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Gwenaël Guyon, Jean-Paul Laborde
& Stéphane Baudens (Eds.)

**Military justice.
Contemporary Challenges,
History and Comparison**

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Military Justice

Contemporary Challenges, History and Comparison

(1st International Military Justice Forum, Paris, 18-19 November 2021)

Edited by

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Jean-Paul Laborde
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PREFACE

*By Alan Large**

I am honoured to be asked to write the Preface for this impressive and important publication. The articles which it contains take us on a journey from the 18th Century through to a future age of killer robots and autonomous weapons – although perhaps not so far in the future as we might wish. Prepare for a historical voyage from France through India, Belgium, South Africa, Italy, Denmark and Brazil, with articles covering a wide range of topics, but all focussing on military justice.

As the Introduction to this edition rightly observes, military justice is not simply of historical interest. Whichever model of the wide range of military justice systems is in place, it needs to be able to support the operational effectiveness of the armed forces by maintaining discipline through a fair, effective and efficient system of justice. Unnecessary delays, repeated unwarranted legal challenges, backlogs in listing cases in court and similar matters frustrate the very reason for having military justice and cause problems for victims, defendants, witnesses and commanders, all of whom have to endeavour to operate professionally whilst a case progresses through the system.

I was fortunate to be asked to speak at the first meeting of the International Military Justice Forum in Paris last year. The meeting gave me the chance to renew old friendships and meet new colleagues with a shared interest in military justice. The meeting also provided all who attend with an invaluable opportunity to discuss and share thoughts and to learn from the experience of each other. I like to think that military justice in the United Kingdom is, since its transformation in the Armed Forces Act 2006, in good shape. But there are always challenges to any system of justice, and as Judge Advocate General I need to be able to listen and respond positively to constructive criticism, particularly if it will result in improvement for those involved in the justice process. Learning how others have tackled similar issues, be they historical or contemporary, assists all of us involved in administering military justice in providing the best support for our armed forces. I have no doubt that you, like myself, will learn something from every article in this publication and enjoy reading them too.

I look forward to the continued success of the International Military Justice Forum and commend Professor Guyon and his colleagues for all they have achieved so far.

* Judge Advocate General of the United Kingdom.

The success of military operations, the safeguarding of national interests and the discipline of the troops within the overall context of the rule of law have always presented great concerns for national armed forces. Nowadays, military justice faces several issues and criticisms. The prospect of 'high-intensity' warfare in Europe, battlefield robotisation, augmented soldiers, artificial intelligence and other present and potential future technological developments are new contemporary challenges for military justice and military criminal law. Also, the constant pressure for the 'civilianisation' of military justice systems since the 17th century, which implies bringing civilian and military justice closer together or even merging the two legal systems, is another issue to be addressed. A further challenge involves using mercenaries and auxiliaries on the battlefield, which blurs the lines and undermines the respect of the law of armed conflict as well as makes the application of the national rules of military justice difficult.

What are the legal and political foundations of military justice? How does it function? How to improve it and reform it? What does the future hold for military law and military justice? What can we learn from history?

Indeed, historical research can help us understand the different ways in which military justice systems have been constructed, have evolved and functioned, particularly in wartime, while comparative law may be useful in understanding the great variety of military justice systems around the world.

This volume brings together major contributions to the 1st International Military Justice Forum, which convened on 18 and 19 November 2021 in Paris, hosted by the Court of cassation, the French Judicial Supreme Court, and the Hotel des Invalides, a historical place for the French Military Forces.

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