in
knowing that he loved being a law professor and that we will be reading
his work—unfortunately not in this volume but luckily in many widely
read law review articles—in the years and decades to come.

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2 Video of the event can be found at http://www.cornell.edu/video/deaths-by-drone-are-they-illegal (accessed 25 April 2017).