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Introduction by Thomas Maddux

**Stephen L. Carter. *The Violence of Peace: America's Wars in the Age of Obama*.** New York: Beast Books, 2011. ISBN: 978-0984295173 (hardcover, \$24.99).

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Introduction by Thomas Maddux, California State University, Northridge

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Stephen Carter brings to *The Violence of Peace: America's Wars in the Age of Obama* a background in writing a number of meditative essays that reflect on current issues of policies and values, starting with *Reflections of an Affirmative Action Baby* (1992) and continuing on to such topics as the impact of politics on religion and vice versa as well as four novels. Carter's previous writings and day job as the William Nelson Cromwell Professor of Law at Yale University have shaped the style and focus of his most recent book, a self-proclaimed "meditation on the morality of war—in particular, the views of Barack Obama about the morality of war." (ix) Carter has taught and written about the ethics of war and focuses on this subject rather than a detailed policy study of President Obama's decisions on Iraq, Afghanistan, and the continuing pursuit of al-Qaeda terrorists in Yemen, Somalia, and where ever they seem to spread.

Carter started his study by examining the wars of George W. Bush and this initial focus has carried over in the final product. With a refreshingly dispassionate perspective, Carter emphasizes the continuity between the policies of Bush and Obama in their management of the current conflicts with recognition of differences as well. Even when criticizing Obama for contradicting his own views on what is a just war and how to fight it in a just way, *jus ad bellum* and *jus in bello*, Carter has sufficient realism to point out that presidential responsibilities, politics, the nature of U.S. adversaries in these conflicts, and the international environment where the wars are taking place, have contributed to the shifts from the views Obama expressed before entering the White House to his response to the conflicts he inherited from Bush.

The reviewers are impressed with Carter's analysis of the moral choices that Obama has faced and will continue to grapple with, especially as the Middle East Spring continues and al-Qaeda affiliates spring up in the Near East and Africa. Daniel Byman, for example, notes the "fresh, insightful, and provocative analysis that Carter offers. I came away from this book more aware of the moral complexities of Obama's choices and of war in general." Byman also welcomes Carter's challenge of American assumptions of moral superiority with the U.S. "fighting the Taliban and other foes from the moral high ground" when in fact American attacks with drones to kill Taliban and al-Qaeda leaders in Pakistan are similar to an al-Qaeda attack on U.S. soldiers at Fort Hood. Carter calls this the "American Proviso," namely that attacking America is morally different than being attacked by America.

Each of the reviewers raises questions about Carter's assessments, frequently focusing on a few specific issues. Stacie Goddard suggests that Carter's presentation of just war theory misses "important nuances within the just war theory, and even at times gives a picture of just war theory that is somewhat misleading." Goddard's example is Carter's critique of Obama's use of drone warfare, noting the significant increase in the use of Predator and Reaper drones. Although Goddard has some sympathy for some of the critiques of the drone program, she rejects Carter's depiction of the program as one of assassination, disputing his use of just war theory and his denial that the U.S. invasion of Afghanistan was an act of self-defense. (1, 20) Goddard points out that Osama bin Laden had called for two

fatwas against the U.S. and al-Qaeda had attacked U.S. embassies, the USS Cole in 2000, the World Trade Center in New York City, and had called for further attacks. Goddard would have preferred that Carter probe “some of the real challenges that drone warfare poses to just war theory,” most specifically, how to deal with combatants when the battlefield is everywhere or whether there would be less loss of civilian lives if the U.S. relied more on Special Operation Forces’ raids, risking soldiers lives, and less on drones.

The reviewers are most attracted to Carter’s emphasis on the significant similarities between the war fighting policies of Bush and Obama, most notably on the exercise of executive authority, the expansion of the battlefield, the claim of acting in self-defense, controversial tactics such as assassinations and renditions of suspects, and the Bush Doctrine on preventive and preemptive actions. (x-xi, 18, 53-55, 106-107, 109) Jerald Combs would have preferred more analysis on the “specific historical setting and practical issues involved in Obama’s wars” which, Combs suggests, would show more differences between Obama and Bush before the arrival of General David Petraeus and Robert Gates as Secretary of Defense. “Obama’s declaratory policy was profoundly different,” Combs suggests, as he views Obama as returning to the “restrained realism and containment policy of Clinton and the elder Bush.” In reviewing the three main fronts of Obama’s wars, Combs recognizes similarities but highlights the changes made by Obama in the “War on Terrorism” in narrowing the focus to al-Qaeda, in Iraq by continuing the gradual U.S. withdrawal with less bluster and more restraint, and in Afghanistan by escalating to try and stabilize the situation before starting a phased withdrawal.

Carter recognizes that Obama inherited the three wars and is a war president who must bring them to as successful conclusion as possible as he moves towards a reelection battle in 2012. “Under Obama, we fight in much the same way that we did under his predecessor—for similar reasons, with similar justifications ... [as] Presidents do what they think they must,” concludes Carter. Paul MacDonald, however, is not persuaded by Carter’s emphasis on the Bush-Obama similarity and examines two issues of alleged similarity: “first, that Obama has embraced Bush’s logic of preventive war; and second, that Obama has continued Bush’s policy of forcible interrogations, viz. torture.” MacDonald notes that Iraq never attacked the U.S. directly or its military personnel or ships in contrast to al-Qaeda’s efforts which the Taliban government in Afghanistan assisted by providing sanctuary and other support. On torture, Carter suggests that Obama has not stopped coercive interrogation (48-50, 54) whereas MacDonald concludes that the “entire thrust of the Obama Administration’s policy has been to eliminate torture, prohibit the transfer of detainees to torturers, and to monitor those transfer that do take place to ensure that no torture occurs.”

One of the perils of contemporary history and international relations is the inability to anticipate what is coming down the internet of history. Carter’s study encounters this with respect to the Middle East Spring of 2011 and the response of the Obama administration. Several reviewers use this development to reflect on Carter’s study and Obama’s preferences since he did not inherit any of these conflicts. Byman notes the absence of any consistency on moral grounds in how Obama has responded to Libya, Yemen, and Syria. “It is not surprising that Obama, like Bush before him, sought to balance morality, interest and

pragmatism when deciding whether to use force,” Byman observes, and “nor is it surprising that the results are inconsistent, politically contentious, and morally fraught.” As Combs points out, Obama’s humanitarian intervention with NATO allies in Libya fits very well with Carter’s emphasis in Chapter III, “The Rights and Dignity of Strangers” in which he notes the past failures of the U.S. to act in a timely manner in the Balkans and Rwanda as well as the difficulties of acting before it is too late and relying on ineffective and destructive sanctions that hurt people rather than changing leaders’ policies. Noting Obama’s suggestion in his Nobel Address on the use of force to “defend the helpless, even when the United States has no interest at stake,” Carter concludes that “all those who care about human suffering abroad should hope that this time, we have a President who means it.” (159) Carter does recognize the concern that humanitarian interventions can slide into imperial campaigns “to reshape large parts of the world to our liking.” (124) In Libya, Combs find confirmation of his thesis that Obama is a practical realist “reminiscent of Bill Clinton in the Balkans.... Obama has turned back from the Bush Doctrine of vigorous unilateralist and ideological interventionism to a restrained realism with an admixture of cautious humanitarianism.”

### **Participants:**

**Daniel Byman** is a Professor in the Security Studies Program at Georgetown University’s School of Foreign Service and the Research Director of the Saban Center for Middle East Policy at the Brookings Institution. Dr. Byman has served as a Professional Staff Member with both the National Commission on Terrorist Attacks on the United States (“The 9-11 Commission”) and the Joint 9/11 Inquiry Staff of the House and Senate Intelligence Committees. He has also worked as the Research Director of the Center for Middle East Public Policy at the RAND Corporation and as an analyst of the Middle East for the U.S. intelligence community. Dr. Byman has written widely on a range of topics related to terrorism, international security, and the Middle East. His recent books include *The Five Front War: A Better Way to Fight Global Jihad* (Wiley, 2008); *Things Fall Apart: Containing the Spillover from an Iraqi Civil War* (Brookings, 2007; co-authored with Kenneth Pollack); and *Deadly Connections: States that Sponsor Terrorism* (Cambridge University Press, 2005). His latest book is *A High Price: The Triumphs and Failures of Israeli Counterterrorism* (Oxford, 2011).

**Jerald A. Combs** (PhD UCLA 1964) is Professor of History Emeritus at San Francisco State. He is completing revisions for the fourth edition of his textbook, *The History of American Foreign Policy* (3d ed., M.E. Sharpe, 2008). He is the author of *The Jay Treaty: Political Battleground of the Founding Fathers* (University of Calif. Press, 1970) and *American Diplomatic History: Two Centuries of Changing Interpretations* (University of California Press, 1983).

**Stacie Goddard** is Assistant Professor of Political Science at Wellesley College. Her research explores issues of identity, legitimacy, and conflict in international relations. Her articles have appeared in *International Organization*, *International Security*, *International Theory*, and the *European Journal of International Relations*. Her book, *Indivisible Territory*

*and the Politics of Legitimacy: Jerusalem and Northern Ireland*, was published by Cambridge University Press in 2009.

**Paul K. MacDonald** is an Assistant Professor in Political Science at Williams College. He has held research positions at the American Academy of Arts and Sciences, the Belfer Center for Science and International Affairs, the Olin Institute for Strategic Studies, and the Center for International Security and Cooperation. He has published articles in *International Security*, *Review of International Studies*, *Security Studies*, *Daedalus*, and the *American Political Science Review*.

**Review by Daniel Byman, Georgetown University and the Brookings Institution**

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In his latest book the distinguished Yale professor Stephen L. Carter explores the Obama administration's use of force in its first two years. Carter draws on law and moral philosophy to defend, critique, and at times just explain the U.S. government's actions and (crucially, for this type of work), inactions, particularly with regard to Iraq, Afghanistan, and the so-called 'war on terror.' Carter's style is chatty, and he is writing for the broader public, not the scholarly community. The book's strength is not its empirical contribution – close readers of the news, let alone scholars of these conflicts, will not learn new facts from this work – but rather the fresh, insightful, and provocative analysis that Carter offers. I came away from this book more aware of the moral complexities of Obama's choices and of war in general.

One of the strongest aspects of *The Violence of Peace* is Carter's defense of the Bush administration and repeated emphasis that Obama is continuing the path set by Bush rather than, as his supporters hoped (and some still believe), forging a new one that rejects war and intervention. Indeed, as Carter contends, the moral case for staying in Afghanistan was never as clear as its administration supporters claimed, while in Iraq the critics of intervention often overlooked the many moral arguments for going to war. Similarly, while Carter is no backer of torture, he avoids the glib 'torture never works' argument and instead explores the more difficult issues that arise when the need for information conflicts with basic human dignity.

Carter is perhaps at his best when he challenges our assumptions of moral superiority. He, like me, and I suspect like most readers, does believe that the United States is fighting the Taliban and other foes from the moral high ground. But this doesn't stop him from pointing out that Obama's interpretation that U.S. forces should kill Taliban and al-Qaeda fighters in their bases in Pakistan could, by some interpretations of morality, make it 'fair' that al-Qaeda attack U.S. soldiers at Fort Hood, which of course we see as an act of terrorism. Such arguments will make many Americans squirm.

It is a pity that Carter wrote before the 'Arab spring' swept the Middle East. Indeed, this seismic event for the Middle East is, in social science terms, almost a controlled experiment for intervention. Obama has intervened dramatically in Libya, with the U.S. military conducting air strikes against Libyan regime targets and playing a major role in supporting NATO efforts, including apparent efforts to kill the Libyan dictator Moammar Qaddafi. In Yemen, as the Salih government has crumbled, the United States has prepared to step up drone strikes against suspected terrorists, the morality of which is a major theme in Carter's work, but has avoided a more sustained intervention. And, in Syria, Washington has stood aside as hundreds died, falling back on pious rhetoric. Each decision has its logic, but it is hard to find consistency on moral grounds.

Libya in particular is fascinating in light of Carter's point about 'just war.' Drawing on just war theory developed before the secular age, Carter points out, and endorses, the view that for a war to be just the sovereign's duty was to go to war with the intention of advancing

the good and protecting innocents (28), not to defend territory or otherwise securing a political advantage or security benefit. Although administration officials have made half-hearted efforts to defend the Libyan intervention in terms of the national interest, clearly the motivation was humanitarian.

Obama has made an error in not giving sustained attention to building domestic support for intervention in Libya: the first war he did not inherit, and clearly a war of choice. Carter, writing before conflict began in Libya, calls on Obama to do a better job making the case for some forms of war and intervention, such as drone attacks (as he dryly notes, “I doubt we would be hard to persuade (80).” This, indeed, is one of the flaws of both the Obama and Bush administrations: for policy to be sustained in the long wars against al-Qaeda and in lengthy interventions like Iraq and Afghanistan, it must have bipartisan support and deep public understanding. Bush dodged this when trying to assert that the President had the right to use controversial techniques, such as warrantless surveillance and renditions, to fight terrorism. Obama is making a similar mistake today with regard to Libya.

For one of the most difficult aspects of just war, using Carter’s pre-secular definition, is that wars to protect the innocent do not rally the people as much as wars of self-defense, or even obvious wars of interest, such as protecting oil supplies. Here leadership does and can make a difference, but with leadership comes risk. Even as the war in Afghanistan soured, few Americans criticized President Bush for embarking on what was seen as a necessary, defensive war; Iraq, where President Bush clearly led, was far less popular when it went south even though the bloodshed was higher both under Saddam’s murderous rule and then in the civil war that followed the botched U.S. occupation. The moral case seemed to mean little to most Americans.

Carter points out the reality that the United States “remains the world’s policeman” (135). The policeman, of course, cannot stop every crime, but as philosophers from Saint Augustine to Ben Parker have pointed out, great power brings great responsibility. So in the end it is not surprising that Obama, like Bush before him, sought to balance morality, interest, and pragmatism when deciding whether to use force. Nor is it surprising that the results are inconsistent, politically contentious, and morally fraught. For in the end war is both hellish and necessary, and leaders often only have less bad options rather than good ones.



Stephen Carter is a philosopher who agrees with Barack Obama that American foreign and military policy should be guided by just war theory. Carter says that for much of his life he tended toward pacifism but decided that the theory of just and unjust war was a better fit. Obama expressed similar sentiments in his Nobel Prize acceptance speech. “I know there’s nothing weak—nothing passive—nothing naïve—in the creed and lives of Gandhi and King. But as a head of state sworn to protect and defend my nation, I cannot be guided by their examples alone. I face the world as it is, and cannot stand idle in the face of threats to the American people. For make no mistake: Evil does exist in the world. A non-violent movement could not have halted Hitler’s armies. Negotiations cannot convince al Qaeda’s leaders to lay down their arms.” (194)

So when is it acceptable to resort to armed force? Obama began his Nobel speech with his own version of the just war concept: “war is justified only when certain conditions were met: if it is waged as a last resort or in self-defense; if the force used is proportional, and if, whenever possible, civilians are spared from violence.” (192)

Carter argues, however, that Obama has failed to live up to the concept of just war and that Obama’s deviations from that theory have made his policies and those of George W. Bush nearly identical. Carter points out that Obama’s statement of just war theory omitted some critical parts of that theory. In Carter’s summary of the secular version of just war theory, there are four elements. The cause must be just, the war must be proclaimed by a legitimate authority, the war must be a last resort, and there must be a reasonable hope of success. Catholic theology adds a fifth element to the secular view of just war, an element that Carter believes should be accepted: the cause must not only be just but the nation must go to war with “right intention.” (23)

Carter finds Obama’s parsing of this theory to be very revealing. While standard theory requires that the cause must be just *and* a last resort, Obama’s Nobel speech separated the two, saying war must be *either* one of self-defense *or* a last resort. Thus, Obama could justify his decision to make preemptive strikes against al Qaeda and Taliban leaders in Pakistan as well as in Afghanistan because, even if this was not the last resort, it was a war of self-defense. On the other hand, he could denounce Bush’s decision to invade Iraq as a war of choice that was neither self-defense nor a last resort because Saddam did not pose an “imminent and direct threat” to the United States or its allies.<sup>1</sup>

Carter argues that Iraq, Afghanistan, and the entire War on Terror are wars of choice rather than necessity because none are truly the last resort or even undertaken in self-defense. He regards all of these wars as preventive against possible future threats rather than defense against an actual attack or even preemptive against an imminent attack. Thus,

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<sup>1</sup> Transcript: Obama’s Speech Against The Iraq War, delivered in Chicago on 2 October 2002, <https://www.npr.org/templates/story/story.php?storyId=99591469>.



while he admits that there was less evidence that the threat of Iraq needed preventing than in the case of Afghanistan, the reasoning behind both wars was the same and the difference was merely one of empirical judgment.

For the non-philosophers among us, Carter's emphasis on principle and his seeming denigration of evidence and empirical judgment might lead us to dismiss both his point and his book as trivial. Fortunately, Carter's analysis includes considerably more attention to evidence and judgment than this conclusion implies, especially when he discusses just war theory concerning how to fight as opposed to whether to fight.

In his Nobel speech, Obama not only defended his decisions to wind down the war in Iraq while pursuing the war in Afghanistan and the War on Terror as consonant with the just war theory, he promised to bring the methods of fighting those wars into conformance with that theory. "That is why I prohibited torture. That is why I ordered the prison at Guantanamo Bay closed. And that is why I have reaffirmed America's commitment to abide by the Geneva Conventions," he told his Nobel audience. (197) And indeed he did issue an Executive Order on January 22, 2009 in which he directed the closing of Guantanamo within one year, eliminated CIA secret prisons, limited interrogation techniques to those prescribed by the Army Field Manual, and promised to deport prisoners to their home countries only if those countries promised that they would not torture.

As Carter points out, however, while Obama did indeed modify some of the most egregious Bush policies toward war-fighting, he adopted and even enhanced many others. He did release some of the prisoners from Guantanamo but was thwarted from closing it entirely by opposition in Congress, state government objections to moving the prisoners to institutions within their borders, the refusal of foreign nations to accept many of the prisoners, and his own realization that some prisoners were just too dangerous to turn loose. Meanwhile, Obama's pledge to abide by the Geneva Convention was modified by the fact that insurgents and terrorists without uniforms or legitimate authority are not generally covered by the Convention. His order to limit interrogation techniques to those prescribed by the Army Field Manual still permitted sleep deprivation, intimidation, and other coercive techniques. Moreover, his promise to deport prisoners to their home country only if those countries promised not to torture them was really no different than the Bush policy of rendition. While it may be that the Obama administration held other countries more rigorously to their promises not to torture than the Bush administration did, there are also reports that when the CIA closed its secret prisons as promised by Obama, it attached itself more closely to the prisons of those other countries such as Somalia to which American prisoners were rendered.

Carter points out that Obama has adopted and expanded other Bush methods of war fighting as well, such as the use of drones and special operations forces to eliminate al Qaeda and Taliban leaders. Moreover, he has used these methods not only in Afghanistan, where war has been declared, but also in Pakistan and Yemen, with which the United States is not at war. Obama also has extended the special operations target list to include at least one American citizen abroad, Anwar al Awlaki in Yemen.

Carter finds this sort of war fighting troubling. On the one hand, the targets of American drones and special operations teams (including bin Laden, who was killed after Carter's book was published) are indeed combatants and even unlawful combatants in that they do not wear uniforms, they purposely kill civilians, and they hide among civilians to avoid attacks on themselves. Yet these drone and special operations attacks stretch both international law and just war theory because they violate national sovereignty, extend to political as well as military combatants, and endanger civilians. Perhaps such stretching is justified under the circumstances of this new kind of terrorist war, according to Carter. But if so, then under the just war theory, the United States should be willing to accept equivalent attacks by its enemies on its own political leaders and even the killing of civilians so long as civilians were not the intended target.

In Obama's Nobel speech, he seemed to accept the idea of equivalence. "America—in fact, no nation—can insist that others follow the rules of the road if we refuse to follow them ourselves. For when we don't, our actions appear arbitrary and undercut the legitimacy of future interventions, no matter how justified." (195-96) Yet neither Obama nor any other American would accept the idea that al Qaeda attacks on the president or the Pentagon would be acceptable as equivalent to American actions in Afghanistan, Pakistan, or Yemen.

Overall, as Carter says, one can discern from Obama's words and actions that the President, in defense of the nation against terrorism, may:

"Fight preventive wars that are not truly forced upon us;  
Send Special Forces troops or missiles into countries such as Yemen with which we are not formally at war;  
Hunt down and eliminate our "enemies" (as defined by the President) before they have the opportunity to attack us;  
Capture those enemies on the battlefield and imprison them indefinitely overseas, beyond the reach of the American judicial system; and  
In the search for information needed to prosecute the Terror War, turn some of those captives over to countries willing to use coercive forms of interrogation." (54)

While Carter points out that these actions are at least problematic under just war theory, he ultimately neutralizes his criticisms by asserting that Obama has learned that "the prosecution of war while holding to absolutist ethical positions turn out to be impossible; impossible, that is, if your goal is to win." One must be realistic, he says. "If the war is a just one, the just side must be permitted to try to win." (54)

Carter's book is a thoughtful and informed philosophical analysis of just war theory and the ways in which Obama and Bush have followed or failed to follow its tenets. Even if Carter's conclusions are extremely mushy, it is valuable to follow his thinking about the extremely knotty moral issues involved in fighting enemies who are stateless and determined to attack the United States not just for its policies in the Middle East but also for the core beliefs that underlie America's very existence.

Nevertheless, Carter's emphasis on philosophy and moral judgments about war fighting can be frustrating to the historian who might like to hear more about the specific historical

setting and practical issues involved in Obama's wars. As Carter himself admits, even moral decisions about war involve pragmatic judgments about the lesser of evils, what is proportional, and whether a war can be won. If those are taken into account, Obama's policies differ more from those of George W. Bush than Carter has allowed. At least they differ more from George Bush in his Bush Doctrine and Cheney/Rumsfeld period than in his later Gates/Petraeus period.

Carter cannot have forgotten that after 9/11, Bush initiated a revolution in American foreign policy from the restrained realist containment policy of his father and Bill Clinton to the Bush Doctrine with its emphasis on unilateralism, preemption, and the massive use of armed force to spread American ideals. Bush declared a War on Terror, attacked Afghanistan in pursuit of al Qaeda, and egregiously invaded Iraq. Obama's declaratory policy was profoundly different. He argued from the beginning of the Iraq war that not only was Saddam's threat not direct and immediate but that it would involve a U.S. occupation "of undetermined length, at undetermined cost, with undetermined consequences."<sup>2</sup> He told the cadets at West Point in May 2010, "I believe that we must exercise restraint in the use of military force." In his National Security Strategy Statement issued concurrently with his West Point address, he said that "While the use of force is sometime necessary, we will exhaust other options before war whenever we can . . . and we will seek broad international support, working with such institutions as NATO and the U.N. Security Council," although he insisted that "the United States must reserve the right to act unilaterally if necessary to defend our nation and our interests."<sup>3</sup> In effect, Obama declared a return to the restrained realism and containment policy of Clinton and the elder Bush.

With regard to the War on Terrorism, Carter is quite correct that Obama has adopted and even enhanced some of Bush's policies, but Obama has certainly modified others and he has usefully narrowed the focus of the war. As his National Security Statement said, "This is not a global war against a tactic – terrorism – or a religion – Islam. We are at war with a specific network, al-Qaeda, and its terrorist affiliates."<sup>4</sup>

Admittedly, Obama's declaratory policy consists only of words. But they are important words. They have restored some American credibility abroad and provided a window for the American people into the rationale behind Obama's foreign policy decisions

With regard to the War in Iraq, Obama has indeed continued some of Bush's policies, but they were the more restrained policies of Bush under the influence of Robert Gates, not the blustering policies of Rumsfeld and Cheney. Gates and General David Petraeus gave Obama

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<sup>2</sup> Ibid.

<sup>3</sup> Obama speech at West Point, May 22, 2010, [www.cbsnews.com/stories/2010/05/22/national/main6509577.shtml](http://www.cbsnews.com/stories/2010/05/22/national/main6509577.shtml)

<sup>4</sup> National Security Strategy, May 2010, p. 20, [http://www.whitehouse.gov/sites/default/files/rss\\_viewer/national\\_security\\_strategy.pdf](http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf)

a way to fulfill his promise of getting out of Iraq without assuming the political and moral burden of losing a war and leaving behind a totally broken nation. The Surge and the Sunni Awakening gave Gates and Bush an opening to negotiate a Status of Forces Agreement with the Iraqi government in which all American military forces would leave by the end of 2011. Obama naturally accepted the existing agreement while accelerating the withdrawal slightly.

Obama's policy toward Afghanistan is certainly more aggressive than Bush's. But Obama inherited rather than initiated that intractable war and an immediate withdrawal that left al Qaeda a continued haven in a broken state while betraying the fledgling movement toward education and women's rights would not only have been morally wrenching, it could well have undermined Obama's whole policy of restraint by opening him to the politically toxic charge that Democrats are always soft on defense. Obama seized the chance to give the Afghan government a chance to survive by repeating the Petraeus strategy of a surge, population protection, and attempted reconciliation with some Taliban fighters while setting a deadline for withdrawal. Although the pace of that withdrawal has slowed and the chances that Hamid Karzai can provide a reasonably competent government seem very dim, Obama has tried to make U.S. withdrawal both more certain and more palatable by setting a date of 2014 for its completion while progressively reducing the declared objectives of the war from the Bush administration's talk of stabilizing Afghanistan and defeating both al Qaeda and the Taliban to defeating al Qaeda and denying it a safe haven in Afghanistan while merely "break[ing] the momentum of the Taliban."<sup>5</sup>

While Iraq and Afghanistan are indicative of the degree to which Obama's policies resemble or exceed those of George W. Bush, they are not conclusive illustrations because Obama inherited the wars and had to decide not so much whether to fight as how to fight. Obama's reaction to the Arab Spring is probably a better place to judge his policies and intentions. In Libya, Obama led an international humanitarian intervention. Carter would no doubt have approved had his book not been published before the Arab Spring. Carter devotes an entire chapter of his book to supporting humanitarian intervention as a vital part of just war theory even though it is neither self-defense nor the last resort. Instead it is consonant with the Catholic theological tenet of fighting just wars 'with good intent,' as mentioned, this is a tenet with which Carter is in wholehearted agreement.

Obama's overall response to the Arab Spring, however, has been that of a pragmatic realist. In Libya, he was willing to intervene militarily only with strong support of allies and the international community and to rely on air power, technology, and perhaps a few special operations rather than boots on the ground, reminiscent of President Bill Clinton in the Balkans. In all other instances of the Arab Spring he has relied on diplomacy, international pressure, and sanctions rather than military intervention. Recognizing that the ossified dictatorships in the Middle East that have protected stable oil supplies and a relatively moderate position toward Israel are doomed to crumble sometime in the relatively near

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<sup>5</sup> Obama Speech to West Point Cadets, May 22, 2010, <http://www.cbsnews.com/stories/2010/05/22/national/main6509577.shtml>.

future, he did not want to miss the chance to align the United States with the secular and democratic movements in the Arab Spring just in case those movements rather than Islamic fundamentalist regimes or Sunni-Shiite civil wars would replace them. Nevertheless, he has been careful to discriminate between instances of uprisings according to American interests as well as the likelihood of the success of the Western-leaning elements of the opposition. Thus, he stood aside in Bahrain, where the issue was not only democracy but also a sectarian conflict between the Sunni monarchy and Shiite majority and where America's oil rich ally, Saudi Arabia, had vital interests. He has also been very cautious in his approach to Egypt and Yemen, where the United States has vital interests, and more open in places like Tunisia, where America does not. In Syria, again he moved slowly before calling directly for the ouster of Bashar al-Assad because of the danger of civil war between the majority Sunnis and the ruling Alawite minority. Thus, Obama has turned back from the Bush Doctrine of vigorous unilateralist and ideological interventionism to a restrained realism with an admixture of cautious humanitarianism.

In any case, however much Obama's policy may or may not differ from that of George W. Bush, it is clear that Obama agrees with the sentiment expressed by Bob Gates in one of his farewell speeches: "In my opinion, any future defense secretary who advises the president to again send a big American land army into Asia or in the Middle East or Africa should have his head examined."<sup>6</sup>

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<sup>6</sup> <http://www.csmonitor.com/USA/Military/2011/0226/Gates-s-warning-Avoid-land-war-in-Asia-Middle-East-and-Africa>

Review by Stacie E. Goddard, Wellesley College

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Stephen L. Carter's *The Violence of Peace* is, in his own words, a "meditation on the morality of war—in particular, the views of Barack Obama about the morality of war" (ix). Carter seeks to decode how Obama thinks about ethics and warfare, both in terms of which wars should be fought (*jus ad bello*), and how America should fight those wars (*jus in bello*). Carter's assessment of Obama is, in many ways, not a kind one. While Carter sees in Obama a President well-versed in the Western tradition of just war theory, he argues that Obama has largely departed from these principles in practice. Far from using force in the name of self-defense, Carter argues that the President has embraced wars of choice in Afghanistan, as well as escalated violence in Pakistan and Yemen. Despite Obama's claims that wars should be fought within the confines of accepted norms and international law, he has accepted, even expanded, the immoral strategies of rendition and drone warfare. And while Carter expresses sympathy for the wartime president, admitting that these may be actions and decisions that any responsible leader would take, he also demands the American public think more carefully, and criticize more loudly, the choices that the United States has made.

Carter's book is commendable in its scope. Theoretically, Carter is adept at tying contemporary debates into a Western just war tradition, and particularly interested in re-situating just war theory into its Christian, more specifically Catholic context. Substantively, Carter demonstrates the significance of just war theory in issues ranging from humanitarian intervention to sanctions to military technology to torture. But it is also perhaps this breadth that makes portions of the book somewhat unsatisfying. In trying to address the entirety of Obama's wartime philosophy, and in trying to tie his philosophy to a complicated theoretical tradition, Carter at times seems to miss important nuances within the just war literature, and even at times gives a picture of just war theory that is somewhat misleading.

To narrow the scope of this review, I will focus on one specific example, Carter's criticism of Obama's approach to *jus in bello* as it applies to the practice of drone warfare. Carter argues that "Since Obama took the reins, the use of Predators and Reapers has become far more common than under his predecessor" (58). This, I should note, is one of several moments where Carter's arguments would have benefited from a footnote. Carter may well be accurate, as the reach of the drone program has been fairly well documented. A *Wall Street Journal* article reported in 2010 that, since January 2009, the CIA has used drones to kill some 400 to 500 suspected militants.<sup>1</sup> The New America Foundation, perhaps the best unclassified source of drone warfare statistics, reports that in Northern Pakistan alone, 550 to 850 militants have been killed in drone strikes since 2004.<sup>2</sup>

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<sup>1</sup> Keith Johnson, "U.S. Defends Legality of Killing with Drones," *Wall Street Journal*, April 5, 2010.

<sup>2</sup> Peter Bergen and Katherine Tiedemann, *The Year of the Drone, An Analysis of U.S. Drone Strikes in Pakistan, 2004-2010*. New America Foundation, February 24, 2010.



The drone program has come under fire both for its efficacy and morality. On the former, David Sanger of the *New York Times* has suggested that drone warfare may have inspired “more attacks on America than they prevent.”<sup>3</sup> Adam Rawnsley, writing for *Wired Magazine’s Danger Room* directs numerous criticisms at the drone program, among which is that the targeting of individuals rarely has significant effects on terrorist and insurgent networks.<sup>4</sup> From a normative standpoint, scholars have questioned whether the United States has violated Yemeni and Pakistani sovereignty, deploying drones without authorization; whether the CIA’s use of drones undercuts norms governing who can use weapons on the battlefield; and whether the use of drones in non-combat zones can be justified either morally or legally.

To this chorus, Carter adds a more provocative charge. What the Obama administration is engaging in is nothing less than assassination—it has targeted select individuals outside of the battlefield, with the sole goal of exterminating them. As discussed below, I am sympathetic to criticisms of the drone program, particularly as it is currently operated. But there are serious problems with reducing U.S. policy to one of assassination—indeed, I would go as far as to argue that Carter’s interpretation is suspect, not only in a legal terms, but by the very standards of just war theory he seeks to apply to U.S. strategy. In the legal and just war tradition, assassination *during wartime* is defined as “the targeting of an individual, and the use of treacherous means.”<sup>5</sup> This is a legal definition but, as Tyler Harder argues, the founders of the just war tradition—Saint Thomas Aquinas, Sir Thomas More—accepted that it was just to target specific individuals during wartime, provided it was not done “treacherously”.<sup>6</sup> To target treacherously involves a breach of trust. If a state sends a battalion to take out a military commander off the battlefield, that is not assassination. If a state, in contrast, asks the commander’s sister to kill him, the act is treacherous, and is thus assassination.

But perhaps this is all semantics. To say that what Carter calls assassination is not assassination is not to say the killing is moral. But Carter’s reasons as to why drone targeting might be immoral are also problematic. Carter argues that, to be moral, strategies must obey the law of “double effect” (81-84). It is one thing if people die during warfare as an unintended consequence of fighting that war. To take a common example, if civilians die from an air strike designed to take out an artillery battery, then this does not violate the laws of war. But if the goal is extermination itself, then there is no doctrine of double effect—the killing was intended, not a side effect.

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<sup>3</sup> David Sanger, “U.S. Pressure Helps Militants Overseas Focus Efforts,” *The New York Times*, May 8, 2010.

<sup>4</sup> See e.g. Rawnsley, “Drones Kill Another “Irreplaceable” al-Qaida Leader,” *Danger Room, Wired*, <http://www.wired.com/dangerroom/2011/08/drones-kill-another-irreplaceable-al-qaida-leader/>.

<sup>5</sup> Michael Schmitt, *State Sponsored Assassination in International and Domestic Law*, note 14, 632.

<sup>6</sup> For a discussion, see Major Tyler Harder, “Time to Repeal the Assassination Ban of Executive Order 12, 33: a small step in clarifying current law,” *Military Law Review*, volume 172, June 2002.



The doctrine of double effect is of course a slippery one in reality. Was Britain's bombing campaign against German cities moral because the intent was to 'dehouse' precious workers, and thus the killing of civilians was simply an unforeseen side effect of removing their dwellings? But Carter's argument suffers theoretically as well. Certainly the point of killing terrorists is not to kill them. Killing is not punishment, nor is it vengeance. It is, the Obama administration would argue, an act of self-defense during wartime. If terrorist leaders were not targeted, then others—soldiers and civilians—would surely die. The intent is to defend; the consequence of self-defense is death. Carter's rebuttal to this argument, if I understand him correctly, would be that the United States is not engaged in wars of self-defense, and thus, killing terrorists cannot be a defensive move. The Afghan war, he maintains, was not a war of self-defense because "at the moment of the American invasion, no actual attacks were being launched" (15).

But this is a surprisingly narrow definition of self-defense. Osama bin Laden had declared a *fatwa* against the United States in 1996, and a second in 1998. Al Qaeda had launched attacks against U.S. Embassies in Tanzania and Kenya in 1998, against the USS Cole in 2000, and of course, against the United States' homeland on September 11, 2001. Osama bin Laden and al Qaeda's leaders had pledged to keep up attacks against the United States, and had shown themselves capable of doing so. This suggests that al Qaeda believed it was on the offensive against the United States, and thus, U.S. politicians can reasonably argue that they are engaging in acts of self-defense when they kill terrorist combatants.

This is not to say that Carter is wrong in questioning the morality of drone operations. Rather, I think Carter misses a valuable opportunity to explore some of the real challenges drone warfare poses to just war theory. Carter notes the famous problem of the 'naked soldier'—how legitimate is it to target the soldier who is out of uniform, and off the battlefield? Yet, surprisingly, Carter does not delve in depth into how actors should approach the problem of the naked soldier when there is no battlefield, when the targeted combatants themselves view the entire globe as a conflict zone. Nor does Carter address what I see as a critical aspect of the double of doctrine effect, namely, the issue of risking soldiers' lives to save civilian ones.<sup>7</sup> The drone program has been touted as immensely precise, a strategy of sparing civilian lives. Yet no public discussion has occurred about whether civilian deaths might be decreased if drone attacks were replaced by Special Operations Forces' raids, for example.

Overall, there is much to commend in Carter's discussion of drones. He argues that Americans "like our wars cheap. Cheap in money, yes, but also cheap in blood" (57). I am not convinced this is entirely an American trait, but no matter. The significance of drone warfare is that it holds the promise that wars can be had on the cheap—that war has become as precise as a scalpel in the hands of a trained surgeon. Carter is right to take this perception to task, and to demand public debate about the real costs of drone war.

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<sup>7</sup> For a discussion of risk, as it relates to the doctrine of double effect, see Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), 151–9

In his new book *The Violence of Peace*, Stephen Carter explores whether the normative justifications President Barack Obama has used to defend America's wars differ substantively from those of George W. Bush. His conclusion is provocative. Carter finds that the differences between Obama and Bush are more of style than substance. Obama has "adopted many of the controversial tactics of his predecessor" (xi). As a result, "we fight in much the same way that we did under [Bush] – for similar reasons, with similar justifications" (169).

Carter grounds his assessment not in international law, but in just war theory. He argues persuasively that Obama views himself as a disciple of this tradition, and that it is reasonable to question whether America's conduct under Obama meets the familiar standards of when states should engage in war (*jus ad bellum*) or how states should conduct war (*jus in bello*). Carter does not advance a new interpretation of just war theory. Nor does he marshal new data concerning America's wartime behavior. Rather, through a careful synthesis of logic and evidence, he compels his audience to question their simplistic faith in Obama's moral virtue.

There is much to recommend in this book. Carter combines clear reason with engaging prose. He presents an aggressive case without falling prey to polemics. That being said, for all the elegance of his argumentation, it is not clear to me that Carter makes his case. Obama has continued some policies of his predecessor, but he has changed others. Obama has embraced some of the normative foundations of his predecessor, but dispensed with others. The Obama Administration's policies on issues such as drone strikes or rendition may raise charges of hypocrisy, but we should not allow facile similarities to obscure substantive differences between Bush and Obama.

Before considering some of Carter's evidence for continuity, a caveat is in order. While *The Violence of Peace* is a short book, it is filled with various arguments that a single review cannot hope to survey. Carter presents an impassioned plea for humanitarian intervention. He advances a withering critique of the utility of economic sanctions to right global wrongs. He berates the media for their excessive coverage of wartime casualties. Indeed, Carter's arguments are so numerous, varied, and subtle that it is hard at times to know exactly where he stands. He seems dissatisfied with the distinction the Obama Administration has drawn between lawful and unlawful combatants, but opposes the application of the Geneva Convention to non-state fighters. He scoffs at the idea of American moral exceptionalism, yet urges Washington to embrace the role of global policeman.

Carter's main argument, however, the one that he returns to most consistently and presents most vehemently, is the notion that that Obama and Bush advocated similar wartime policies and defended these policies using similar moral justifications. Carter presents myriad arguments to support this claim, but I will focus on two specific claims Carter advances: first, that Obama has embraced Bush's logic of preventive war; and second, that Obama has continued Bush's policy of forcible interrogations, viz. torture.

Consider Carter's discussion of President Obama on *jus ad bellum*. Carter notes Obama's acceptance of self-defense as the primary justification for war, but questions his attempt to "squeeze Afghanistan into the moral space set aside for the use of force in self-defense" (14). The problem, for Carter, is that "at the moment of the American invasion, no actual attacks were being launched...the war was, at best, of the preemptive variety, and possible of the preventive variety" (15). Obama and Bush, therefore, advance identical normative claims regarding the legitimate use of force: "Contrary to President Obama's implication, the Afghan War and the Iraq War are justified by *precisely the same theory*: the need to prevent future attacks" (my emphasis, 19).

This reading is curious to say the least. Al Qaeda had declared war against the United States prior to September 11th. On that date, they conducted an armed attack on American soil for which they claimed public credit. In subsequent statements, Osama Bin Laden and his associates reiterated their intention to launch future attacks. The Taliban government not only refused to apprehend al Qaeda, but had also provided them with sanctuary and support. In contrast, Iraq had conducted no such attack. It considered itself at peace with the United States under the terms of a U.N. endorsed cease-fire. Saddam Hussein denied he possessed weapons of mass destruction and made no threats either to acquire or use them.

To be sure, the Afghan War raises questions for just war theory concerning whether force can be used against a state in response to an attack by a non-state group sheltered within its borders. One could also question whether the use of force against al Qaeda affiliates in Somalia or Yemen continues to meet the self-defense standard. But the distinction President Obama has drawn between Afghanistan and Iraq is not artificial. Responding to an attack that has taken place is different than anticipating one that has not. Unlike President Bush (and Carter for that matter), Obama recognizes that maintaining this distinction is important for both moral and practical reasons.

Carter not only claims that Obama provided similar preventive justifications for war, but that he also endorsed similar techniques as his predecessor. Consider the use of torture. President Obama, according to Carter, "has decided to continue the policy of coercive interrogation. All that has changed is that American hands will no longer be dirtied" (50). Readers might wonder how Carter reaches this conclusion; after all, one of Obama's first acts as President was to sign Executive Order 13491, which prohibited harsh interrogations techniques and forbid the use of clandestine detention facilities by the CIA. Carter claims that this Executive Order is faulty, however, because it "neither bans nor regulates rendition" – the policy of transferring a detainee from one jurisdiction to another (48). As a result, Obama has endorsed a policy whereby the United States can "capture...enemies on the battlefield and imprison them indefinitely overseas, beyond the reach of the American judicial system; and in the search for the information needed to prosecute the Terror War, turn some of those captives over to countries willing to use coercive forms of interrogation" (54).

These accusations would be serious, if only they were an accurate description of the Administration's policy. In fact, Section 6 of Obama's Executive Order explicitly instructed

all agents of the United States government to adhere to the Geneva Conventions and the Convention Against Torture, which prohibit the transfer of prisoners to countries where they are at risk of torture. In addition, Section 5 established a Task Force whose explicit goal was “to study the practices of transferring individuals to other nations in order to ensure that such practices comply with domestic laws, international obligations, and policies of the United States and do not result in the transfer of individuals to other nations to face torture.”<sup>1</sup> Carter claims that the Task Force is faulty because it recommended “that renditions be continued, but that the United States monitor the treatment of detainees once they are shipped abroad. Far from a break with the past, this practice promises a continuation of the practice of past administrations” (p.48). But the recommendations of the Task Force were not trivial. The State Department was to coordinate with other agencies to secure assurances from recipient governments that torture did not take place. More stringent mechanisms were established to monitor detainees, including “consistent, private access to the individual who has been transferred, with minimal advance notice to the detaining government.”<sup>2</sup> In short, the entire thrust of the Obama Administration’s policy has been to eliminate torture, prohibit the transfer of detainees to torturers, and to monitor those transfers that do take place to ensure that no torture occurs.

Carter cites media reports to support his claim that rendition “may actually be expanding rather than contracting” under the Obama Administration (49). But the *Los Angeles Times* story that Carter references provides no tangible statistics that rendition is on the rise, only vague statements by unnamed intelligence officials that the program “might be poised to play an expanded role.”<sup>3</sup> Unable to produce hard figures, Carter relies on a combination of assertion and innuendo. “There must be prisoners,” he writes. “They are being interrogated somewhere. Unless we have built new secret prisons to replace the old ones, the only place left for interrogation is under the authority of other governments. Perhaps the prisoners are even providing useful intelligence. It seems unlikely, however, that all of them are providing it voluntarily” (50). To date, however, I have found only one documented case of extraordinary rendition during Obama’s tenure – Raymond Azar, a Lebanese contractor accused of embezzlement in Afghanistan. But Azar was not seized by the CIA and shuttled off to a black site to be tortured. Rather, he was arrested by the FBI, based on warrants signed by a federal magistrate, and transferred to Virginia to stand trial

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<sup>1</sup> See “Executive Order 13491,” *Federal Register* (27 January 2009).

<sup>2</sup> See Department of Justice, “Detention Policy Task Force Issues Preliminary Report,” press release (21 July 2009).

<sup>3</sup> Greg Miller “Obama Preserves Renditions as Counter-Terrorism Tool,” *Los Angeles Times* (1 February 2009). For criticisms of the *Los Angeles Times* coverage, see Scott Horton “Renditions Buffoonery,” *Harpers Online* (2 February 2009); and Hilzoy “The LA Times on Rendition,” Political Animal Blog, *Washington Monthly Online* (1 February 2009).

for his alleged crimes.<sup>4</sup> Contrast this to the hundreds of well-documented cases of covert malfeasance during the Bush Administration.<sup>5</sup>

The examples of preventive war and torture highlight the fundamental problem with the way Carter builds his case – he ignores differences in degree, and focuses instead on similarities in kind. President Obama does indeed claim that victory in Afghanistan will prevent future terrorist attacks, but he is not asserting the expansive right to launch preventive wars, as did President Bush. The Obama Administration has authorized that rendition continue in select circumstances, but has prohibited torture and established concrete mechanisms to prevent abuse of the system. The United States retains large detention facilities in Afghanistan, but these institutions have been transferred to military control and placed under the supervision of the International Committee of the Red Cross. The Obama Administration has expanded the use of drone strikes in Pakistan, but it has also articulated explicit legal guidelines to govern their use.

To be clear, this is not an endorsement of Obama’s handling of these various issues. The Administration has shown a surprising reticence to investigate Bush-era abuses, and in some cases, has defended these odious practices in court. If Carter wants to build a case against the Obama Administration, however, he should do so directly, rather than through guilt by association. Obama’s policies are not above reproach, but they are distinct. They deserve to be described accurately and assessed on their own merits.

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<sup>4</sup> For a detailed breakdown of this case, see Scott Horton, “Target of Obama-Era Rendition Alleges Torture,” *Huffington Post Online* (11 August 2009).

<sup>5</sup> Jane Mayer, *The Dark Side* (New York: Anchor Books 2009), esp. pp. 109-138.