



# Heterodox Protest, the Conservative Right, and the Law

Paul Blokker<sup>1</sup>

Received: 22 July 2025 / Accepted: 1 October 2025  
© The Author(s) 2025

## Abstract

This paper suggests that the conservative-populist backlash that liberal democracies are facing can be understood as part of heterodox protest movements which react to the liberal-legal hegemony, and, in alliance with populist movements and parties, move into the political centre. Here, I understand the illiberal, or better anti-liberal, reaction to liberal democracy, constitutionalism, and human rights as the result of a long-term mobilization of different counterforces around a dissensus on liberal democracy and its main constitutional and legal approach and mindset. In recent years, an initially rather marginal or peripheral, but now forceful, set of protest and protest movements has been able to move to the political centre, attacking the liberal-constitutional hegemony head on. The paper will discuss the heterodox critique of the liberal-legal consensus, subsequently identifying five key components (including the sacred and the profane, leadership, intolerance, impure universalism, and a turn to the past), particularly derived from Eisenstadt's analysis of sectarian and heterodox movements. In the second part, I will apply these components to, first, a discussion of intellectual, theoretical justifications for the conservative-heterodox project, to then turn to more practically oriented documents, using a similar analysis of the five components. I conclude by arguing that the heterodox project contains a strong totalizing dimension, by combining a range of positions of charismatisation, closure, and fundamentalism, and which prioritizes the primordial and the sacred, to the detriment of the civic.

**Keywords** Backlash · Conservatism · Heterodox protest · Liberal consensus · Uncivil society

---

✉ Paul Blokker  
paulus.blokker@unibo.it

<sup>1</sup> Department of Sociology and Business Law, University of Bologna, Bologna, Italy

## 1 Introduction

This paper suggests that the conservative-populist backlash that liberal democracies are facing can be understood as part of heterodox protest movements which react to the liberal-legal hegemony, and, in alliance with populist movements and parties, move into the political centre. Protest movements have been part and parcel of the modern experience. In recent times, the ‘emergence of “radical” social and political actors, ideologies and identities seems to be the hallmark of the crisis of liberal democracy that is spreading across global society’ (Maccarini 2024: 631). What is striking is that this conservative rebellion is evident both in the “core” (e.g., the US or Western Europe) and the “periphery” (e.g., Central and Eastern Europe). While the “backlash” was originally thought to be an issue largely in newly constituted democracies, such as Hungary and Poland, it is by now clear that the heterodox, conservative counter-movement is strongly part of a critique of established democratic systems.

Modernity can, in fact, be seen as characterized by competition and struggle between widely different visions of modern society (Eisenstadt 1999). In recent decades, we have grown accustomed to understanding modern societies along the lines of liberal-democratic and constitutional systems. So much so, that one could say that in particular since the collapse of Soviet communism, liberal-constitutional democracies became understood as the ‘normality’, based on a ‘liberal consensus’ (Wigura and Kuisz 2020). The apparently undisputed and untouchable position of mainstream liberal-democratic constitutional democracy perhaps never really materialised as it has been subject to erosion since at least the 1970s. Significant changes in core democratic societies in recent times seem to indicate a current high-point of a much longer process of backlash in terms of resistance and attacks on liberalism by radical, heterodox movements that have increasingly sought alliances with populist parties or the populist components in traditional parties.

The backlash is analysed here in terms of its ideological and ideational components. It should be recognized, though, that the illiberal movement does not merely build upon or radicalise existing ideologies or worldviews such as may be the case with religious conservatism), but it also finds a ‘social base’. This means that distinctive socio-economic, material tendencies may be related to the rise of populism and related phenomena, not least in terms of rapidly rising inequalities and forms of socio-economic and political exclusion, also as a result of processes of globalisation and hyper-capitalism. In fact, astute observers of the populist phenomenon, such as Arato and Cohen, stress three deficits that populism reacts to: ‘those of democracy, welfare, and social solidarity’ (Arato and Cohen 2022: 1). Hence, populism may involve a critique of both economic and political liberalism. The latter also comes through in a critique of international institutions that are frequently displayed as technocratic, non-democratic entities, too distant from the societies people live in (Koskeniemi 2019).

Here, I understand the illiberal, or better anti-liberal, reaction to liberal democracy, constitutionalism, and human rights as the result of a long-term mobilization of different counterforces around a dissensus on liberal democracy

and its main constitutional and legal approach and mindset. In recent years, an initially rather marginal or peripheral, but now forceful, set of protest and protest movements has been able to move to the political centre, attacking the liberal-constitutional hegemony head on. My understanding of the conservative movement is in part inspired by the historical-sociological work of Shmuel Eisenstadt, who identified forms of sectarianism and fundamentalism in the context of modernity (Eisenstadt 1999) as well as by the works of Jeffrey Alexander in cultural sociology. It will be argued that Eisenstadt's and Alexander's insights may help to shed light on the form and substance of the current conservative, anti-liberal reaction to liberal constitutionalism as the hegemonic understanding of modern democracy. While it may be too early to classify conservative, anti-liberal movements under the headers of 'fundamentalism' or 'utopian sectarianism', a range of characteristics identified by Eisenstadt in relation to these concepts appear as insightful tools of analysis for the conservative, anti-liberal and often populist forms of dissensus.

Below, I will discuss the heterodox critique of the liberal-legal consensus, subsequently identifying five key components (including the sacred and the profane, leadership, intolerance, impure universalism, and a turn to the past), particularly derived from Eisenstadt's analysis of sectarian and heterodox movements. In the second part, I will apply these components to, first, a discussion of intellectual, theoretical justifications for the conservative-heterodox project, to then turn to more practically oriented documents, using a similar analysis of the five components. I conclude by arguing that the heterodox project contains a strong totalizing dimension, by combining a range of positions of charismatisation, closure, and fundamentalism, and which prioritizes the primordial and the sacred, to the detriment of the civic.

## 2 The Heterodox Critique of the Liberal Narrative

To grasp the nature of the conservative-populist project, shared by a range of diverse actors and coalitions across the globe, it is of great significance to appreciate its anti-liberal and totalising thrust. It is equally important to identify a conservative usage or remaking of the liberal legal language and instruments, including human rights and understandings of (the rule of) law. This means that we cannot reduce the rule of law state, the human rights narrative, and constitutionalism to singular, normative endeavours of a liberal kind, of which contenders merely deny the contents. Here, key legal notions such as human rights, the rule of law, and constitutionalism are rather understood in a comparative-historical fashion and, hence, in a pluralist sense, so as to allow for an in-depth analysis of the conservative-populist project as a contender of the liberal hegemony or consensus.

In relation to constitutionalism, for instance, Riegner has argued that, in comparative and historical terms, varieties of constitutionalism may be related to different manifestations of constitutionalism, as in liberal, social, transformative,

directive, illiberal and authoritarian types (Riegner 2025: 161).<sup>1</sup> The comparative, historical approach is useful as it draws attention to comparative differences but also to tensions, contestations, and forms of dissensus and alternative claims over time. The liberal-constitutional hegemony consists in that ‘[t]he modern, liberal vision of constitutionalism—what we are calling structural liberalism—has contributed greatly to the human experience of constitutionalism and has come to dominate the “comparative” constitutional imagination—that is, “comparative constitutional law” ‘ (Dowdle and Wilkinson 2017: 17). But it can in fact be argued that this liberal-constitutional ‘normality’ of recent decades has been largely a historical moment, which is now increasingly being challenged by alternative or heterodox constitutional, including authoritarian, projects.

Also in relation to human rights, it is important to keep a pluralistic view on a number of different human rights narratives, rather than presuppose one universalist, liberal understanding. On the one hand, we witness a backlash to the liberal narrative of human rights, which seems to indicate a denial of human rights. On the other, however, we see that both liberal and non-liberal actors use the language of human rights in order to justify specific claims (see Stoeckl 2014; Bob 2019). Contrary to simplifying distinctions between human rights as a liberal narrative and narratives sceptical of human rights, endorsed by inter alia fundamentalist and religious forces, it should be recognized that human rights have both secular and religious origins (Joas 2013), and that different ideological and religious positions interpret and articulate human rights in different ways (Messer 1997; Rorty 1999).

In relation to both constitutionalism and human rights, different positions have been put forward. Equally in relation to the rule of law, different, irreducible positions and forms of dissensus are evident. Coman has argued ‘being acclaimed by many charters, conventions, treaties, and constitutions [...] has created the illusion of a global consensus’. ‘Yet recent years have seen increased contestation, going beyond specific concerns, with some voices pleading for its pure rejection, as a form of dissensus’ (Coman 2022: 59). The more powerful and growing forms of contestation of liberal rule of law come from conservative and potentially authoritarian actors.<sup>2</sup> As Frankenberg has stated in relation to an authoritarian dimension of such a dissensus, ‘authoritarianism seems to be well on its way to becoming—or making a comeback to prove itself as—the nightmare of the twenty-first [century]’, while [q]uantitative analysts now count more authoritarian than democratic constitutions in existence’ (Frankenberg 2019: 1).

Protest, critique and dissensus are in fact about a profound contestation of the existing order and hegemonic ways of perceiving law, human rights, and constitutionalism. Dissensus means making visible what has been rendered invisible in the past (see Rancière 2015: 38–9). Dissensus stems from heterodox voices that seek to make a crack in the existing, prevailing consensus, in our case, of what constitutionalism, human rights, and law are supposed to be. In the case of illiberal

<sup>1</sup> Elsewhere, in an admittedly more normative fashion I have distinguished between liberal, political, democratic, and civic constitutionalism (...).

<sup>2</sup> Obviously, there are other powerful critiques too, for instance, from the radical left.

or anti-liberal dissent, this may be related to a form of reactionary trope of what Hirschman called the ‘perversity thesis’, that is, the claim that ‘the attempt to push society in a certain direction will result in its moving all right, but in the opposite direction’ (Hirschman 1991). In other words, the claim that liberal constitutionalism and human rights lead to freedom and democracy is put upside down by claiming that in reality constitutional democracy and human rights are hampering freedom and denying democracy. In illiberal and populist claims on constitutionalism, for instance, the argument is that liberal constitutionalism threatens ‘authentic’ cultural identities and practices, and imposes artificial standards, such as human rights. The illiberal or even anti-liberal constitutional argument directly attacks liberal constitutionalism for suppressing ‘natural identities’ and ‘common sense’.

### 3 Heterodox Movements: Components of Critique

The suggestion is that the populist-conservative phenomenon (a complex fusion or combination of populist, right-wing, conservative, and religious components) can be better grasped if it is understood as a heterodox protest movement which agitates against the hegemony of modern democratic liberalism. While the populist-conservative phenomenon is itself fully modern, it reacts against the hegemonic understanding of modernization as moving towards a liberal-democratic endpoint. In this, populist-conservative positions cannot be reduced to mobilisations around economic discontent and a revolt against internationalism. The project equally includes a radicalisation of classical conservatism, and taps into a broader, Romantic, anti-Enlightenment narrative.

In its reactionary guise, it can be grasped as moving within the field of tensions of modernity (Arnason 1991), taking a position that is critical if not dismissive of the Enlightenment, of modern reason, and of the equation of politics with liberal democracy. As a source of inspiration, I use the works of Shmuel Eisenstadt on heterodoxy, sectarianism, utopianism, and Jacobinism to highlight what I see as affinities, if not outright characteristics, in the populist-conservative phenomenon. The interest here is in particular on how conservative forces interpret, display, and endorse forms of law, constitutionalism, and rights. In Eisenstadt’s analyses, modernity has spawned both constructive and destructive movements. All modern political projects are somehow attempts to construct societal boundaries in order to deal with existential uncertainty or anxiety. But this can be done in different, more constructive and more destructive ways. For Eisenstadt, a main distinction is between ‘totalising’ or ‘absolutizing’ projects and more ‘pluralistic multifaceted visions and practices’ (Eisenstadt 2017: 49).

The current movement of conservative, heterodox forces to the political centre consists in the advance of a totalising political project, which denies pluralism and multifaceted visions of modern society. Key characteristics of anti-liberal, populist-conservative forces—with significant implications for how constitutionalism, law, and human rights are imagined and practiced—include the following. First, conservative-populist actors as heterodox movements contribute to the construction of sharp boundaries between the *sacred* and the *profane*, that is, a ‘pure inside’

and a ‘polluted outside’ (Eisenstadt 1999: 90; 2003: 79); see also Alexander 2006; 2019; 2020). There is a religious dimension to this distinction. That is, populists understand the people as a ‘sacred people’, and in Manichean and moralistic terms. The people are related to conceptions of ‘good’ and ‘evil’, ‘pure’ and ‘impure’, the ‘righteous’ and the ‘undeserving’ (DeHanas 2024: 834). The sacred people are, in Durkheimian terms, set apart from the profane. The populists ‘good people’ is constructed as a religiously pure and homogeneous political community (Eisenstadt 1999). As argued by Alexander in his seminal *The Civic Sphere*, civil movements promoting civil rights have contributed to the construction of categories that are deemed ‘pure’ or ‘impure’, putting forward a ‘symbolic structure of the civil code’ that argues ‘who deserve inclusion and those who do not’ (Alexander 2006: 54–5). The construction of civil society in modern democracies is based on distributions of worthy or justifiable and non-worthy positions within the ‘grid of civil culture’ (Alexander 2006: 55). One might argue that the liberal civil societies in various democracies are based on specific qualities deemed ‘axiomatic’: active, reasonable, independent individual citizens who engage in open, trustful, friendly, deliberative and tolerant relations (Alexander 2006: 57–8). Those unworthy are deemed irrational, dependent, suspicious, antagonistic, moving in hierarchical, exclusivist social relationships, based on loyalty (Alexander 2006: 549).

It can be argued that contemporary ‘backlash movements’ put the sacred and profane distinction of the civic sphere on its head, by criticizing the civil characteristics as exclusionary and imposed, thereby debunking civil society in this liberal guise and claiming emancipation for the ‘victims’ of such civil values. Returning to Eisenstadt, the sacred-profane distinction can be further deconstructed by distinguishing between the primordial, the civil, and the sacred dimensions of collective identities (Eisenstadt 2003: 80). The first, primordiality, focuses on components such as gender, generation, kinship, territory, language, race and traditions. The second builds on a civic code in relation to familiarity with the implicit and explicit rules of behaviour, conventions, and traditions that define a political community. And the third, the sacred or transcendental, identified relations of the community with God, Reason, Progress, or Rationality (Eisenstadt 2003: 80). Backlash movements tend to prioritize the primordial and sacred dimensions, thereby redefining the civic. If in more open, pluralistic political projects, the attempt is to somehow promote the civic, but without denying the primordial and sacred dimensions of collective identities (Eisenstadt 2017: 51), in the totalising projects of conservative movements, the primordial (promoted by nationalist forces) and the sacred (prioritized by religious forces) are conflated, and dominate or subjugate the civic dimension.

Second, contemporary heterodox movements promote an understanding of populist, anti-liberal leaders as the ‘*elect*’ or as the chosen charismatic ruler. Conservative populism tends to affirm the ‘theological two-bodies conception’<sup>3</sup> in a ‘plebiscitarian form of leadership’, where the leader is supposedly embodying the

<sup>3</sup> The king’s two bodies consist of a natural, physical body and a transcendental, political body (Kantorowicz 1957).

whole of the people (and the people takes the transcendental place of god) (Arato 2013: 156). Weber's charismatic authority is of relevance here. Charismatic leaders are understood as bearers of specific gifts, and as having extraordinary qualities (DeHanas 2024: 836). In the case of populist leaders, the core extraordinary quality is embodying the will of the people. Dehanas speaks of '“supernatural energy”—an aspect of courage, rhetoric style of a life story, perhaps that sets one apart as uniquely qualified to lead for the present times' (DeHanas 2024: 836). In legal terms, this means, as we will see below, that the extraordinary is deemed as unbound by the law.

Third, contemporary heterodox movements display *intolerance* in terms of rather low levels of 'tolerance for ambiguity' and highly reductive understandings of pluralism and difference. This means that conservative protest movements tend to endorse views of society in terms of enemies within as well as without society, where the enemy is understood as 'polluted' and which has to be fought against or which has to be eliminated from the midst of society (see Eisenstadt 1999: 26). Tolerance for pluralism is almost absent in conservative, populist positions, while the 'ideological attitude that admits the fact of plurality' (Ben Rafael and Sternberg 2005: 11), as an important dimension in liberalism is derided as undermining traditional society and its identity, while influences from the outside are seen with great scepticism. In this, a traditionalist, conservative identified is politicised and turned into a (legal) instrument of combatting diversity and pluralism. In part, the conservative counter-reaction to the 'cultural revolution' can be understood as a battle against pluralism in the name of the purity of the people.

Fourth, contemporary heterodox movements understand their 'enemies' as promoters of 'bad', 'polluted' or *impure universalism* (Eisenstadt 1999: 90). As Eisenstadt claims, heterodox groups construct 'sharp boundaries between the "pure" inside and the "polluted outside" ', and criticise the universalist propositions of liberal constitutionalism, the rule of law, and human rights as undermining authentic cultures and identities. This critique of universalism is often accompanied by its display as abstract, artificial, and not moored in natural relations between human beings and the world.

Fifth, anti-liberal, conservative forces endorse a *turn to the past* in that they strongly emphasise tradition, referring to some form of 'pristine' past, while strongly denouncing significant dimensions of the Enlightenment tradition, in terms of reason, and related understandings of progress. The conservative, counter-constitutional mission is about reconstructing the social and political order on the basis of a conservative, anti-liberal programme. In some ways, following Eisenstadt's analysis, it is possible to identify what could be called Jacobin elements, as in an 'almost total conflation of centre and periphery, negating the existence of intermediary institutions and association, thus conflating what can sometimes be called civil society with the overall community' (Eisenstadt 1999: 92). Further elements are a strong attack on liberal-informed education, which is contrasted by a religiously informed moral vision of society, and, in related fashion, a redefinition of the role of women in society, with an emphasis on anti-feminist, patriarchal positions (Eisenstadt 1999: 96). In some cases, these various heterodox positions and practices come together in an alternative, counter-constitutional project.

Below, I will identify these five components first in intellectual justifications for the conservative, religious, and populist project, to then turn to more practical programmes endorsed by collective actors, part of a Global Right network.

#### 4 Intellectual Justifications for the Heterodox Project of Law

The anti-liberal dissensus and heterodox protest movement, mobilizing around a conservative, counter-constitutionalist and legal project, is not reducible to singular, national experiments such as in Hungary and Poland, but is part of a larger, global, interconnected project on both the theoretical/intellectual and political/practical levels (Ayoub and Stoeckl 2024; Fisher 2024; Southworth 2024).

The larger, global project of what can be called the Global Conservative Right consists of forms of global networking as well as financial flows, and actively involves the diffusion of conservative ideas. This diffusion goes from “core” to “periphery”, that is for instance from the United States to countries in (Central and Eastern) Europe, but there are also exchanges within the core, for instance between France and the US, or flows of ideas from Central and Eastern Europe towards the core. In Western and Eastern Europe, American conservative thinkers are discussed,<sup>4</sup> while French catholic thinkers (including Pierre Manent, discussed below) are well-received in the US by the likes of Trump and J.D. Vance.<sup>5</sup> As argued by Enyedi and Stanley, there is an East–West cross-fertilisation of conservative ideas (2025: 1). Radicalised, predominantly American ideas (formulated for instance by Patrick Deneen and Adrian Vermeule) have informed conservative political actors in (Central and Eastern) Europe, informing a turn towards the more radical, conservative right, particularly in Hungary and Poland (but also in Slovakia and Romania, amongst others). In Western Europe and the US, thinkers from Central and Eastern Europe (such as the Polish politician and philosopher Ryszard Legutko) have sparked important interest amongst conservative circles.<sup>6</sup> Moreover, Central and Eastern European countries with populists in government, such as Hungary and Poland (until 2023), have operated as a ‘proof of concept’ for illiberal, conservative ideas, showing that conservative political projects can be put into practice (Enyedi and Stanley 2025: 5).

This is not the place to further elaborate the global diffusion of conservative ideas. Below, I will rather engage with the justificatory and political dimensions that emerge from both intellectual and political texts. I will first discuss intellectual

<sup>4</sup> See, for instance, the dossier of the French *L'Incorrect* on, inter alia, Gladden Pappin, Patrick Deneen, and Adrian Vermeule (n. 62, March, 2023).

<sup>5</sup> See, e.g., *La Croix*, ‘États-Unis: pourquoi les penseurs français intéressent la nouvelle droite catholique américaine’, 27 October 2024.

<sup>6</sup> American thinkers have engaged with, for instance, the work of Legutko. In 2018, Vermeule approvingly reviewed Legutko’s book *The Demon in Democracy* (see <https://firstthings.com/liturgy-of-liberalism/>). Vermeule, as well as other conservative thinkers, such as Deneen, participate in political events in Central and Eastern Europe, as in June 2022, for instance, taking part in a congress in Warsaw of Polska Wielki Projekt Foundation, where Vermeule pronounced a *laudatio* for Ryszard Legutko.

works that can figure as theoretical justifications for the (global) conservative project. In the subsequent section, I will look at a number of more operative, action-oriented documents that suggest how to put the conservative project into practice. On the normative-theoretical level, different, but in important ways converging, theoretical propositions for an alternative legal project have been put forward, and can be understood as informing as well as justifying conservative, political projects. I will look here into the works of two major conservative scholars as providing the intellectual justifications for a conservative counter-project. The first, North-American example is Adrian Vermeule (mentioned above), a constitutional law scholar. In particular his *Common Good Constitutionalism* (Vermeule 2022) promotes a conservative constitutional project, in defiance of both ‘progressive constitutionalism’ and ‘originalism’ (the North-American theory that understands the U.S. Constitution as based on its original meaning, that is, on the prevalent perceptions at the time it was written). As argued by Fisher, in 2016 ‘Adrian Vermeule became the primary intellectual strategist for Catholic integralism in the U.S.’ (Fisher 2024: 9), but his work has clearly found reception also elsewhere.<sup>7</sup> Vermeule’s *Common Good Constitutionalism* is of relevance for our discussion of heterodox protest, as it articulates some of the core positions that can be found in the broader anti-liberal positions, shared amongst heterodox movements and actors. Vermeule takes issue with ‘progressive constitutionalism’ (which we can take as equivalent of what we have called here liberal constitutionalism).

An, in some ways, European equivalent (at least for our purposes) is the French political philosopher Pierre Manent. Manent, a political philosopher with prominent works on liberal thought and a propensity towards antiquity, stresses the importance of the nation-state, while criticizing the European integration project and the role of Islam in Europe. In recent years, he has increasingly openly drawn on Aristotelian and Thomistic natural law, in particular in his *Natural Law and Human Rights*, in defence of a Christian Europe. Manent, with other conservative intellectuals, was one of the signatories to the *Paris Statement. A Europe We Can Believe In* (2019), which amongst others argued against the liberal consensus around European integration.

Below, I will discuss Vermeule’s and Manent’s thought in relation to a number of core markers of the conservative, heterodox project: the sacred and the profane; the role of the ruler; intolerance of pluralism; impure universalism; and a turn to the past.

## 1. Sacred versus profane

The heterodox argument puts the civic code of liberalism upside down, or, in Eisenstadt’s terms, stresses the primordial and sacred in a redefinition of the civic.

<sup>7</sup> See, for instance, Gergely Dobozi (2023), ‘Hungary Resists the Disruptive Tendencies of Liberalism — An Interview with Harvard Professor Adrian Vermeule’, *Hungarian Conservative*, 12 February, 2023, available at: [https://www.hungarianconservative.com/articles/interview/adrian\\_vermeule\\_liberalism\\_conservatism\\_rule\\_of\\_law\\_neutrality\\_state\\_church\\_eu\\_von\\_der\\_leyen\\_morality\\_common\\_good/](https://www.hungarianconservative.com/articles/interview/adrian_vermeule_liberalism_conservatism_rule_of_law_neutrality_state_church_eu_von_der_leyen_morality_common_good/).

The reworkings of the sacred and profane appear at various passages in Vermeule's *Common Good Constitutionalism*. For Vermeule, the liberal hegemony means that the conservative argument is suppressed. When he, for instance, discusses 'progressive constitutionalism' (or liberal constitutionalism), his complaint is that 'supporters of traditional marriage' are treated as 'bigoted', and that the dissenting Chief Justice in the famous *Obergefell v. Hodges* decision on same-sex marriage as a constitutional right is 'participating in a ritual drama—as the *villain*' (Vermeule 2022: 166–7; italics added). In Vermeule's account, 'progressive judicial heroism, and its overcoming of the bigotry of the ages' are what characterises progressive constitutionalism. But it is clearly these 'heroes and canonized saints of legal progressivism' that Vermeule sees as the problem. One may assume that Vermeule would want to see liberal hegemony turned upside down, with the conservative, natural law-abiding judge as the saint.

In Manent's discussions, the liberal argument is depicted as profane, in that it denies the '*natural* difference among ages, sexes, and capacities' (Manent 2020: 10; italics in original), while the conservative argument is displayed as sacred or 'natural'. The liberal view proposes a 'humanity that begins in a freedom that ignores all law and that, once forced by necessity to give itself laws, will do so only under the condition and with the intention of preserving its freedom whole without law' (2020: 8). This liberal emphasis on the civic and freedom without boundary is in contrast to the 'Christian or biblical idea of humanity as beginning under the law and, whether obedient or disobedient, as remaining under the law' (2020: 8). According to Manent, 'we cannot speak of human rights without referring implicitly but directly and concretely to "nature"' (Manent 2020: 8). Manent sees the liberal view as one that is 'denaturalizing' and 'devoid of the natural basis whose determining or inspiring force we should recognize' (2020: 10). Its profanity means denying the 'primordial' in that 'nature involves no meaningful relations with properly human dispositions, purposes, or institutions. Its imperious silence proclaims that nothing is natural that is located beyond the separate living-individual' (2020: 10).

## 2. The ruler or the executive

The conservative-populist project identifies an 'elect' or a superior, more competent ruler who is able to command society on the basis of deeper insights into the common good. In this, the imagination of the role of the executive takes a definite anti-liberal direction in theoretical-normative elaboration of the conservative-heterodox project, with frequent allusions to hierarchy and superiority. In Vermeule's depiction of the ruler and of executive power, 'strong rule in the interest of attaining the common good is entirely legitimate' (2020), while 'substantive moral principles that conduce the common good, principles that officials (including, but by no means limited to, judges) should read into the majestic generalities and ambiguities of the written Constitution, [...] include respect for the authority of rule and of rulers, respect for the hierarchies need for societies to function' (2020). In fact, Vermeule argues,

Common-good constitutionalism is also not legal liberalism or libertarianism. Its main aim is certainly not to maximize individual autonomy or to minimize the abuse of power (an incoherent goal in any event), but instead to ensure that the ruler has the power to rule well (2020).

And, Vermeule continues, in contrast to liberalism, ‘common-good constitutionalism does not suffer from a horror of political domination, because it sees the law is parental, a wise teacher and an inculcator of good habits’. ‘Just authority in rulers can be exercised for the good of subjects, if necessary even against the subjects’ own perceptions of what is best for them’ (2020). And Vermeule goes on, ‘[c]onstitutional law must afford broad scope for rulers to promote—as the *ragion di stato* put it, in a famous trinity of principles—*peace, justice, and abundance*’, and the ‘*ragion di stato* is not ashamed of strong rule’ (2020). In fact, ‘*authority and hierarchy* are also principles of constitutionalism’ (2020). And finally, ‘common-good constitutionalism will favor a powerful presidency ruling over a powerful bureaucracy’ (2020).

In Manent’s view, current political regimes lack in action, while the ‘republic is the regime that allows and encourages the most action’ (Manent 2017). As he remarks in *The Tragedy of the Republic*, ‘[t]oday we expect the opposite of a republic. We demand from it the least possible action, or what we call “freedom”. For us, freedom is a world without commandment or obedience’ (2017). For Manent, the problem seems that ‘we don’t want to be commanded’ (Gordon 2021). In fact, ‘[i]t has been too long since we had the rare benefit of being governed by a truly ambitious statesman. The conviction has taken hold that our regime would be more republican if it ignored political rule still more’ (Manent 2017). What is more, [t]he reigning social philosophy postulates the power and self-sufficiency of a spontaneous social form that would bring together order and freedom without the mediation of political rule. This is to abandon society to its inertia, that is, its corruption’ (2017). And also for Manent, ‘[t]he basis of the republic is pride in ruling for the common good’ (2017).

### 3. Intolerance

Heterodox conservative movements have little tolerance for pluralism, difference, ambiguity, and individual autonomy. There is a ‘true’, ‘natural’, and ‘essential’ way of things, which corresponds with essential and natural principles, and which is in stark contrast to unnatural positions which emphasize individual freedom and self-determination and changing, evolving understandings of human relations. In Vermeule’s common good constitutionalism, the objective is to identify the ‘true nature of law’ against the dominant approaches (progressivism and originalism) which ‘betray our own legal traditions’. This means that the ‘classical tradition should be explicitly recovered and adapted as the matrix within which American judges read our Constitution, our statutes, and our administrative law’ (2022: 12). This ‘classical vision of law as a rational ordering to the common good, embedded in a broader framework of legal principles has been [...] driven underground’ (2022: 15). A tension with individualism and societal pluralism becomes visible

in definitions of the common good as ‘unitary and indivisible, not an aggregation of individual utilities’ (2022: 18). In fact, the common good and individual well-being is entirely conflated: ‘[i]n its temporal aspects it represents the highest felicity or happiness of the whole political community, which is also the highest good of the individuals comprising that community’ (2022: 18). Public authority needs to follow a ‘textualism justified by reference to political morality, the rational ordering of rules to the common good by the public authority’, which means ‘in accord with, the broader legal background of natural law, general and traditional legal principles, and the law of nations’ (2022: 19). The core principles guiding the common good are deemed enduring or eternal, not evolving, and resistant to change’ (2022: 166).

Also Manent, in drawing on natural law, identifies ‘essential laws’ that guide human societies. In fact, ‘[o]ne of the most essential laws is that which, as it were, holds together the difference of the sexes with the difference of generations. The other sex is the strange proximity of that which is furthest away; the other generation is the strange distance of what is nearest. *No human being can by himself regulate this distance or this proximity. To try to do so is to enter into a vertigo, a loss of the self from which there is no return. This is why laws of marriage and of filiation in a way make up the original laws of the human world*’ (Manent 2020: 122–3; italics added).

#### 4. Impure universalism

The liberal consensus is understood as based on a problematic, aggressive and inauthentic form of universalism, which threatens natural and authentic communities. Vermeule criticizes liberal universalism as a ‘particular mythology of endless liberation through the continual overcoming of the reactionary past’ (Vermeule 2022: 165), a claim frequently raised against liberal constitutionalism, for instance, by pointing to the continuous extension of human rights to evermore minority groups and by criticizing hyper-individualism. The universalist thrust of liberalism is a ‘liturgy of liberalism—the repetitive impulse of liberal political theology to celebrate the sacramental moment of overcoming the unreason and darkness of the traditional past’ (2022: 167). In fact, Vermeule speaks of the ‘relentlessly liberationist project’ (2022: 168), and the ‘will of individuals who seek liberation from any and all unchosen constraints’ (Vermeule 2022: 165), and its ‘restless and aggressive dynamism’ (2022: 168). Indeed, ‘[p]rogressivism thus treats the law as an instrument that must be sent toward the realization of ever-more radical forms of individual liberation and social egalitarianism’ (2022: 169). In this, common good constitutionalism offers its own counter-universalism: the ‘purpose is to preserve the rational principles of the constitutional order’, ‘principles themselves not understood to be subject to the interpreters’ sovereign will’ (2022: 170). Hence, where liberal progressivism is displaced as a universal force of continuous change and expansion, the common good alternative is seen as a universal force of eternal conservation. This is also related to actual political projects that include various nations, such as the ‘Geneva Consensus Declaration on Promoting Women’s Health and Strengthening the Family’ (2022: 178).

In Manent, we equally find a strong critique of liberal universalism, that is, ‘modern man’s attempts, relying purely on human efforts without Christianity as mediator, to achieve the eternal universality that the Church, the form above or behind the form of the European nation [...] claims for itself’ (Wood 2024: 171). In a discussion of Manent’s work, Wood argues that ‘[w]hat emerges is a picture of a political form that [...] seeks to encompass all of mankind in a universal association on man’s terms, without God, a form that fails man in every important respect’ (Wood 2024: 174). This critique of liberal universalism also entails that according to Manent, ‘we have lost an understanding of law, of law’s intelligence’, ‘[w]e have been fleeing from law since we took up the project—let us call it “the modern project”—to organize common life, the human world, on a basis other than law’ (Manent 202: 120). Manent sees, in this, the universal human rights project as part of the problem:

We know that for a long time we have intended to regulate common life not according to God’s or nature’s law but according to human rights. Man is the being who possesses rights, and to live humanly is to assert one’s rights. [...]. The person who asserts his or her rights is also one who seeks his or her interests. Rights and self-interest are the two principles that allow for the ordering of the human world without recourse to law as the rule and measure of action. Of course, we still have laws, indeed more laws than ever, but their *raison d’être* is no longer directly to regulate our actions but rather to guarantee our rights and equip us to seek our interests in a way that is useful or at least not harmful to the common interest’ (Manent 2020: 120).

But this also means that ‘[t]he habitus that contains the principle of natural law must be deprived of force or validity in order to allow the subject fully to assert its right and its interest in the face of the right and interest of other subjects’ (2020: 121). Indeed, ‘[r]ejecting or leaving behind the laws of God or nature—religious, moral and political law that once regulated and measured their actions by making agents participants in a community, whether church, political body or family—subjects have tended more and more to assert their rights and pursue their interest in the unlimited space of the world by forming an immense system of action that has gained an authority over us that is without rival’ (2020: 121–2).

## 5. Turn to the past

The conservative project endorses a return to some form of ‘pristine’ past, based on natural differences and hierarchical relations. In Vermeule’s project of ‘common good constitutionalism’, the quest is ‘continuity with the enduring principles of the past’ (Vermeule 2022: 166). Vermeule argues, ‘[a]s Aquinas observed, a law that is out of step with natural justice (procedural or substantive) does not simply become no-law, as though it had never been created; rather, it results in a perverted caricature of law’ (2022: 169). Under ‘common good’ or ‘developing constitutionalism’, the classical tradition should be recovered in the idea that ‘the fundamental background principles of the constitutional order, derived from the natural law and the law of

nation and then incorporated (by determination) into the positive law, *remain constant over time*' (2022: 169–70; italics added). The argument is that 'law has a real nature, an objective integrity that transcends the particulars of any given past' (2022: 170).

In his attempt to re-habilitate natural law (which figures equally prominently in Vermeule), Manent stresses the need for safe-guarding tradition against liberalism's deconstruction of nature and critique of tradition. Manent denounces the 'ceaseless battle against the "common sense" in which a thousand centuries of human experience have deposited the reference points of human life' (Manent 2020: 13). In his view, the progressive, liberal view of human rights and law 'aims to overturn or abolish this very order [of a human world organized according to natural law]' (Manent 2020: 17). In Manent's view, in the liberal approach, we have 'lost the intelligence of law' and 'we have intended to regulate common life not according to God's or nature's law but according to human rights' (Manent 2020: 120).

## 5 Conservative Heterodoxy in Action

In a more political, operative and practical form, we find various of these justificatory ideas (at times implicitly) in political manifestoes of conservative, right-wing populist organizations and think-tanks.<sup>8</sup> Such manifestoes include the Heritage Foundation's *Project 2025*. Mandate for Leadership. The Conservative Promise, while, in the European context, we will look at the Agenda Europe's manifesto *Restoring the Natural Order: an Agenda for Europe* (2014), the *Paris Statement. A Europe we can believe in* (2017), a declaration of several conservative thinkers, and more recently the manifesto *The Great Reset: Restoring Member State Sovereignty in the European Union*, put forward by the Polish Ordo Iuris organization and the Hungarian Mathias Corvinus Collegium, both close to political populist actors (and presented at the Heritage Foundation).

### 1. Sacred vs. profane

In Project 2025, there is a very clear Manichean approach towards the non-sacred or profane, identified in a 'long march to cultural Marxism'. The federal government is depicted as a 'behemoth', 'weaponized against the American citizens and conservative values, with freedom and liberty under siege as never before' (Dans and Groves 2023: xiv). Left-wing democratic rule is understood as "The Great Awakening", putting the 'very moral foundations of our society are in peril'. Indeed, the threat of the profane consists in replacing the 'people's *natural* loves and loyalties with *unnatural* ones' (2024: 4; italics in original). In practical terms, Project 2025 advises the President inter alia to 'make the institutions of American civil society hard targets for woke culture warriors. This starts with deleting the

<sup>8</sup> Attempts to further investigate European and global networks of conservative actors can be found in, inter alia, Cliquennois, Chaptel, Champetier 2024.

terms sexual orientation and gender identity (“SOGI”), diversity, equity, and inclusion (“DEI”), gender, gender equality, gender equity, gender awareness, gender-sensitive, abortion, reproductive health, reproductive rights, and any other term used to deprive Americans of their First Amendment rights out of every federal rule, agency regulation, contract, grant, regulation, and piece of legislation that exists’ (2024: 4–5).

In the European context, in *Restoring the Natural Order* of the Agenda Europe coalition (2014), Natural Law is strongly endorsed as an antidote to the ‘Cultural Revolution’ which has led to a ‘process of de-civilisation’. Natural Law is put forward as a civilising force, the legitimacy of which reaches back to antiquity: ‘Although some want to dismiss it as a ‘religious belief’, Natural Law is in actual fact not the tenet of a particular religion. It is true that Christianity, which has formed and impregnated Western culture, has always asserted the existence of a Natural Law—but the same is true of Islam and other religions [...] it is easy to demonstrate that already in antiquity, at a time that predates Christianity by several centuries, the existence of Natural Law was generally recognized’ (2014: 7). As further stated in the document:

[...] many supporters of the Cultural Revolution aggressively deny the existence of such a Natural Law: they assert, for example, that it is not possible for the human mind to discern any objectively “correct” way of living one’s sexuality, or that it is not possible to determine the exact moment in which a human being becomes a “person” that is entitled to human rights. In other words, the new legal order that they promote is based on subjectivism, on a rejection of rational discourse, and on the replacement of reason by will (2014: 7).

Human rights are understood as a pseudo-religion, but in reality, ‘human rights documents are no absolute truths, but the outcome of a political process’ (2014: 11). Natural Law is instead ‘independent of politics, or of the human will’ (2014: 9). In fact, ‘[t]here is a Natural Law, which human reason can discern and understand, but which human will cannot alter’ (2014: 7).

## 2. The ruler or executive

American conservatives stress the so-called ‘Unitary Executive Theory’, which stresses the singular executive authority of the president, and which weakens checks and balances on presidential actions. Project 2025 invokes this theory by arguing:

In its opening words, Article II of the U.S. Constitution makes it abundantly clear that “[t]he executive power shall be vested in a President of the United States of America.” That enormous power is not vested in departments or agencies, in staff or administrative bodies, in nongovernmental organizations or other equities and interests close to the government. [...] The great challenge confronting a conservative President is the *existential need for aggressive use of the vast powers of the executive branch to return power* — including power currently held by the executive branch—to the American

*people*. Success in meeting that challenge will require a rare combination of boldness and self-denial: boldness to bend or break the bureaucracy to the presidential will and self-denial to use the bureaucratic machine to send power away from Washington and back to America's families, faith communities, local governments, and states (Dans and Groves 2023: 44).

In the European context, the Paris Statement (2017), issued by a number of conservative intellectuals, endorses a 'new kind of statesmanship', rooted in the people and in traditions, is called for:

Breaking the spell of the false Europe and its utopian, pseudoreligious crusade for a borderless world means fostering a new kind of statesmanship and a new kind of statesman. A good political leader stewards the commonweal of a particular people. A good statesman views our shared European inheritance and our particular national traditions as magnificent and life-giving, but also fragile gifts. He does not reject that inheritance, nor does he chance losing it all for utopian dreams. Such leaders covet the honors bestowed upon them by their people; they do not lust for the approbation of the 'international community,' which is in fact the public relations apparatus of an oligarchy. We need responsible statesmen.

### 3. Intolerance

The conservative understanding of the world divides ideological positions into 'woke progressivism' and conservatism. Project 2025, for instance, rejects '[i]ntellectual sophistication, advanced degrees, financial success, and all other markers of elite status' as irrelevant to the main objective of governance, 'what it means to live well'. Knowledge on the latter is 'open to us to read in the book of human nature, to which we are all offered the key just by merit of our shared humanity' (Dans and Groves 2023: 10). In *Restoring the Natural Order*, an intolerant position, denouncing any value pluralism, is very strongly put forward: 'Genuine moral precepts are not based on "subjective values" but objective truth, and this is why it is not only legitimate, but also necessary, to impose them on those who do not accept them: for a society to live in peace and justice, it is necessary that its legal order is in compliance with Natural Law' (Agenda Europe 2014: 3). In the Paris Statement, the 'cultural revolution' is denounced: 'The Generation of '68 destroyed but did not build. They created a vacuum now filled by social media, cheap tourism and pornography' (2017: 6), while the openness and tolerance of a multi-cultural, equal Europe are rejected: 'The false Europe also boasts of an unprecedented commitment to equality. It claims to promote non-discrimination and the inclusion of all races, religions and identities. [...]. A commitment to equality, we have been told, demands that we abjure any hint that we believe our culture superior', but '[m]ulticulturalism is unworkable' (2017:7). The alternative to 'turn back ersatz religion' and starting from 'theological self-knowledge' (2017: 12). 'We must restore a true liberalism' and recognize the 'particular character of the European nations, and their Christian mark' (2017: 12–3), 'renew national unity and solidarity' and acknowledge that

‘hierarchy nourishes well-being’ (Paris Statement 2017: 14–5). ‘Europe needs to renew a consensus about moral culture so that the populace can be guided toward a virtuous life’, and ‘restoration of a communal aspiration toward upright conduct and human excellence’ (Paris Statement 2017: 15).

#### 4. Impure universalism

Project 2025 singles out a borderless cosmopolitanism as detrimental to the true interest of the American people:

Like the progressive Woodrow Wilson a century ago, the woke Left today seeks a world, bound by global treaties *they write*, in which *they* exercise dictatorial powers over all nations without being subject to democratic accountability. That’s why today’s progressive Left so cavalierly supports open borders despite the lawless humanitarian crisis their policy created along America’s southern border. They seek to purge the very concept of the nation-state from the American ethos, no matter how much crime increases or resources drop for schools and hospitals or wages decrease for the working class (Dans and Groves 2023: 10-1; italics in original).

In the European context, it is the ‘the patrons of the false Europe [that] construct their faux Christendom of universal human rights’ (Paris Statement 2017: 6). ‘Whether legitimated by supposed economic necessities or autonomously developing international human rights law, the supranational mandarins of the EU institutions confiscate the political life of Europe, answering all challenges with a technocratic answer: *There is no alternative*. This is the soft but increasingly real tyranny we face (2017: 9). As the Paris Statement strongly puts forward, ‘we ask all Europeans to join us in rejecting the utopian fantasy of a multicultural world without borders’ (2017: 17). The Statement decries ‘Europe’ as pursuing a false universalism:

Europe, in all its richness and greatness, is threatened by a false understanding of itself. This false Europe imagines itself as a fulfilment of our civilization, but in truth it will confiscate our home. It appeals to exaggerations and distortions of Europe’s authentic virtues while remaining blind to its own vices. Complacently trading in one-sided caricatures of our history, this false Europe is invincibly prejudiced against the past. Its proponents are orphans by choice, and they presume that to be an orphan—to be homeless—is a noble achievement. In this way, the false Europe praises itself as the forerunner of a universal community that is neither universal nor a community.

A false Europe threatens us.

#### 5. Turn to the past

In the American context, ‘[l]eft to our own devices, the American people rejected European monarchy and colonialism just as we rejected slavery, second-class citizenship for women, mercantilism, socialism, Wilsonian globalism, Fascism,

Communism, and (today) wokeism. To the Left, these assertions of patriotic self-assurance are just so many signs of our moral depravity and intellectual inferiority—proof that, in fact, we need a ruling elite making decisions for us. But the next conservative President should be proud, not ashamed of Americans’ unique culture of social equality and ordered liberty’ (Dans and Groves 2023: 14). ‘So as the American people take back their sovereignty, constitutional authority, respect for their families and communities, they should also take back their right to pursue the good life’ (Dans and Groves 2024: 15).

For Europe, it is the Christian past and heritage that needs to be retrieved:

The true Europe affirms the equal dignity of every individual, regardless of sex, rank or race. This also arises from our Christian roots. Our gentle virtues are of an unmistakably Christian heritage: fairness, compassion, mercy, forgiveness, peace-making, charity. Christianity revolutionized the relationship between men and women, valuing love and mutual fidelity in an unprecedented way. The bond of marriage allows both men and women to flourish in communion. Most of the sacrifices we make are for the sake of our spouses and children. This spirit of self-giving is yet another Christian contribution to the Europe we love.

Christian roots nourish Europe (2017: 4).

Also in *The Great Reset* (Dans and Groves 2023), the main culprit is the EU, in that ‘EU institutions contribute to the erosion of distinct cultural and historical identities of Member States by imposing a new, artificial “European identity” and promoting a form of “cultural Europeanism”’ (Ballester et al 2025: 20). In fact:

For reasons that remain unclear, the European Union seems to distance itself from Europe[...]’s rich heritage, which encompasses Roman legal thought, Greek philosophy, Christian religion, ethics, and the opulence of unique national cultures. Instead, the Union seeks to forge a new collective identity by invoking banal and nebulous concepts such as diversity, respect for freedom, rights and dignity, the rule of law, equality, political pluralism, the separation of powers, democracy, protection of minorities and respect for civil society (Ballester et al 2025: 20).

In *The Great Reset*, the main argument is against the European integration project as it is, and in favour of re-founding the project on the basis of national sovereignty. This also means the repositioning of national constitutional law. The European project should be based on ‘[n]ational sovereignty’ as a ‘natural right of any people wishing to preserve their unique culture, language, historical memory and customs’ (Ballester et al 2025: 23).

## 6 Conclusion

A diverse conservative, heterodox protest movement has moved to the political centre in many core democratic societies, frequently in alliance with populist and radical right, nationalist parties. This protest movement is reacting to the socio-economic consequences of globalisation and aggressive forms of capitalism, but it also takes a more cultural-ideological guise that I have stressed in this paper. The analysis of the intellectual justifications and normative underpinnings of the conservative heterodox project on the basis of five key ideological components—using the works of Vermeule and Manent—indicates a thrust towards a totalising modern project, which amplifies the primordial (with an insistence on tradition, essential or natural characteristics of human beings and human relationships) as well as the sacred (through an emphasis on transcendental, natural law principles, sacred, charismatised interpretations of political rule, with a strong emphasis on authority, command, and hierarchy). These dimensions equally come through in the more operational manifestoes analysed, which provide indications and recommendations on how to realize the totalising political project in political practice. As most importantly argued by Eisenstadt, modernity, as a never completing process, based on profound tensions (Arnason 1991), spurs both pluralistic and totalising political forces. The post-Second World War period was characterised by the prevalence of modern projects endorsing openness, pluralism, and diversity, on national as well as international levels (not least in the form of a European integration project). In this, the liberal project strongly related modernity to a deep belief in the inevitability of progress as well as the force of procedural protections of pluralism and diversity. This belief is now dramatically shaken by the emergence of diverse but heterodox modern forces, which seek to justify a totalising, closed collective project, which radically denies diversity and otherness. In Eisenstadt's terms, this may signal the emergence of destructive forces, related to the dark side of modernity, potentially resulting in manifestations of 'barbarism' in the form of 'violence, aggression, war, and genocide' (Eisenstadt 2017: 44).

**Author contributions** P.B. wrote the entire manuscript.

**Funding** Open access funding provided by Alma Mater Studiorum - Università di Bologna within the CRUI-CARE Agreement. The author has no relevant funding to disclose.

**Data availability** No datasets were generated or analysed during the current study.

## Declarations

**Conflict of interest** The authors declare no competing interests.

**Open Access** This article is licensed under a Creative Commons Attribution 4.0 International License, which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence, and indicate if changes were made. The images or other third party material in this article are included in the article's Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the article's Creative Commons licence and your intended

use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.

## References

- Agenda Europe (2014) Restoring the natural order: an agenda for Europe, on file with author
- Alexander JC (2006) *The civil sphere*. Oxford University Press, Oxford
- Alexander JC (2019) Frontlash/backlash: the crisis of solidarity and the threat to civil institutions. *Contemp Sociol* 48(1):5–11
- Alexander JC (2020) Introduction. The populist continuum from within the civil sphere to outside it. In: Alexander JC, Kivisto P, Sciortino G (eds) *Populism in the civil sphere*. Wiley, Hoboken
- Arato A (2013) Political theology and populism. *Soc Res* 80(1):143–172
- Arato A, Cohen JL (2022) *Populism and civil society: the challenge to constitutional democracy*. Oxford University Press, Oxford
- Arnason JP (1991) Modernity as project and a field of tensions. In: Honneth A, Joas H (eds) *Communicative action: essays on Jürgen Habermas's the theory of communicative action*. Polity Press, Frankfurt, pp 181–213
- Ayoub PM, Stoeckl K (2024) *The Global fight against LGBTI rights: how transnational conservative networks target sexual and gender minorities*. NYU Press, New York
- Ballester R et al (2025) The great reset: restoring member state sovereignty in the European Union, *Ordo Iuris/Mathias Corvinus Collegium*
- Ben-Rafael E, Sternberg Y (eds) (2005) *Comparing modernities: pluralism versus homogeneity. Essays in homage to Shmuel N. Eisenstadt*. Brill, Leiden
- Bob C (2019) *Rights as weapons. Instruments of conflict, tools of power*. Princeton University Press, Princeton
- Coman R (2022) The core dimensions of the rule of law: from consensus to dissensus. The politics of the rule of law in the EU polity: actors tools and challenges. Springer, Cham, pp 37–73
- Dans P, Groves S (2023) Heritage Foundation's Project 2025. Mandate for leadership. The conservative promise
- DeHanas DN (2024) The spirit of populism: sacred, charismatic, redemptive, and apocalyptic dimensions. *Democratization* 31(4):831–851
- Dobozi G (2023) Hungary resists the disruptive tendencies of Liberalism: an interview with Harvard Professor Adrian Vermeule, *Hungarian Conservative*, 12 February, 2023, available at: [https://www.hungarianconservative.com/articles/interview/adrian\\_vermeule\\_liberalism\\_conservatism\\_rule\\_of\\_law\\_neutrality\\_state\\_church\\_eu\\_von\\_der\\_leyen\\_morality\\_common\\_good/](https://www.hungarianconservative.com/articles/interview/adrian_vermeule_liberalism_conservatism_rule_of_law_neutrality_state_church_eu_von_der_leyen_morality_common_good/). Accessed on 14 Oct 2025
- Dowdle M, Wilkinson M (2017) *Constitutionalism beyond Liberalism*. Cambridge University Press, Cambridge
- Eisenstadt SN (1999) *Fundamentalism, sectarianism, and revolution: the Jacobin dimension of modernity*. Cambridge University Press, Cambridge
- Eisenstadt SN (2003) *Comparative civilizations & multiple modernities. A collection of essays by S.N. Eisenstadt*. Brill, Leiden
- Eisenstadt SN (2017) Barbarism and modernity the destructive components of modernity the perennial challenge. In: Krausz E, Tulea G (eds) *Starting the twenty-first century*. Routledge, England, pp 44–55
- Enyedi Z, Stanley B (2025) Farewell to the liberal consensus: the intellectualisation of political projects in Poland and Hungary. *Eur Polit Sci*. <https://doi.org/10.1057/s41304-025-00542-8>
- Fisher E (2024) *Natural law and imagined theocracies at Poland's collegium Intermarium, Illiberalism studies program*, George Washington University, available at: <https://www.illiberalism.org/natural-law-and-imagined-theocracies-at-polands-collegium-intermarium/>. Accessed 14 Oct 2025
- Frankenberg G (2019) Authoritarian constitutionalism: coming to terms with modernity's nightmares. In: Frankenberg G, García HA (eds) *Authoritarian constitutionalism*. Edward Elgar Publishing, UK
- Gordon D (2021) *A world without political leaders*, Friday Philosophy, Mises Institute, available at: <https://mises.org/mises-wire/world-without-political-leaders>. Accessed 14 Oct 2025

- Hirschman AO (1991) *The rhetoric of reaction: perversity, futility, jeopardy*. Harvard University Press
- Joas H (2013) *The sacredness of the person: A new genealogy of human rights*. Georgetown University Press, Washington
- Kantorowicz E (1957) *The king's two bodies: a study in medieval political theology*. Princeton University Press, Princeton
- Koskenniemi M (2019) *International law and the far right: reflections of law and cynicism*. TMC Asser Press, Netherlands
- Maccarini AM (2024) Barbarism and modernity in SN Eisenstadt's theory: towards a cultural sociology of radicalism. *Int Sociol* 39(6):631–649
- Manent P (2020) *Natural law and human rights: toward a recovery of practical reason*. University of Notre Dame Press, Notre Dame
- Manent P (2017) *The tragedy of the republic, first things*, available at: <https://firstthings.com/the-tragedy-of-the-republic/>. Accessed 14 Oct 2025
- Messer E (1997) Pluralist approaches to human rights. *J Anthropol Res* 53(3):293–317
- Paris statement (2017) 'The Paris statement. A Europe we can believe in', available at: <https://thetrueeuropa.eu/a-europe-we-can-believe-in/>. Accessed 14 Oct 2025
- Rancière J (2015) *Dissensus*. Bloomsbury, London
- Riegner M (2025) Varieties of constitutionalism: contestations of liberalism in comparative constitutional law. *VRÜ Verfassung und Recht in Übersee* 57(2):161–186
- Rorty R (1999) Human rights, rationality and sentimentality. In: Savić O, Krug B (eds) *The politics of human rights*. Verso press, London, pp 11–23
- Southworth A (2024) US conservative advocacy organizations and right-wing legal mobilization in Europe. *Int J Law Context* 20(3):307–323
- Stoeckl K (2014) *The Russian Orthodox church and human rights*. Routledge
- Vermeule A (2020) 'Beyond Originalism. The dominant conservative philosophy for interpreting the Constitution has served its purpose, and scholars ought to develop a more moral framework', *The Atlantic*, available at: <https://www.theatlantic.com/ideas/archive/2020/03/common-good-constitutionalism/609037/>
- Vermeule A (2022) *Common good constitutionalism*. Wiley, Hoboken
- Wigura K, Kuisz J (2020) *The end of the liberal mind: poland's new politics*. Kultúra Liberalna Foundation, Warsaw
- Wood J (2024) *The political philosophy of pierre manent: political form and human action*. CUA Press, Northeast Washington

**Publisher's Note** Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.