
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.¹ 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 killings, 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

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 fundamentally 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.² 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 enthusiastically 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).