

NOTES AND COMMENTS

EDITORS' NOTE

In the years since September 11, 2001, the *Journal* has carried a variety of pieces contributing to the ongoing public debate over the application of the international law on the use of force to threats posed by nonstate actors. Illustratively, scholarship in our pages has canvassed the practice of state and nonstate actors in nontraditional conflicts;¹ identified arguable gaps and ambiguities in existing bodies of law and indicated potential areas for new lawmaking;² and explored from diverse perspectives the continuing controversy over anticipatory, preemptive, or preventive self-defense.³ In addition, our section on Contemporary Practice of the United States has published a substantial body of information on activities carried out by the United States in response to terrorist attacks and threats thereof, together with explanations and legal justifications advanced by government officials,⁴ thereby facilitating a vigorous U.S. civil society debate on these matters in our pages and elsewhere. Our International Decisions department has reported on significant international cases addressing issues under the *jus ad bellum*, the *jus in bello*, and the intersection of these bodies of law with international human rights law and domestic criminal law enforcement. Our Book Review section has published reviews of volumes in which problems of lawful responses to terrorism are addressed in greater depth.⁵

In keeping with this tradition, the following Note articulating propositions on the application of the international law of self-defense to threats from nonstate actors is published with a view to spurring further debate. In order to stimulate informed consideration of legal issues in this difficult area of the law, the *Journal* expects to publish critiques of the proposal and other responses in a subsequent issue.

¹ See Theresa Reinold, *State Weakness, Irregular Warfare, and the Right to Self-Defense Post-9/11*, 105 AJIL 244 (2011).

² See John B. Bellinger III & Vijay M. Padmanabhan, *Detention Operations in Contemporary Conflicts: Four Challenges for the Geneva Conventions and Other Existing Law*, 105 AJIL 201 (2011).

³ See, e.g., *Agora: Future Implications of the Iraq Conflict*, 97 AJIL 553 (2003); *Agora (Continued): Future Implications of the Iraq Conflict*, 97 AJIL 803 (2003); W. Michael Reisman & Andrea Armstrong, *The Past and Future of the Claim of Preemptive Self-Defense*, 100 AJIL 525 (2006).

⁴ See, e.g., John R. Crook, *State Department Legal Adviser Describes U.S. Approach to International Law*, 104 AJIL 271 (2010).

⁵ See, e.g., Elizabeth Wilmshurst, Book Review, 105 AJIL 390 (2011) (reviewing ABRAHAM D. SOFAER, *THE BEST DEFENSE?* (2010)).