

Just War Ethics for Domestic Politics

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Domestic politics in the United States has become increasingly warlike. Multiple studies testify to stark political divisions and partisan polarization affecting the American public.¹ Aggressive language and rancor permeate our media and public discourse.² Gridlock and government shutdowns are common in Congress, while compromise is a rarity.³ Finally, and perhaps most tellingly, the metaphor of war is almost omnipresent.⁴

In recent years, we have seen political actors declare “war” on a wide variety of abstract enemies, including crime,⁵ drugs,⁶ drunk driving,⁷ AIDS,⁸ cancer,⁹ teen pregnancy,¹⁰ climate change,¹¹ and, of course, COVID-19.¹² We have also seen pundits characterize political strategies and policies as veritable attacks on other Americans. Segments of the population are allegedly waging wars against everything from women¹³ to small business owners¹⁴ to the environment.¹⁵ On a broad scale, many conservatives and liberals view themselves as soldiers in a pitched battle for the soul of the country—“the culture war.”¹⁶

Our treatment of politics as war by other means raises two important questions. The first is normative: Should Americans treat politics as war by other means? Our country’s founders did not envision the norm of political conduct as one of war. They saw it as one of competition, yes, but competition contained and diluted; they dreaded unmitigated conflict between factions.¹⁷

Today’s approach to politics is a relatively modern development; it became popular after the Great Depression as a result of Franklin Roosevelt’s rhetoric and has been with us ever since.¹⁸ Is today’s approach to politics a betrayal of the Founding Fathers and a step on the path to disaster? This is a crucial question

in these divided times and one I have taken up in other research, so I will not address it in this report.

The second question takes the current state of the public square for granted. If we are treating politics as war by other means, what is the best way to engage in it? The language of war is sometimes applied to politics to indicate suspension of ethical constraints (i.e., realism). According to this view, the goal of victory justifies all means in both violent and political conflict.

By contrast, Americans have long held that there is an extensive system of ethical norms when making war. In the liberal and Judeo-Christian political traditions we have inherited, it is not realism or a crusader mentality but the just war tradition—which holds that war is sometimes necessary but must be fought morally—that is considered the proper framework for the ethics of combat.

Unfortunately, few people have made the connection between justice in war and in domestic politics. War and domestic politics are genuinely distinct activities; one involves physical violence, while the other generally does not. But the metaphor of war, so common in current political discourse, hints at some degree of similarity.

When we move from the politics of peaceful cooperation to the politics of warlike antagonism, we begin behaving like we are in actual battle. Our end changes from finding an acceptable compromise to achieving total political victory, and our means, accordingly, become more extreme.

If we make this shift in outlook without understanding the ethical perils of war making, we place ourselves in an ethically compromised position. As James Childress points out:

In debating social policy through the language of war, we often forget the moral reality of war. Among other lapses, we forget important moral limits in war—both limited objectives and limited means . . . [and] such constraints as right intention, discrimination, and proportionality, which protect the humanity of all parties in war.¹⁹

Operating this way can easily result in moral violations for the sake of political success. Whether we realize it or not, many Americans today are in danger of committing such violations.

To remedy this problem, we need to reason analogically from the just war tradition to something like a just war theory for domestic politics, creating as best we can a framework of ethical restraints for our present culture wars and political battles. This will then give us some standards for evaluating political words and deeds morally.

The Just War Tradition

I argue that if the politics of war is a distinct option and not the inevitable default for our nation, we need to think carefully about when and how to conduct it. This presumes that warlike activities operate according to a coherent set of moral standards and that these standards can be recognized and followed. In other words, it presumes that the just war tradition is a helpful paradigm for war.

The just war tradition is not universally accepted. Rival paradigms, particularly realism and pacifism, have many adherents. But fortunately for my argument, the United States—perhaps more than any other country—has adopted just war thought as its own and even helped enshrine it into most of international law.²⁰ Therefore, I do not consider it necessary to establish the just war tradition’s authority in this report. Nevertheless, before reasoning analogically from it to create a moral framework for domestic politics, I will summarize the tradition’s essential tenets.

The heart of just war thought can be expressed in a philosophical syllogism formulated by David D. Corey and J. Daryl Charles:

1. Wars are sometimes necessary, both morally and practically.
2. Humans ought to abide by moral standards in all their actions.
3. Therefore, wars must be fought according to moral standards.²¹

The realist position is that all actions are justified when a person’s physical security is at stake.²² As such, realists deny the universal applicability of moral norms and disavow the second and third points of the syllogism. Pacifists, meanwhile, believe wars are never morally necessary, disavowing the first point and making the third moot. Only just war theorists accept all three parts of the syllogism and believe warriors ought to be held accountable to moral standards. The desire to discern those standards has driven all of the tradition’s theorizing.²³

What are the specifics of just war thought? The accumulated wisdom of the tradition is best expressed via a series of moral distinctions in warfare, which I explore throughout the report. They are classified in the standard just war categories of *jus ad bellum* (justice before war), *jus in bello* (justice in war), and *jus post bellum* (justice after war).

These distinctions are not a simple checklist designed to yield definitive answers on the justice or injustice of particular wars or military actions. Rather, they provide a moral framework—one that is both systematic and flexible—through which to consider real-world events and come to one’s own conclusions.²⁴

Jus ad Bellum

The category of *jus ad bellum* is as old as just war thought itself. The tradition’s early works—such as Augustine of Hippo’s letters and Thomas Aquinas’ *Summa Theologiae*—sometimes appear exclusively devoted to it.²⁵ *Jus ad bellum* features prominently because the justice of a war depends foremost on the propriety of actions leading up to and including

its declaration. If there is no just cause, for example, the war may be fought morally (thus providing *jus in bello*), but as a whole it will be unjust.

If America's domestic political warriors want to avoid similar blanket injustices, they need to do more than claim a just cause. Just war theory provides numerous factors to consider, so these political warriors should recognize which *jus ad bellum* requirements might apply to their conflicts and make sure they have been satisfied. Therefore, I now examine each one in turn and evaluate how its logic might apply.

Just Cause. Just cause is the most essential *jus ad bellum* requirement and the one whose importance is easiest to grasp. It receives an early articulation in Augustine's *City of God*, where he writes, "It is the iniquity on the part of the adversary that forces a just war upon the wise man."²⁶ In other words, since conflict is undesirable, it can only be initiated for a good reason, and this reason can only be avenging or preventing some genuine wrong.

In military conflicts, the initial wrong need not be perpetrated against the exact party that intends to avenge it; for instance, it may have been perpetrated against one's allies or some innocent third party.²⁷ It may even be an imminent wrong; the tradition allows for some flexibility.²⁸ The essential point, though, is that good people do not go to war except to address a clear wrong of some kind.

This is in contrast to the realist perspective, according to which any potential insecurity in the international realm (for example, a change in the balance of power) may justify war.

When it comes to actual war, Americans usually reject realist arguments in favor of just war arguments. But in domestic politics, where the language of war seems merely metaphorical and the moral stakes are less apparent, realism is more prevalent. Consider this quote from a 2015 article by journalist Matthew Yglesias about then-presidential candidate Hillary Clinton:

She truly is the perfect leader for America's moment of permanent constitutional crisis: a person who cares more about results than process, who cares

more about winning the battle than being well-liked, and a person who believes in asking what she can get away with rather than what would look best.²⁹

According to this article, the right ends legitimate any means in the domestic political "battle," even operating in "legal gray areas." Yglesias indicates no specific wrongs that Clinton's political opponents committed. The only justification he presents is that "Democrats have almost no chance of securing a majority in the US Senate and even worse odds of securing a majority in the House."³⁰ Maintaining a favorable balance of power for his political party is all the reason he explicitly gives. Excepting any implied rationale, this is a clear example of domestic political realism.

My intention here is not to evaluate the accuracy of Yglesias' characterization of Clinton, nor is it to accuse the political left alone of being particularly realist; I believe realism (or what often goes by the name "power politics") is also prevalent on the right. Rather, I want to point out the incongruity between how most Americans think about wars on foreign shores and how they view political battles in Washington, DC. If we believe the just war tradition is a superior moral framework to realism, perhaps we should apply it consistently to both physical and political conflict.

Because the just war tradition requires an antecedent wrong for war to be just, it also requires the agent committing that wrong to be capable of moral freedom and responsibility. In other words, the just war tradition regards both sides in any conflict as possessing moral agency. This throws considerable doubt on the practice, now common in the US, of declaring war on inanimate objects and abstract concepts, from poverty to drugs to the coronavirus.

From the perspective of the just war tradition, waging war against something with no moral agency is impossible; that is simply not what war is. In the context of domestic politics, the practice of declaring war on objects and concepts serves an understandable set of purposes: It raises the stakes of individual policy decisions, centralizes power in executives' hands, and encourages action over deliberation.³¹ Moreover,

it provides the moral clarity of dealing with enemies, winners, and losers.

However, all these purposes are morally ambiguous and potentially harmful. For example, the use of the war metaphor with cancer has even been shown to damage patients.³² These types of consequences, often unintended but serious nonetheless, can be avoided by restricting the use of the war metaphor to more appropriate circumstances.

We can now see that a requirement of just cause would probably delegitimize a significant amount of what goes on in our domestic politics. What, then, would a convincing claim of just cause look like in today's American domestic politics? Laying out one's good goals or defending the expediency of one's actions is not enough. To claim just cause, the party declaring war must identify a genuine political wrong committed by an opposing party—one composed of human beings with moral agency.

The so-called culture war stands out as an example of a domestic political conflict with plausible just cause. Both sides can point to what they perceive as genuine wrongs committed by the other, wrongs that are ostensibly unwarranted and merit coercive response. However, just cause alone does not make for a complete *jus ad bellum* case. There are other requirements, and as discussed later in this report, the culture war may not satisfy them all so neatly.

Legitimate Authority. The legitimate authority requirement has its origins in the same texts that spawned just cause. And like just cause, it has remained a pillar of the tradition ever since. In book XXII of *Against Faustus the Manichaean*, Augustine writes, “The natural order, which is suited to the peace of mortal things, requires that the authority and deliberation for undertaking war be under the control of a leader.”³³ Aquinas reinforces this, listing “the authority of a sovereign” as the first of his three things necessary for a just war.³⁴

For these ancient and medieval thinkers, legitimate authority was important because obedience to leaders was a matter of religious doctrine. To bypass the official political process would be to usurp an order instituted by God.³⁵ There is also a

more natural, pragmatic understanding of legitimate authority, hinted at in the passage by Augustine I quoted earlier.

In this understanding, the ability to declare war must be limited to standardized, institutional means. This is because if it were not tightly controlled, deadly conflict could become frequent, and chaos and anarchy would ensue. Regardless of whether framed in religious or secular terms, the requirement's content remains the same: For a war to be just, it must be declared by a legitimate authority.

What does legitimate authority look like in America? On one account, it is the same in domestic politics as in foreign policy: Only an act of Congress can authorize mobilization for war. This interpretation would disallow a great number of our metaphorical wars. The culture war, in particular, as its participants are divided evenly along partisan lines, would be illegitimate according to this view because it is the opposite of a united national effort.

However, such an interpretation is probably too restrictive. Domestic political conflict bears many similarities to actual war. The moral similarities are, after all, the basis for this report. Nevertheless, the two are not identical, and while one can only be justified on a national scale, perhaps various domestic factions could legitimately practice the other.

Metaphorical wars are less physically destructive than genuine ones, and they are political in the broadest sense. This might mean that while they are always public, they need not be *national* in nature. Only Congress can authorize actual wars, but state and local governments, nongovernmental organizations, and individuals are still free to influence the public square. Perhaps things like the culture war fall into the jurisdiction of the latter camp.

One could even interpret legitimate authority as binding public figures more than private ones. There is precedent for this in the just war tradition, in the works of thinkers like Aquinas and especially in John Locke's *Two Treatises of Government*, where he writes that “where-ever the Power that is put in any hands for the Government of the People, and the Preservation of their Properties, is applied to other ends . . . it presently becomes *Tyranny*.”³⁶

How could this apply to domestic politics? One way would be to say that in a democracy like the US, politicians who represent a specific body of constituents have no authority to declare or engage in a domestic political conflict without their constituents' say-so. This would outlaw initiation of political war except in cases of a mandate from the people.

Another way would be to say that legitimate authority is embodied in the parties' institutional structure. This would mean individual Democratic or Republican politicians could not declare political wars on their own initiative; they would require their party's approval to do so. Flagrant disregard for party platforms would then become unethical.³⁷

Ultimately, it is unclear exactly how the legitimate authority requirement should apply to domestic political conflicts. What is clear is that it ought to be considered. Currently, politicians and private American citizens alike are willing to declare and embark on metaphorical crusades without deferring to, or even thinking about, established channels of authority.

They also pay little respect to established rules and procedural conventions designed to prevent chaos and channel conflict in constructive directions. Examples of such disregard include schemes to revise the Senate cloture rule or pack the Supreme Court.³⁸ If we wish to take the just war tradition seriously as a country, we must remember that deference to authority and custom are important bulwarks against anarchy and injustice. These should not be ignored lightly.

Right Intention. The last of the three most important *jus ad bellum* requirements is right intention. The just war tradition is primarily concerned with ethics and (as a Christian tradition) the fate of souls. Therefore, just war thinkers care deeply about the disposition of a war's participants.

Early theologians believed a war, otherwise just in every way, could be rendered unjust if its participants—and particularly its leaders—were motivated by hatred or greed, rather than a dispassionate desire to advance good and restrain evil.³⁹ Despite the difficulty involved in discerning another person's disposition, this condition has remained a core element of Christian just war theory up to the present day.

Right intention, compared to legitimate authority and even just cause, is easy to apply to domestic political conflicts. It might even appear obvious to say that those fighting metaphorical wars in the US ought only to desire to advance the welfare of the country, not to pursue their own gain or wantonly tear people down.

But anyone who has experienced battle, actual or metaphorical, knows how powerful and insidious evil desires can be and how demanding such a maxim really is. Indeed, taking into consideration the polarization, suspicion, and rancor so prevalent in our public discourse, right intention stands in need of particular emphasis.

This is especially true in the culture war, where passions are most intense—and most dangerous. Corey comments on this issue in a lecture, "The Paradox of Wars and Culture Wars." After relating anecdotal evidence about the likelihood of culture warriors to exhibit hatred and contempt for their opponents and to assume "the absolute worst of their motives," he explains why such behavior proves tempting for both progressives and conservatives:

Insofar as we enter into the culture wars—and who can avoid them today?—we do so in order to advance the good and thwart the wickedness that threatens to engulf us. But in fighting, we risk gradually giving in to feelings of anger and resentment; and our "intention" may slowly shift from the love of our fellow men (enemies included) and the love of peace to a love of the conflict itself and of the *power* by means of which we fight.⁴⁰

It is impossible to assess empirically the interior change to which Corey refers. Even the Pew data cited earlier can at best indirectly reflect it.⁴¹ But that does not mean it is not a real, even common, problem. As individual citizens, we know—through reflection and introspection—when we cross the line from right intention to evil intention.

When that happens, we must recognize that we have violated the moral norms of the just war tradition and do our best to exorcise the selfish and impure motivations possessing us. If we cannot, we would

likely do well to lay down our metaphorical swords and quit the battle for our own moral well-being.

What are some practical steps citizens can take to ensure their intentions remain just? As Arthur C. Brooks suggests, they can work to distinguish between their political enemies' actions and their identities.⁴² In the anthropology on which the just war tradition is based, people have an inherent dignity that cannot be erased by the choices they make, no matter how base.

To guard their souls, political warriors should attempt to remain warmhearted toward others, even while censuring their decisions. Religious citizens can also take time to pray for their enemies. Intentional expressions of charity, like prayer, have the power to undercut the potential for resentment. Finally, it is helpful to build relationships with members of opposing political factions. In-person communication aids the development of mutual respect across party divides.⁴³

Public Declaration. Public declaration holds warriors responsible for officially declaring the initiation of hostilities to the enemy. In other words, a war cannot be just unless both sides are aware of their engagement in it. Although the origins of this requirement are vague (it is first mentioned by Cicero, but only indirectly referenced by classical and medieval theologians), its application is straightforward.⁴⁴ In the context of domestic conflict, public declaration binds actors to approach politics as war by other means only if a metaphorical war has been openly declared or is at least widely acknowledged.

Unfortunately, it has become increasingly common to enact controversial political changes surreptitiously, without broad knowledge of what is happening—by hurriedly passing a bill before it has been thoroughly examined by all members of Congress, for example.⁴⁵ Even in times of conflict, such activity is suspect, and it certainly should not be practiced under the pretext of peace.

Prudence, Proportionality, and Last Resort. The final three *jus ad bellum* requirements I examine in this report have significant overlap, so I have combined them into one section. Prudence, proportionality,

and last resort are all hinted at by Augustine. In the *City of God*, he writes that Christians should never choose war but only use it when the enemy forces them to do so.⁴⁶ In his “Letter to Marcellinus,” he explains that good is often better served by mercy than by violence.⁴⁷

The implication of these statements is that an affronted party should initiate combat only if it is likely to produce good outcomes (i.e., prudent), if it is fully warranted by the offense incurred (i.e., proportional), and if it is the best of all reasonable options, just cause notwithstanding (i.e., a last resort). These requirements apply to metaphorical battles on the home front in almost the exact way they apply to violent conflicts. A just cause, even one bolstered by right intention, is not sufficient for a declaration of war.

It can be difficult to judge whether another person's actions are prudent, given that probabilities are calculated subjectively. Nevertheless, a good rule of thumb is that it is unwise to fight wars when one has little chance of success. This may sound self-evident, but many of today's political warriors are doing just that.

Consider once more the culture war: Progressives and conservatives alike have settled on the strategy of gaining power in the White House and then using executive orders to rewrite controversial policies and enact new ones.⁴⁸ This is effective in the short term, since it bypasses the other party's opposition in Congress, but it is unlikely to produce any lasting change.

Because the parties are roughly equal in numbers, the next president is likely to be from the other side, in which case he or she can immediately undo the previous administration's changes. Donald Trump's reversal of Barack Obama's 2015 environmental regulations is a perfect example of this.⁴⁹ Political actors need to think carefully about whether they are exercising power constructively for a lasting goal or if their war making is doomed to failure and therefore purely destructive.

They also need to evaluate whether a given wrong, committed by their opponents, is worth declaring war over. We live in an age of heightened sensitivity to politics, when the slightest provocation can result in enormous outrage and retaliatory measures.⁵⁰ In

such an age, it is important to recall the ancient wisdom of the just war tradition: Not all wrongs merit an openly hostile response. If we do not respond to injustice with proportionality, we will never have peace, because some measure of injustice will always exist in this world. In Augustine's own words, "we are now among evils, which we must endure patiently."⁵¹

Finally, Americans should never treat politics like war unless it is the only reasonable option—a last resort. When the country's political discourse is saturated with the metaphor of war, it is easy to forget there are ways to resolve conflict other than coercion.

Deliberation, which relies on persuasion and compromise, is what the founders envisioned as the ideal form of political decision-making.⁵² Unless our nation is irreconcilably divided, deliberation is still a practicable option. Federalism, the practice of reserving decision-making to the smallest possible unit of governance, is another important conflict resolution tool, as collective-action problems are easier to solve on the local level.⁵³ Unless these options, and others like them, have been seriously considered and deemed unreasonable, it is unjust to move to a war footing.

Jus in Bello

Jus in bello refers to the ethics of actions belligerents take during wartime. Even if a war is just in the abstract, warriors can still be unjust if they violate moral norms. Altogether, *jus in bello* is the broadest category in the tradition, and it would take many pages to exhaust its depths. In this section, I examine its more general, abstract points, as those are the most readily applicable to domestic political conflict.

***Jus ad Bellum* Requirements Revisited.** *Jus in bello* shares a number of requirements with *jus ad bellum*.⁵⁴ First, the rule of right intention applies just as much during war as it does beforehand. Augustine writes in *Against Faustus the Manichaeon* that the worst evils in war are not violence and the death of innocents but "the desire for harming, the cruelty of revenge, the restless and implacable mind, the savageness of revolting, the lust for dominating, and similar

things."⁵⁵ The medieval and modern thinkers who followed Augustine may not accept that framework wholeheartedly, but they generally support his belief that belligerents' impure motivations can render a war unjust—even one that began justly.⁵⁶

Prudence and proportionality, like right intention, apply during war in much the same way as before war. Belligerents' means must be appropriate to their ends, and belligerents must not commit actions that—though perhaps justified in some sense—would make a future peace unreliable or untenable. These requirements derive from one of the core assumptions of the just war tradition, which is that the ultimate goal of war ought to be justice and peace and that violence should only be committed insofar as it brings that goal closer to fruition.⁵⁷

What do these requirements mean for people in the thick of domestic political conflicts? For one, they mean that Americans cannot let their moral guard down when they embark on a just, metaphorical war. They must exercise constant vigilance against the temptations to malice that Corey highlights.⁵⁸ Moreover, political belligerents must remember their ultimate ends and direct all their actions toward them, even in the fever of battle.⁵⁹ Although this is easier said than done, it is morally imperative.

Keeping Promises. One *jus in bello* requirement that is particularly pertinent to domestic politics regards honesty. Making false promises and breaking agreements are attractive paths to strategic advantage—paths that modern states often take.⁶⁰ The just war tradition, however, holds political actors to a higher standard.

For theologians like Augustine and Aquinas, dishonesty violates the Ten Commandments, infractions of which no circumstances, no matter how extreme, could justify.⁶¹ Although not all thinkers in the tradition share this totalistic view,⁶² the requirement of keeping promises is generally considered canonical, if not for absolute moral reasons, then for pragmatic ones. For unless parties can trust one another, they will be caught in a prisoner's dilemma, and peaceful settlements will become unachievable. This prudential argument, most closely associated with Locke,

results in a similar conclusion as Augustine’s and Aquinas’: Lying and promise breaking in war are ultimately self-defeating and therefore almost always, if not always, unjust.⁶³

The implications of this requirement for political actors are clear. As tempting as it may be for those fighting domestic, metaphorical wars to lie and cheat their way to victory—itsself an admittedly good end—they cannot do so without endangering their souls. Moreover, when their deceptions are inevitably uncovered, it will jeopardize what should be their ultimate goal: a just peace for the whole country.

Unfortunately, dishonesty is rife in our current politics.⁶⁴ On top of this, an atmosphere of hyper-partisanship—such as we are living in today—can pressure public figures, and even normal citizens, to espouse slogans and beliefs that they may not actually consider true.⁶⁵ As much as we may desire a win in the culture wars, we must strive to be sincere in our political actions.

Treatment of Noncombatants. The *jus in bello* requirements dealing with the treatment of noncombatants are well-known because they have made their way into international law, including the Geneva Conventions and the US military’s rules of engagement.⁶⁶ Essentially, the requirements state that belligerents must distinguish between enemies who pose a genuine threat to their lives and those who do not: noncombatants. Further, they must distinguish between noncombatants who are guilty of wrongdoing and those who are not; innocent noncombatants should never be directly hurt.⁶⁷

Of course, it is difficult to fight a war without indirectly harming the innocent—often called “collateral damage.” According to the just war tradition, collateral damage is tragic and lamentable, but the people who cause it are not necessarily immoral, provided their primary actions (e.g., bombing an enemy weapons system) are militarily necessary and not in themselves evil, and provided they do not intend any of their actions’ evil side effects.

This principle is known as the doctrine of double effect and comes from Aquinas’ ethics of homicide.⁶⁸ Some just war thinkers criticize the doctrine for being

too elastic and suggest further restrictions. However, the essence of double effect remains a fundamental element of the just war tradition and modern international law.

How might these ethical requirements relate to metaphorical, political wars? Given the vague nature of political combat, it is difficult to distinguish between combatants and noncombatants in the domestic sphere. Nevertheless, it is possible to differentiate a committed culture warrior from an average American who is not particularly political.

These average Americans are too often caught up, and sometimes directly targeted, in partisan battles they do not deserve to be involved in. This is especially true of court cases engineered for political purposes, in which the unlucky individuals or corporations selected for testing could end up receiving uncomfortable national media exposure and potentially losing a great sum of money.⁶⁹ Even if his or her cause is good, no American is justified in using otherwise peaceful citizens or groups as pawns in a political game.

The distinction between innocent and guilty is also pertinent to domestic politics. Insofar as people are justified in embarking on a political crusade, they must be fighting against other moral agents who have committed a genuine wrong or are intent on doing so. However, a sizable portion of those attached to the enemy’s party, platform, or agenda may merely be seeking the common good and sincerely believe its cause to be right. These people are not guilty of any moral wrong, and therefore, though they may certainly be opposed, they should be treated with greater respect and tolerance than their less scrupulous comrades are.

Finally, it might be possible to characterize non-governmental institutions as a type of noncombatant. In our polarized times, almost every arena of culture—from the church to Hollywood to Wall Street to the academy—is a political battleground. These institutions may not be fully separable from politics, but they are not primarily political. When we co-opt them on behalf of the war effort, we prevent them from providing valuable apolitical goods such as a genuine liberal education.⁷⁰ This is problematic because

it constitutes a cultural deprivation. But according to the logic of the just war tradition, it may also be inherently unjust.

Ethical Means. Generally, the doctrine of double effect disallows the use of inherently evil means to achieve good ends. In short, this implies that political warriors cannot engage in immoral behavior to secure a victory. Lying is but one example of such behavior. Others include electioneering, theft, and bribery, all of which we should likely eschew even when legally justified.

We should also be wary of the various forms of indecency that may not fall under the reach of law but are nevertheless evil. In recent years, especially since the 2016 presidential election, brutal ad hominem attacks, appeals to voters' most base instincts, and shameless bragging have all become common in American politics.⁷¹ People on both the left and right have lauded aspects of this development as necessary responses to injustice or as the overturning of a stifling political-correctness regime.⁷²

According to the logic of the just war tradition, however, cruelty is cruelty, pandering is pandering, and pride is pride, no matter the circumstances. If we are to take the doctrine of double effect seriously in military matters, we must apply it with equal rigor in the domestic sphere. To do less would be to abandon our principles and fall into realism.

Jus post Bellum

Finally, I will discuss *jus post bellum*, the category of the just war tradition that deals with justice after hostilities conclude. Unlike *jus ad bellum* and *jus in bello*, *jus post bellum* was officially recognized only in the past few decades. According to political theorist Brian Orend, the category was ignored for centuries because of a temptation to conflate it with *jus ad bellum*.⁷³ On the contrary, Orend argues that ensuring justice after war requires special consideration. Other thinkers in the tradition find his argument persuasive, so I will follow their lead.⁷⁴

Punishment and Reparations. Seneca regarded the ruler who does not avenge himself to be the most virtuous. He could not say the same, however, about those who leave others unavenged.⁷⁵ When innocent people have been hurt by an enemy party, and they are not willing to forgive their attackers, the leaders of the righteous faction are duty bound to mete out justice. This is the philosophical basis for the just war tradition's endorsement of punishment and reparations, as laid out by Orend.⁷⁶

What are the equivalents of punishment and reparations in domestic politics? They might include using newly won governmental power to overturn, defund, or nullify the defeated faction's policy initiatives. Depending on one's partisan standpoint, the Republican Party's attempts to repeal and replace the Affordable Care Act, if successful, would have been an example of this.⁷⁷

They might also include public shaming and using the media, activism, and boycotts to suppress the other side. When faced with serious moral injustice, such tactics can be justified. There is, though, the danger of a slippery slope leading to the kind of hyperactive cancel culture we now experience. This is an important reminder that the rules of prudence and proportionality apply *post bellum* just as they do *ad bellum* and *in bello*.

Limits on Punishment and Reparations. There are many cases in domestic politics when exacting reparations and inflicting punishment may do more harm than good. After a war ends, the just war tradition holds that the victors should not be unduly punitive. They must be just, but they must only punish, to quote Locke, "so far as calm reason and conscience dictates."⁷⁸ Otherwise, they exaggerate their rights and may wound their souls.

The victors must also try to heal the war's wounds and restore political health and—to the greatest possible degree—friendship between the belligerent nations.⁷⁹ If they fail to do so, another war may break out in the future, and the victors of the first may be partly responsible.

Similar logic applies in the domestic political realm. When one side or another achieves a major

political victory, there is often great temptation to vindictively lord it over the defeated faction. An especially famous instance of this is the Richard Nixon administration’s “enemies list” project, which was a blatant attempt to “maximize the fact of our incumbency . . . to screw our political enemies.”⁸⁰ More recently, after his impeachment trial acquittal, President Trump removed several officials who testified against him in an apparent act of revenge.⁸¹ Are such actions right?

Lenience is not always warranted after war. But in the messy world of domestic politics, lenience seems especially appropriate. Winning and losing factions must continue to live and work together regardless of a conflict’s outcome. Moreover, just war theorists like Locke are adamant that only people who actively participated in the fight against the victorious faction are valid candidates for punishment. Those who did not consent to it are free and safe from retaliation.⁸²

The same is true with reparations; a just conqueror “cannot take the Goods of his [enemy’s] Wife and Children,” for example.⁸³ And yet, separating genuine wrongdoers from more innocent members of the enemy is difficult and often imprecise. This suggests one should err on the side of mercy for the sake of creating a lasting peace.

Reconstruction Only If Necessary. Victors in war often reconstruct their defeated enemies’ systems of government, setting up regimes more amenable to their influence. In domestic politics, analogous occurrences are similarly common. For instance, when a new president is elected, he will often target federal bureaucrats appointed by the previous administration, leading to their removal from office.⁸⁴

According to just war thinkers, however, reconstruction is not always legitimate. The general trend of the tradition is to permit coercion insofar as required to overcome the wrongdoing party and punish the evil it has committed, but no further. For Locke, this means a victorious belligerent may be justified in destroying the defeated belligerent’s system of government if that government was responsible for war crimes.⁸⁵ But he or she has no right to install and uphold a new regime merely for his or her own benefit.⁸⁶

Domestic political actors may need to rethink their perspective on reconstruction in accord with Locke’s proscription. Postelection turnover in the executive branch is common in the US with both parties. And yet, unless a bureaucrat has committed a moral wrong against the victorious faction, justice may require that he or she be allowed to retain his or her position. (Whether the bureaucrat would want to stay in power is another question, irrelevant to this discussion.)

Discussion

Concluding *jus post bellum*, I have finished transposing the just war tradition onto domestic politics. Some broadscale questions about the application of my research now present themselves. The first concerns its current practicability. What should our immediate goals be in applying the tenets of just war thought to the various domestic political wars in which we find ourselves?

At this point, it is difficult to ascertain exactly how all the tradition’s ethical requirements, in their full complexity, map onto domestic political conflicts. For now, the most important thing is to make clear the applicability of just war theory in general to domestic politics. We need to make Americans aware that ethical restraints apply in politics as they do in combat, and we should disparage moral realism as immoral and even, given our nation’s historical attachment to just war thought, un-American.

What about in the long term? In the future, further research on this topic might produce a consensus on various specific applications of just war theory to domestic politics. In lieu of a position of cultural or legal authority, the best course of action for adherents to the just war tradition would be to distribute such research as widely as possible.

Hopefully, the consensus might prove persuasive on its own merits and thereby become enshrined in social norms. It may not be welcomed by many politicians and citizens, particularly those who have vested interests in continuing our metaphorical wars for as long as possible. But this is something that academics and ethicists alone cannot control. Advocates of just

war thinking in the domestic sphere, myself included, should hope for the best but should not take the acceptance of their findings for granted.

Some of the analogous reasoning I have ventured in this report is relatively conclusive and may already merit application to American political culture. For instance, if only a wrong committed by a moral agent can constitute a just cause, then the plethora of wars the US is waging against inanimate objects and concepts are of dubious morality and should probably be abandoned.

Moreover, the requirement of honesty means that deception in domestic politics is off the table. Ends-justify-the-means realism, exemplified in the quoted article by Yglesias, is even more so.⁸⁷ I have little hesitation treating proscriptions such as these as ethically normative.

Other conclusions I have drawn are just as convincing in the abstract, but it is less clear how they ought to be applied to American politics. Right intention sharply limits the vicious antagonism common among culture warriors. Prudence and proportionality command us to be less idealistic and absolutist in our political expectations and to learn to tolerate evil without always reacting against it.

The problem is that these requirements have as much to do with citizens' interior dispositions and internal, prudential calculations as they do with external behavior, and it is only possible to create objective, universal standards for the latter. Many Americans who reject the politics-as-war narrative have urged civility as an antidote to political hatred and resentment, for example.⁸⁸ But civility, at least when defined as external norms of politeness and respect, is not identical to charity, which is a condition of the soul.

Certainly much in our public discourse, from petty insults to ad hominem attacks to contemptuous demeanors, is almost blatantly uncharitable and should therefore be discouraged. The same may be said of political strategies that reek of imprudence, such as the extravagant use of executive orders or perhaps court-packing. In the end, though, some requirements of the just war tradition can only be satisfied by personal choice on an individual level, and this is no different in politics than it is in actual battle.

Finally, it is unclear how some elements of the tradition should be applied to metaphorical conflicts. These include the legitimate authority requirement, the treatment of noncombatants and morally innocent aggressors, and some aspects of *jus post bellum*, such as the particulars of just war teachings on punishment, reparations, and reconstruction. It is probably necessary to conduct more research and reasoning before elevating analogous teachings into ethical norms about domestic politics.

Conclusion

Since the Great Depression, the metaphor of war has become a staple in our public discourse. Americans are currently engaged in attacks on inanimate objects or concepts (from poverty to drugs to the coronavirus), wars on specific groups of the population (such as women and small-business owners), and a grand battle for the soul of the union called the culture war. By 2021, we have become a nation of conflict-hardened political soldiers, and the fighting appears unlikely to conclude anytime soon.

If we are to continue treating politics as war, the just war tradition—the ethical framework that the US has enshrined in international law and its own military rules of engagement—is the best system for evaluating the morality of actions taken before, during, and after war. Declaring war does not free us from ethical constraints unless we are to abandon our historic philosophical and moral commitments in favor of realism. Instead, it brings us into the purview of just war thinking, now applied to domestic politics.

The ethical requirements that arise from transposing the just war tradition onto domestic politics constitute important and timely discoveries. As American politics seems to become more warlike every day, and therefore more ethically dangerous, we are in desperate need of moral guidelines that will help us navigate the public square. The just war tradition is by far the best resource available for developing such guidelines. It is already ingrained in the American philosophical heritage and military and international law.

My research indicates that it is also readily applicable to domestic politics.

Just war thinking does condemn much that is common in today's politics and public discourse and places strict limits on what it does not. But it is a valuable tool nevertheless, one that can help political actors who wish to abide by the dictates of morality.

This report only begins the process of analogizing from the just war tradition to create an ethical framework for domestic politics. Several different authors suggested this project before the beginning of my research.⁸⁹ Now it has been started, but only the groundwork has been laid; further work is essential. Much good could come from a more rigorous analysis of the real-world cases I use in this report and others like them. Moreover, there is ample room for debate about the inherent value of warlike politics, as opposed to peaceful, cooperative politics, and which of the two Americans should pursue.

Polarization is making our politics and public discourse increasingly warlike. This creates a tense, fraught atmosphere in which boundaries are blurred and we are tempted to abandon our moral commitments. We should use the principles of the just war tradition to help us regain ethical clarity and avoid evil. Hopefully, these principles will remind us that the true goal of all just wars is a just peace and that every citizen must, in the words of Augustine, "be a peacemaker . . . even in fighting, so that through your victory you might bring those whom you defeat to the advantages of peace."⁹⁰

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