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FOREWARD: LAWFARE!

Michael P. Scharf[*] *& Shannon Pagano*[†]

I. INTRODUCTION

The *New York Times* recently quoted Israeli Prime Minister Benjamin Netanyahu as saying that Israel "faces three major strategic challenges: The Iranian nuclear program, rockets aimed at our civilians, and Goldstone."[1] Critics of the Goldstone Commission Report[2] on the 2009 Gaza campaign have characterized the Report as a form of "lawfare,"[3] which has been defined as "a strategy of using—or misusing—law as a substitute for traditional military means to achieve an operational objective."[4] That the Israeli Prime Minister would actually equate the consequences of the Goldstone Report with a nuclear attack illustrates how potentially significant "lawfare" can be.[5]

But "lawfare" is not just the concern of Israel. With respect to a federal lawsuit filed in September 2010 by the ACLU and the Center for Constitutional Justice against U.S. Predator drone attacks, the *Wall Street Journal* observed "However well our troops do on the battlefield, a reality of modern times is that the U.S. can still lose the war on terror in the courtroom . . . Lawfare is alive and dangerous."[6]

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[1] Ethan Bronner, *Israel Poised to Challenge a UN Report on Gaza*, N.Y. TIMES, Jan. 23, 2010, http://www.nytimes.com/2010/01/24/world/middleeast/24goldstone.html.

[2] Human Rights Council, Human Rights in Palestine and Other Occupied Arab Territories, Report of the United Nations Fact Finding Mission on the Gaza Conflict ¶ 30, U.N. Doc. A/HRC/12/48 (Sept. 15, 2009), *available at* http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/docs/UNFFMGC_Report.pdf.

[3] *The Goldstoning of Israel*, THE JERUSALEM POST, February 2, 2010, http://www.jpost.com/Opinion/Editorials/Article.aspx?id=167530.

[4] Charles J. Dunlap, Jr., *Lawfare Today: A Perspective*, 3 YALE J. INT'L. AFF. 146, 146 (2008).

[5] Characterizing the Goldstone Report as "Lawfare" does not mean that its conclusions are unfounded. Articles both supporting and critiquing the Goldstone Report's findings appear in this symposium issue.

[6] Editorial, *The Lawfare Wars*, WALL ST. J., Sept. 2, 2010, http://online.wsj.com/article/SB10001424052748703467004575463721720570734.html.

Major General Charles Dunlap, who originally coined the term "lawfare" ten years ago, wrote in 2009 that the U.S. military's most serious setback since 9/11 was the scandal concerning treatment of detainees. As he explains, "[t]hat this strategic military disaster did not involve force of arms, but rather centered on illegalities, indicates how law has evolved to become a decisive element—and sometimes the decisive element—of contemporary conflicts."[7]

As envisioned by Major General Dunlap, "lawfare" was a neutral term. It was designed as a sort of "bumper sticker" to hel`p military personnel understand why the law needs to be incorporated into their thinking and planning. Outside the battlefield, the United States and its allies have used international tribunal indictments as a form of "lawfare" to pressure rogue governments and to induce regime change.[8] Today, however, "lawfare" is most often employed as a label to criticize those who use international law and legal proceedings to make claims against the state, especially in areas related to national security.[9] While "lawfare" does not yet appear in the *Oxford Dictionary*, the use of the term has proliferated exponentially in journalistic and academic circles, and so too has confusion about its meaning.

On September 10–11, 2010, Case Western Reserve University School of Law hosted a symposium and experts meeting to explore the concept of "Lawfare." The event was funded by a grant from the Wolf Family Foundation, organized by the Frederick K. Cox International Law Center, and co-sponsored by the American Society of International Law, the International Association of Penal Law (American National Section), International Law Association (American Branch), the Inamori International Center for Ethics and Excellence, and the Public International Law and Policy Group. Of the two dozen participating experts, several were current or former JAG lawyers (Charles Dunlap, David Frakt, Michael Lebowitz, Michael Newton, and Gregory Noone). Others were former government or international organization officials who had experience as practitioners in international criminal law (David Crane, Sandy Hodgkinson, Orde Kittrie, James Ogoola, Robert Petit, William Schabas, Michael Scharf, David Scheffer, Melissa Waters, Paul Williams, and Jamie Williamson). The remaining participants consisted of leading academic experts on the laws of armed conflict (William Aceves, Tawia Ansah, Christi Scott Bartman, Lau-

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[7] Charles J. Dunlap, Jr., *Lawfare: A Decisive Element of 21st—Century Conflicts?*, 54 JOINT FORCE Q. 34 (2009), *available at* http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA515192&Location=U2&doc=GetTRDoc.pdf.

[8] *See* Michael P. Scharf, *The Lockerbie Model of Transfer of Proceedings*, *in* INTERNATIONAL CRIMINAL LAW 521 (M. Cherif Bassiouni ed., 3d ed. 2007); Michael P. Scharf, *The Functions of Justice and Anti-Justice in the Peacebuilding Process*, 35 CASE W. RES. J. INT'L L. 161–190 (2004).

[9] *See, e.g.*, *What is Lawfare?*, THE LAWFARE PROJECT, http://www.thelawfareproject.org/ (last visited Jan. 16, 2011).

rie Blank, Shannon French, Scott Horton, Jens Meierhenrich, Leila Nadya Sadat, Robert Strassfeld, Susan Tiefenbrun, and Wouter Werner). The experts meeting was chaired by Elizabeth Andersen, Executive Director of the American Society of International Law. The objectives of the conference and experts meeting were to examine the usefulness and appropriate application of the "lawfare" concept and to suggest strategies on how the United States and its allies could best respond to and utilize "lawfare" in the future.

A few months after the Cleveland "Lawfare" Conference, the government of Rwanda invited me to deliver the keynote speech on the issue of the U.N. Mapping Report of atrocities committed in the Democratic Republic of Congo at a major international conference in Kigali. The U.N. High Commissioner for Human Rights' DRC Mapping Report had become Rwanda's version of the Goldstone Commission Report with its damaging suggestion that the Rwandan military had committed acts of genocide against Rwandan Hutus living in the DRC.[10] Rwanda was tempted to ignore the DRC Mapping Report (as Israel had initially done with respect to the Goldstone Report) on the theory that giving it attention would only provide legitimacy to its flawed conclusions. Instead, Rwanda decided to expeditiously publish a meticulously documented report that critiqued the methodology of the U.N. Mapping Report and provided detailed evidence to disprove the allegation of genocide.[11]

In my Keynote speech in Kigali, I shared with the conference participants the major conclusions that emerged from the Cleveland "Lawfare" Conference as they related to the DRC Mapping Report. First, like a conventional weapon of war, "lawfare" can be used by one's allies or enemies; it can be used by governments as well as non-state actors, international organizations, and Non-Government Organizations; and it can be used by lawyers and diplomats as well as by terrorists and insurgents. Second, a country that perceives that it is the target of illegitimate[12] "lawfare" should not just ignore it. Silence does not rob "lawfare" of creditability. Instead, the country must fight "lawfare" with "lawfare," just as the Rwandan government had done by quickly issuing its own report in response to the U.N. Mapping Report. Finally, and most importantly, in the day and age of "lawfare," a country must conduct all military operations with an eye to the laws

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[10] Office of the United Nations High Commissioner for Human Rights, *Report of the Mapping Exercise Documenting the Most Serious Violations of Human Rights and International Humanitarian Law Committed Within the Territory of the Democratic Republic of the Congo Between March 1993 and June 2003* (Aug. 2010), *available at* http://www.ohchr.org/Documents/Countries/ZR/DRC_MAPPING_REPORT_FINAL_EN.pdf.

[11] Office of the United Nations High Commissioner for Human Rights, *The Rwandan Report in Response to the DRC Mapping Report*, (Sept. 30, 2010), *available at* http://www.ohchr.org/Documents/Countries/ZR/DRC_Report_Comments_Rwanda.pdf.

[12] In contrast, where the allegations are legitimate, the country's best defense is to investigate and prosecute the perpetrators in good faith.

of armed conflict. It must document its military orders, rules of engagement, and military actions, including if possible by video-taping operations.

This symposium issue of the *Case Western Reserve Journal of International Law* contains twenty-five articles generated from the Cleveland "Lawfare" Conference, followed by the Report of the Experts Meeting, and four other articles related to cutting edge questions in international humanitarian law.

II. LAWFARE: A PREVIEW OF THE ISSUE

The issue's opening articles concern the historical and semiotic origins of "lawfare." In *Semiotic Definition of "Lawfare,"* Susan Tiefenbrun, Professor at Thomas Jefferson School of Law, applies semiotic theory—the scientific study of communication, meaning and interpretation[13]—to analyze the term "lawfare."[14] Professor Tiefenbrun concludes that "lawfare" is a clever but potentially destructive play on words: both law and war enjoy power, and it is precisely this shared power that makes the use of "lawfare" such a dangerous weapon in modern asymmetrical warfare.[15] Next, Wouter Werner, Professor at VU University in Amsterdam, traces the path of "lawfare."[16] This path proceeds from its genesis in new age circles, to its role in unrestricted warfare, its travel from the U.S. Army to critical legal studies, and to its current transformation as an instrument to de-legitimize opponents.[17] Werner voices concern that the present use of "lawfare" risks undermining the integrity of the law by painting a one-sided and highly negative perspective of the role of law in contemporary conflicts.[18] Simarly, Dr. Gregory P. Noone attempts to trace the evolution of the term "lawfare."[19] Dr. Noone's article compares lawfare's relationship to the concept of "Strategic Communications" and ends by addressing the question of whether lawfare has a legitimate versus illegitimate construct.[20] Lastly, Tawia An-

[13] Semiotics is the study of how meaning of signs, symbols, and language is constructed and understood. Semiotics explains that terms such as "Lawfare" are not historic artifacts whose meaning remains static over time. Rather, the meaning of such terms changes over time along with the interpretive community or communities. Michael P. Scharf, *International Law in Crisis: A Qualitative Empirical Contribution to the Compliance Debate,* 31 CARDOZO L. REV. 45, 50 (2009).

[14] *See* Susan Tiefenbrun, *Semiotic Definition of "Lawfare"*, 43 CASE W. RES. J. INT'L L. 29 (2011).

[15] *Id.*

[16] *See* Wouter Werner, *The Curious Career of Lawfare*, 43 CASE W. RES. J. INT'L L. 61 (2011).

[17] *Id.*

[18] *Id.*

[19] *See* Dr. Gregory P. Noone, *Lawfare or Strategic Communications?*, 43 CASE W. RES. J. INT'L L. 73 (2011).

[20] *Id.*

sah, Visiting Professor at Case Western Reserve University School of Law and Professor at New England Law, offers a thought-provoking rhetorical analysis of the term.[21] Professor Ansah urges the reader to think of "lawfare" as a means of "interrupting and remaking the thought of law, within the shadow of the war paradigm under which we live."[22]

The next series of articles debate whether "lawfare" is a useful term. In *Does Lawfare Need an Apologia?*, Major Charles J. Dunlap, Jr., Deputy Judge Advocate General of the U.S. Air Force, concludes that although "lawfare" has potential for abuse, it is a useful tool when used to communicate how to use law in modern war as a substitute for traditional arms.[23] Dunlap argues that instead of warring over semantics, the international community should embrace the extent to which "lawfare" may facilitate replacing conventional, bloody combat with courtroom combat.[24] Similarly, Dr. Paul R. Williams agrees that "lawfare" is "a war worth fighting."[25] In his article, Dr. Williams illustrates the perils associated with failing to adequately engage in "lawfare" before, during, and after a hot conflict.[26] In contrast, Professor Leila Nadya Sadat of Washington University School of Law, and Jing Geng, argue that "lawfare" is an unhelpful term in *On Legal Subterfuge and the So-Called "Lawfare" Debate*.[27] They assert that "lawfare" has no real fixed meaning, and its distorted usage has substituted careful analysis and discourse with a fruitless—even dangerous—rhetorical debate.[28] Finally, Scott Horton provides additional context to the "lawfare" definitional debate with a historical analysis of U.S. military involvements in *The Dangers of Lawfare*.[29] Through this analysis, Horton identifies the dangers that lawfare presents for democracies.[30]

The next articles explore the powerful force of "lawfare" as illustrated in War Crimes Tribunals. In *Lawfare: Where Justice Meets Peace*, a follow-up to his eloquent symposium speech, Honorable James Ogoola, Principal Judge of the Uganda High Court, uses the case study of Uganda to

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21 *See* Tawia Ansah, *Lawfare: A Rhetorical Analysis*, 43 CASE W. RES. J. INT'L L. 87 (2011).
22 *Id.*
23 *See* Charles J. Dunlap, Jr., *Does Lawfare Need an Apologia?*, 43 CASE W. RES. J. INT'L L. 121 (2011).
24 *Id.*
25 Dr. Paul R. Williams, *Lawfare: A War Worth Fighting*, 43 CASE W. RES. J. INT'L L. 145, 145 (2011).
26 *Id.*
27 *See* Leila Nadya Sadat & Jing Geng, *On Legal Subterfuge and the So-Called "Lawfare" Debate*, 43 CASE W. RES. J. INT'L L. 153 (2011).
28 *Id.*
29 *See* Scott Horton, *The Dangers of Lawfare*, 43 CASE W. RES. J. INT'L L. 163 (2011).
30 *Id.*

demonstrate "lawfare" as the use of law to combat the evils of war.[31] After over two decades of mass slaughter and maiming, Uganda chose to use the force of law as the ultimate mechanism to bring perpetrators to justice, heal wounds, and restore a country to peace.[32] Next, Robert Petit, former International Prosecutor, Cambodia Tribunal and Counsel, War Crimes Section, Federal Department of Justice, Canada, describes the role of "lawfare" in the creation of the Khmer Rouge Tribunal.[33] Petit suggests that initiating a justice process was a way to undermine support for the Khmer Rouge, both internally and internationally.[34] Following Petit, David Crane, founding Prosecutor for the Special Court for Sierra Leone (SCSL), and Professor at Syracuse University School of Law, analyzes the use of "lawfare" in the SCSL by using two SCSL operations to illustrate how the law can be used as a tool and a weapon for international prosecutors to realize justice.[35] Crane concludes that these case studies prove that "the rule of law is more powerful than the rule of the gun."[36] Lastly, David Scheffer, Professor at Northwestern University School of Law and former U.S. Ambassador at Large for War Crimes Issues, describes the International Criminal Court's role as the most significant example of major-power "lawfare" today.[37]

The issue continues with articles discussing "lawfare" and its relation to the Israeli-Palestinian predicament. Milena Sterio, Assistant Professor of Law at Cleveland-Marshall College of Law, begins with a comprehensive analysis of the Gaza conflict and the debate over the Goldstone Report in *The Gaza Strip: Israel, Its Foreign Policy, and the Goldstone Report*.[38] Sterio concludes that regardless of the controversy surrounding the propriety of the Goldstone Report, the document represents an invaluable tool for promoting international accountability and could act as a model for future investigations into international humanitarian law violations.[39] In contrast, Michael Newton, Professor at Vanderbilt University Law School, voices his concern over the dimension of the Goldstone Report, dismissing the approach of operational briefings and follow-on commanders' inquiries

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[31] *See* Hon. James Ogoola, *Lawfare: Where Justice Meets Peace*, 43 CASE W. RES. J. INT'L L. 181 (2011).
[32] *Id.*
[33] *See* Robert Petit, *Lawfare and International Tribunals: A Question of Definition? A Reflection on the Creation of the "Khmer Rouge Tribunal"*, 43 CASE W. RES. J. INT'L L. 189 (2011).
[34] *Id.*
[35] *See* David Crane, *The Take Down: Case Studies Regarding "Lawfare" in International Criminal Justice: The West African Experience*, 43 CASE W. RES. J. INT'L L. 201 (2011).
[36] *Id.*
[37] *See* David Scheffer, *Whose Lawfare is it, Anyway?*, 43 CASE W. RES. J. INT'L L. 215 (2011).
[38] *See* Milena Sterio, *The Gaza Strip: Israel, Its Foreign Policy, and the Goldstone Report,* 43 CASE W. RES. J. INT'L L. 229 (2011).
[39] *Id.*

and suggesting instead the need for full-blown criminal investigations in the midst of armed conflict.[40] In *Finding Facts But Missing the Law: The Goldstone Report, Gaza and Lawfare*, Laurie Blank, Professor at Emory University School of Law, focuses on the Goldstone Report's misapplication of international humanitarian law principles.[41] She argues that such error exacerbates the manipulation of international humanitarian law by insurgents and terrorists who use the law, and Western militaries' adherence to the law, as a tool of war in today's conflicts.[42] But Blank's position is not without opposition. In *Gaza, Goldstone, and Lawfare*, William Schabas of the Irish Centre for Human Rights and Professor at National University of Ireland, criticizes Blank's critique.[43] Schabas argues that critics of the Report serve only to undermine the important contribution it makes to the promotion of human rights, the enforcement of international humanitarian law, and the pursuit of peace in the Middle East.[44] In a similar vein, William Aceves, Professor of Law and Associate Dean at California Western School of Law, disagrees with critics who characterize the recent increase in civil lawsuits filed in U.S. courts by victims of the Arab-Israeli conflict as improper "lawfare."[45] Critics argue that such lawsuits are often brought for political or strategic purposes,[46] but Aceves argues that such "lawfare" criticism runs counter to the right to a remedy, a firmly established principle in international law.[47]

The issue then features articles from the symposium's roundtable discussion concerning "lawfare" and its connection to the war on terror. In *"Lawfare" in the War on Terrorism: A Reclamation Project*, Melissa Waters, Professor at Washington University School of Law in St. Louis, explains how political pundits have distorted the original use of the term "lawfare" as neutral idea into a twisted weapon in the war on terror.[48] Waters argues that American lawyers and judges must reclaim the original conception and neutrality of the term.[49] Next, David Frakt, former Lead Defense Counsel, Military Commissions, Guantanamo Bay, and professor at Barry

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[40] *See* Michael Newton, *Illustration Illegitimate Lawfare*, 43 CASE W. RES. J. INT'L L. 255 (2011).
[41] *See* Laurie Blank, *Finding Facts But Missing the Law: The Goldstone Report, Gaza and Lawfare*, 43 CASE W. RES. J. INT'L L. 279 (2011).
[42] *Id.*
[43] *See* William Schabas, *Gaza, Goldstone, and Lawfare*, 43 CASE W. RES. J. INT'L L. 307 (2011).
[44] *Id.*
[45] *See* William Aceves, *Litigation the Arab-Israeli Conflict in U.S. Courts: Critiquing the Lawfare Critique*, 43 CASE W. RES. J. INT'L L. 313 (2011).
[46] *Id.*
[47] *Id.*
[48] *See* Melissa Waters, *"Lawfare" in the War on Terrorism: A Reclamation Project*, 43 CASE W. RES. J. INT'L L. 327 (2011).
[49] *Id.*

University School of Law, argues that if "lawfare" is the wrongful manipulation of the law against the United States and its allies in the war on terror, then the United States needs a "counter-lawfare" strategy in response.[50] Frakt provides a detailed analysis and definition of what "counter-lawfare" would entail and further analyzes specific relevant legal actions—such as efforts to discredit attorneys who represented Guantánamo Bay detainees—in light of these concepts.[51] Similarly, Michael Lebowitz, Prosecutor of the Office of Military Commissions at Guantánamo Bay, provides an in-depth and insightful analysis of al-Qaeda's use of "tactical lawfare" in *The Value of Claiming Torture.*[52] Lebowitz explains that al-Qaeda's cry of "torture" worked to paralyze U.S. intelligence services and military terrorist operations in an effective and unconventional manner.[53] Relevant to this discussion is an article by Orde F. Kittrie, Professor at Arizona State University, Sandra Day O'Connor College of Law, discussing the potential benefits of using "lawfare" as a tool to advance U.S. national security in the war on terror.[54] In particular, Kittrie argues that U.S. success with the use of "lawfare" against Iran indicates that some types of lawfare, deployed systematically and effectively, can save U.S. and foreign lives.[55]

To conclude the "lawfare" debate, the issue presents three unique insights into the topic. First, in *Lawfare and the Definition of Aggression: What the Soviet Union and Russian Federation Can Teach Us*, Christi Scott Bartman, Instructor at Bowling Green State University, argues that "lawfare" is not a new phenomenon but has been practiced by the Soviet Union for decades.[56] Bartman analyzes the Soviet Union's promotion of the definition of aggression, calling it the perfect case study to demonstrate the use of "lawfare."[57] Second, in *The Knight's Code, Not His Lance*, Jamie A. Williamson analyzes the suggestion by some commentators that interoperations of International Humanitarian Law and is itself lawfare.[58] Williamson argues against this conclusion furthers the lawfare debate by suggesting that belligerents' manipulation of the law is not lawfare at all but a war crime.[59]

[50] *See* David J.R. Frakt, *Lawfare and Counterlawfare: The Demonization of the Gitmo Bar and Other Legal Strategies in the War on Terror*, 43 CASE W. RES. J. INT'L L. 335 (2011).
[51] *Id.*
[52] *See* Michael J. Lebowitz, *The Value of Claiming Torture: An Analysis of al-Qaeda's Tactical Lawfare Strategy and Efforts to Fight Back*, 43 CASE W. RES. J. INT'L L. 357 (2011).
[53] *Id.*
[54] *See* Orde F. Kittrie, *Lawfare's Potential As a Tool to Advance U.S. National Security*, 43CASE W. RES. J. INT'L L. 393 (2011).
[55] *Id.*
[56] *See Christie* Scott Bartman, *Lawfare and the Definition of Aggression: What the Soviet Union and Russian Federation Can Teach Us*, 43CASE W. RES. J. INT'L L.423 (2011).
[57] *Id.*
[58] *See* Jamie A. Williamson, *The Knight's Code, Not His Lance*, 43CASE W. RES. J. INT'L L. 447 (2011).
[59] *Id.*

And, in summation, the issue presents David Luban, Professor of Law and Philosophy at Georgetown University, in *Carl Schmitt and the Critique of Lawfare*.[60] Luban turns the mirror on "lawfare" critics themselves, and argues that the "lawfare" critique is no less abusive and political than the alleged "lawfare" it attacks.[61]

Following the "lawfare" commentaries, the *Journal* is honored to include in this issue several noteworthy articles related to other aspects of international humanitarian law. First, we are thrilled to include Ambassador Robbie Sabel, Visiting Professor of International Law at the Hebrew University in Jerusalem, formerly Israeli Foreign Ministry Legal Adviser, who offers an insightful discussion of modern international humanitarian law's failure to address the situation in armed conflict where a regular army, complying with the laws of war, combats irregular fighters who deliberately attack civilians.[62] Next, the issue presents an article by Michael J. Kelly, Professor of Law and Associate Dean for Faculty Research and International Programs at Creighton University School of Law, which addresses the question of whether corporations may be prosecuted for complicity in genocide.[63] Professor Kelly indicates that the concept of corporate liability for *jus cogens* violations has its roots in the Nuremberg Trials and suggests that imposing corporate liability is even more appropriate today where the rights of corporations have expanded greatly.[64] The *Journal* is privileged to present *Human Rights and Humanitarian Law—Conflict or Convergence*, an article by Sir Christopher Greenwood, the U.K. Judge on the International Court of Justice, which is based on his eloquent and engaging Klatsky Endowed Lecture in Human Rights that he presented at Case Western Reserve University School of Law on April 7, 2010.[65] Following Judge Greenwood's contribution, the *Journal* is pleased to publish *Animals Are Property: The Violation of Solders' Rights To Strays in Iraq*, which speaks of compassion in the midst of war. In this eye-opening Note, J.D. Candidate DanaMarie Pannella describes how a current Department of Defense policy places hundreds of U.S. soldiers in Iraq with a devastating decision: execute a best friend or leave him on the street to die.[66]

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[60] *See* David Luban, *Carl Schmitt and the Critique of Lawfare*, 43CASE W. RES. J. INT'L L. 457 (2011).

[61] *Id.*

[62] *See* Dr. Robbie Sabel, *The Legality of Reciprocity in the War Against Terrorism*, 43 CASE W. RES. J. INT'L L. 473 (2011).

[63] *See* Michael J. Kelly, *The Status of Corporations in the* Travaux Préparatoires *of the Genocide Convention: The Search for Personhood*, 43 CASE W. RES. J. INT'L L. 483 (2011).

[64] *Id.*

[65] *See* Sir Christopher Greenwood, *Human Rights and Humanitarian Law—Conflict or Convergence*, 43 CASE W. RES. J. INT'L L. 491 (2011).

[66] *See* DanaMarie Pannella, Note, *Animals Are Property: The Violation of Soldiers' Rights to Strays in Iraq*, 43 CASE W. RES. J. INT'L L. 513 (2011).

The articles contained in this special double issue of the *Journal* illustrate that "lawfare" is a potentially powerful concept that reflects the importance of law in the conflicts of the 21st century. We are extremely grateful to the experts who participated in the "Lawfare" Conference and Experts Meeting, the Wolf Family Foundation whose generous support made the conference possible, the Cox Center Fellows who prepared the first draft of the Report of the Experts Meeting from a transcript of the proceedings,[67] and the student editors of this issue who worked diligently on the preparation of this publication.

[67] The Report of the Experts Meeting was drafted by Michael Scharf and Elizabeth Andersen, assisted by Cox Center Fellows Effy Folberg, Michael Jacobson, and Katlyn Kraus.