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Common Good Constitutionalism

THE INTERCOLLEGIATE studies institute WAS founded in 1953 by Frank Chodorov, who belonged to the isolationist, classically liberal “Old Right” of the early twentieth century. Inspired by William F. Buckley’s *God and Man at Yale*, the institute aimed to fill the “gaping void in higher education,” meaning the gaping void of conservatism. A young Buckley was its first president. ISI is a relatively small organization, but it hosts student events and “Great Books” programming, has its own in-house publishing house and journal (*Modern Age*), and supports chapters and student journalists on campuses across the country.¹

In September, 2020, John A. Burtka IV was appointed president of ISI. Burtka went to Hillsdale for college and has a graduate degree in theology from La Faculté Jean Calvin, a Protestant (Reformed) seminary in France. He had been a Lincoln Fellow at the Claremont Institute in 2018. Under Burtka’s leadership, ISI added new programming and in 2022 opened a new conference center (endowed by Linda L. Bean). Some observers perceived a dramatic turn and narrowing toward nationalism and Trumpism under Burtka; others contested that view.² In 2023, ISI hosted its inaugural American Politics and Government Summit, and when I saw the roster of speakers, I decided to attend.³ I was already writing this book, so it was a good chance to see Burtka in action, observe some of the New Right’s key activists, and see how their ideas traveled.

So far as I know, I was the most liberal person at the conference. It was pitched as a serious academic meeting, but it still had the tenor of a conservative activists' affair—plenty of jokes about pronouns, “the Democrat Party,” assumptions about everyone being on “our side,” and an 8-to-1 ratio of men to women on the program.⁴ The conference took place at the Hilton Fort Lauderdale Marina hotel, Trump flags hoisted high on the yachts docked outside. John Eastman was there (his wife was a speaker). So were Yoram Hazony, Charles Kesler, Ryan Williams, and Michael Anton. But there were also many classical liberals and fusionist types in attendance, including a few friends and acquaintances.

This chapter is focused on Adrian Vermeule and other Postliberals. I begin at the Fort Lauderdale conference because one of the first things I noticed there was how, although the Postliberals were not in attendance, their ideas sure were.

For example, during a luncheon on the first big day of the conference, Henry Mack III, who at the time was a senior chancellor for the Florida Department of Education under Ron DeSantis, was asked about the meaning of democratic citizenship.⁵ He answered that part of citizenship involved understanding the common good. He also noted that, to get a more definitive sense for himself of what the common good might mean, he was working through the ideas of Adrian Vermeule and his book *Common Good Constitutionalism* (2022). There were two ironies in this disclosure. First, Mack, who earned three degrees at Catholic University in Washington, DC, had recently given an interview to *City Journal* about Florida's higher education reforms, where he argued that higher education in the United States should “educate in view of the Common Good.”⁶ Shouldn't he have figured out the common good *before* making such big claims? The second irony was that, as we will see, Vermeule's book was not going to provide him with satisfying answers.

The final keynote speaker for the conference was Robert P. George, McCormick Professor of Jurisprudence and director of the James Madison Program in American Ideals and Institutions at Princeton University—where Nathan Pinkoski had been a fellow—and one of the country's most well-known Catholic thinkers. George is well-connected in influential conservative Catholic circles and has helped to form a

network of moral and “civics” institutions adjacent to prestigious American universities all over the country (I put the word civics in scare quotes because these institutes, connected to Luis Tellez and the Foundation for Excellence in Higher Education, or FEHE, have a notable conservative valence).⁷ Known in conservative circles simply as “Robby,” George is recognizable for his elegant three-piece suits, his banjo-playing, and his much-hyped, bridge-building friendship with Cornel West, the Black leftist intellectual, actor, and 2024 presidential candidate.

George’s talk was called “Leaders Should Be Servants,” and it referenced the idea of the Common Good about thirty-five times. In many respects, however, George was shadow boxing with the New Right, and with the work of Adrian Vermeule and the Postliberals in particular.

Professor George spoke the old-fashioned language of fusionist conservatism, as well as the old-fashioned language of American Catholicism. He defended the free market and traditional constitutionalism. He defended academic tenure, intellectual freedom, and the rights of religious dissenters. He cited John Rawls’s idea of “the fact of reasonable pluralism.” And he defended the Catholic concept of subsidiarity—a Postliberal favorite having to do with supporting the local institutions that constitute the thick connective tissue of social life—but then used it to justify principles of limited government and liberal economics. Though he embraced the idea of the common good, his speech involved a rich account of the complexity of the concept, and he ultimately settled for a deflationary version that focused on its instrumental value to actual, living people. For George, the common good had to do with embodied human activities and with concrete human flourishing. It was not about vague abstractions.

When the audience in Fort Lauderdale pushed George on several core New Right issues, like ending tenure, banning parts of the university curriculum, or using the government to pursue substantive moral principles, he took a moderating tone. The final questioner put it to him forthrightly: “Under what circumstances may the right to revolution be exercised?” George replied: “When there is no other choice and there is genuine tyranny. And we are not there.”⁸

Robby George didn't know what time it was.

George was the foremost Catholic speaker at the conference, while also being something like a haunting from the not-so-distant past. He spoke in a way that was ideologically opposed to the New Right, and to the Postliberals, but he also clearly did not want to upset the crowd. (And I do not want to overstate his liberal sensibilities; he is strident in his opposition to abortion, and, based on Facebook posts from 2024, my sense is that he probably still voted for Trump over Kamala Harris.)⁹

This chapter is about the philosophy of Adrian Vermeule and other Catholic Postliberals (like Patrick Deneen) who are some of the most intellectually radical members of the New Right, as well as the most ideologically consistent in their opposition to fusionist conservatism of the kind supported by George, and to neoliberal economics.

The philosopher Kevin Vallier wrote the first thorough consideration of this small but influential group in his book *All the Kingdoms of the World* (2023). He rightly called Vermeule's faction—the integralist (or neo-integralist) faction—"the premier radicalism on the New Right." As Vallier explains, it "offers the alienated something positive: an ultimate goal, a vision, a dream."¹⁰ Vallier focused on integralism, which is more radical and openly religious than mere Postliberalism, and in this chapter so do I. (Not all Postliberals are Catholic integralists, but basically all integralists are Postliberals—these categories will become clearer over the course of the chapter.) My aim is to add a layer to our understanding of this important segment of the New Right, which in the American context is closely associated with Patrick Deneen. But be forewarned: Vermeule's work is sophisticated and highly abstract. This is a theory-heavy, Ideas First chapter, and it's as long as your average law review article.

Vermeule is the centerpiece here because, as a constitutional law scholar and active participant in integralism, he is the most radical of the Postliberal group, and the most interesting. His work on American constitutionalism lays the groundwork for a dramatic departure from conservatism's "originalist" past, and for a future that is defined by a particular conception of Catholic politics. Vermeule has worked to create the constitutional infrastructure for a radical New Right politics unbound from traditional legal or interpretive limits and instead

governed by supposedly objective “classical” moral norms—norms, in other words, that he says aim for the (objective) common good—combined with a Schmittian conception of politics and power.

In the stultified world of originalist jurisprudence—and, conveniently, around the time when conservatives gained a solid 6–3 advantage on the Supreme Court and were set to overturn *Roe v. Wade*—the time was ripe to go on interpretive offense.

Adrian Vermeule

Adrian Vermeule is an interesting character—by all indications he is mild-mannered but also pugilistic—with an eclectic intellectual background. He is the Ralph S. Tyler, Jr. Professor of Constitutional Law at Harvard Law School and is also, in a sense, the perfect high ivory-tower analog to Trump, the common thread being a bravura that intimidates and bamboozles. But whereas Trump deploys harsh personal charisma in the service of his own interests, Vermeule’s weapon is raw intellect, and he does not appear to be in it for the money.¹¹ He converted to Catholicism in 2016 (with support from Robby George),¹² and his political radicalism has a distinct goal: to promote the common good, as conceived by conservative Catholicism and interpreted by Adrian Vermeule.

Vermeule grew up in Cambridge, Massachusetts—an upbringing apparently as cloistered in the academy as Trump’s was in the world of New York real estate. His mother, Emily, was a celebrated archaeologist and expert on the Bronze Age (and one of the first women professors at Harvard), while his father was an art curator at Boston’s Museum of Fine Arts.¹³ Vermeule spent his summers near archaeological sites in Europe, which left him with a strong affection for classics and the ancient world, and he attended Harvard as an undergraduate, where he studied ancient Chinese philosophy. He told Brooke Masters for a 2022 profile in the *Financial Times* that Chinese philosophy was in many respects similar to the classical tradition he knew growing up, but “different enough to give him scope for independent thinking.”¹⁴ After graduating from Harvard summa cum laude in 1990, he went on to Harvard Law, graduating in 1993 and proceeding to clerk for Devid Sentelle on

the DC Circuit Court of Appeals and for Antonin Scalia on the Supreme Court in 1994–1995. He joined the faculty at the University of Chicago Law School in 1998 and returned to Harvard Law as a professor in 2006. He has been there ever since.

Harvard Law is among the most prestigious law schools in the country (the chief competitors being Yale and Stanford). Its alumni regularly work at the highest levels of government in the United States and include many members of Congress and Supreme Court justices. President Obama graduated from Harvard Law in 1991. Justices Gorsuch, Jackson, Kagan, and Roberts all graduated from Harvard Law.

In 2012, at the age of forty-three, Vermeule was admitted to the American Academy of Arts and Sciences.¹⁵ His interests in public law are varied, and his understanding of the law and the American regime has often been, in the context of American conservatism, unconventional. If you ignore the matter of temperament, you can see commonalities between Vermeule and Harry Jaffa: in the willingness to skewer conventional approaches and take a bold stance on principle and against originalism. In other respects, however, Vermeule's work is the antithesis of the Claremonter outlook. The group at Claremont has, for decades now, advocated for a hagiographic view of the founding generation, combined with much acidic scholarship about the supposed tyranny of the unelected, and so unaccountable, administrative state. These are not concerns that Vermeule really shares.

Vermeule appreciates the American founders to an extent, but he is far more interested in abstract questions about the meaning of laws and constitutionalism than about the historical particularities of the American system. And throughout his career, he has consistently argued on behalf of governmental authority—and in defense of a strong executive and a strong administrative state. And unlike many at the Claremont Institute, Vermeule's scholarly output, which is extremely impressive by any standard (except perhaps that of traditional American norms of liberty), is not overtly partisan. Indeed, Vermeule steers clear of petty partisanship. Cass Sunstein, the University of Chicago Law School professor and famous liberal who, between 2009 and 2012, worked in the Obama White House, has been one of his regular collaborators since

2005. In 2020, Vermeule and Sunstein published a short book called *Law and Leviathan: Redeeming the Administrative State*, which defended the basic “morality of administrative law.”¹⁶ In Vermeule’s extensive body of work, there is a consistent emphasis on the legitimacy of authority and significant concern about excessive constraints *on* government action. In a friendly review of a book by Sanford Levinson from 2015, for example, Vermeule approvingly recalled a remark from Alexander Hamilton at the constitutional convention that warned: “Establish a weak government and you must at times overleap the bounds. Rome was obliged to create dictators.” Vermeule continued: “The ordinary law was like a straitjacket that had to be ripped apart to give the polity any freedom of action at all. Better to have a comfortable garment that allows flexibility while retaining its basic shape.”¹⁷ He later developed this idea into a more full-fledged theory that he called the “Publius Paradox.”¹⁸

Vermeule’s work consistently grants government significant leeway for prudential action. In any given context, such an outlook might make sense: Hamilton preferred a strong central government, and Lincoln suspended habeas corpus. But Vermeule’s scholarly output amounts to something like a total preemptive grant of authority to the executive branch of the United States government and so opens the door wide to unaccountable rule; that problem does not seem to concern him. In this way his work is lopsided toward autocracy.

The extremism lurking in Vermeule is more evident in his collaborations with Eric A. Posner, also at the University of Chicago Law School (and son of Richard Posner, one of the most influential legal scholars of the last century). Together Posner and Vermeule have mounted repeated defenses of the ever-growing power of the American executive. They wrote a defense of John Yoo, author of the notorious “torture memos” under Bush, in *The Wall Street Journal* in 2004. In 2009 they coauthored a working paper titled “Tyrannophobia,” which argued that, in an American context, fear of dictatorial power was irrational. Together, as we will see, they helped to rehabilitate the Nazi jurist Carl Schmitt, seeing him as a visionary of executive authority in the modern age. In 2015, about a decade after the defense of Yoo, Vermeule published a review with the *Northwestern University Law Review* with the title “Optimal Abuse of Power.”¹⁹

It would be easy to see Vermeule as an unwitting purveyor of extreme antiliberal ideas were he not also so upfront about his personal commitment to far-right Catholic integralism, so open about his own antiliberal “strategies,” so clear about his support for would-be European despots, and so committed to the political thought of Carl Schmitt. It is perhaps difficult to believe that Vermeule, a prominent, well-published constitutional scholar with a named chair at Harvard Law, is also an antiliberal authoritarian and advocate for Catholic moral and political domination, but based on his public record it is also difficult to conclude otherwise.

Before we turn to Vermeule’s *Common Good Constitutionalism*, in which he provides a lucid legal justification for a new interpretation of the American regime, it is crucial to understand these other features of his intellectual background.

Vermeule was baptized as a child and raised in the Episcopalian and Anglican traditions but fell away from the religion in college. Then, in 2016, he converted to Catholicism very publicly. In an interview about his conversion with *First Things* on November 4, 2016, titled “Finding Stable Ground,” he reported feeling disheartened by the “heterodox” changes and influences that had taken over the Episcopalian church (the Episcopal Church allowed some gay marriage in 2015).²⁰ He also reported that he had been persuaded by thinkers like John Henry Newman, a nineteenth-century English theologian who made a midlife conversion to Catholicism, and the Notre Dame historian Brad Gregory that “there is no stable middle ground between Catholicism and atheist materialism.”²¹ Vermeule’s conversion was not just intellectual, though; it was also clearly personal and spiritual, perhaps even mystical. Twice in the course of the brief conversation, he reported having been influenced by the biblical Mary (“Behind and above all those who helped me along the way,” he said, “there stood a great Lady”; when asked about those who had influenced him, he said “nearest to my heart, a young and fiercely courageous Jewish refugee girl who teaches

inexhaustible lessons, Miriam bat Joachim”). A year later Vermeule argued in a different *First Things* article called “A Christian Strategy” that liberalism saves its “deepest enmity” for the Blessed Virgin. He went on to suggest, pointing to Genesis 3:15 and Revelation 12:1–9, that the “true identity” of liberalism is aligned with Satan.²²

Perhaps the most striking thing about Vermeule’s conversion interview was his commentary on the rule of law. At the end of the interview, he was asked which areas of the law he finds most hopeful. For a professor of American constitutionalism, his response was unusual, though it made sense given the context: “I put little stock or hope or faith in law. . . . In the long run it will be no better than the polity and culture in which it is embedded. If that culture sours and curdles, so will the law; indeed that process is well underway and its tempo is accelerating. Our hope lies elsewhere.” Vermeule is one of those people whose thoughts shoot up into the stratosphere—and in this case to an apocalyptic politics—almost instinctively.

Several days after the interview was published, Trump won the election, and Vermeule would soon be making the case for a total, top-down, intellectual reconfiguration of orthodox conservative American constitutional thinking. This reorientation would be shaped by his active engagement in the burgeoning Catholic integralist movement.

Catholic Integralism

Catholic integralism is a way of thinking about religion and politics that, in opposition to the modern separation of church and state, and in opposition to dominant strains of contemporary Catholic political thought, advocates for church-state integration and unity.²³ It dates back to the antiliberal and antimodern movements of the eighteenth through twentieth centuries in Europe, which are typically associated with thinkers like Joseph de Maistre, an opponent of the Enlightenment and the French Revolution; Juan Donoso Cortés, who became an ardent defender of Catholicism and the monarchy in Spain; and Charles Maurras of the far-right, monarchist Action Française.²⁴ The Portuguese dictator Antonio Salazar was something like an integralist and has been

praised as such by the New Right.²⁵ In the context of American conservatism, it is best represented by L. Brent Bozell Jr., the quixotic friend of Bill Buckley (and later his brother-in-law) who was also the ghost-writer for Goldwater's *Conscience of a Conservative*, and would eventually move to Spain and found *Triumph* magazine, a small but influential journal that promoted Francoism and Catholic theocracy.²⁶

The contemporary iteration of the movement (sometimes called neo-integralism) was initiated by Father Edmund Waldstein, a Cistercian monk in Austria. In the early 2010s Waldstein became convinced—red-pilled might be an appropriate term—by the English theologian Thomas Pink's reinterpretation of the Second Vatican Council's proclamation about religious liberty, *Dignitas humanae*, from 1965. *Dignitas humanae* was concerned with how the church could continue to function politically in the modern era given the rise of secularism. Pink saw a way of reading *Dignitas humanae* in a conservative, antiliberal fashion, but without risking schism with Catholic orthodoxy.²⁷

Waldstein popularized and added substance to the vision offered by Pink. As Vallier explained, Waldstein's integralist movement began with a Facebook group in 2013. Then it grew thanks to a live Slack chat, where Vermeule was a participant, and he later launched a blog called *The Josias*, to which Vermeule has contributed. Gladden Pappin, whom we know as Manlius from the *Journal of American Greatness*, was supportive of Waldstein's movement and *The Josias* blog from its first days.

According to Vallier's interviews, the early iteration of Waldstein's group consisted of people with a range of political perspectives, but in 2016 that changed. At the same time that Pappin was writing for *Journal of American Greatness*, he was also angling for the Waldstein integralists to get behind Trump, whose disruptive potential he saw so clearly. Vallier explained how almost everyone he interviewed "agreed that Pappin was critical in ensuring that the politically ambitious integralists won out." He continued: "[Pappin] began to manifest serious organizational talent, which he devoted to the cause. He also made the young community more unstable. In 2016, it shattered." JAG shuttered, but, by Vallier's account, Pappin was successful with the integralists; the conservative wing "converted a group of friends into a

radical political faction dedicated to turning the US government into a Catholic state.”²⁸

In his blogging for *The Josias* site (which included three posts in 2018) as well as in his review of Patrick Deneen’s book and his writings for *First Things*, Vermeule was explicit about his ultimate aims and purposes, as well as the means he would deploy on behalf of integralism. They included an infiltration of American liberal democracy, which he expected would implode soon, at which point the integralists would be ready to generate a newly Catholic state. Recall that he recommended searing the liberal faith “with hot irons,” taking over liberals’ hearts and minds, and facilitating the final destruction of the liberal order.²⁹ In “A Christian Strategy,” Vermeule spoke of how Christian politics needed always to be strategic, “viewing political commitments not as articles of a sacred faith, but as tactical tools to be handled in whatever way best serves the cause of Christ.” The priorities here are clear, and have significant consequences.

At bottom, Catholic integralists are in favor of the *reintegration* of church and state. Vallier offers the following helpful definition of integralism:

Catholic integralists say that governments must secure the earthly and heavenly common good. God authorizes two powers to do so, they assert. The state governs in matters temporal, and the church in matters spiritual. Since the church has a nobler purpose than the state (salvation), it may authorize and direct the state to support it with certain policies, such as enforcing church law. At times, the church may need assistance to advance its objectives.³⁰

Integralists believe that the government must serve both earthly and spiritual ends—as opposed to the liberal state, which (they hold) serves only much lower earthly purposes.³¹ As Vallier’s definition makes clear, it is not quite right to conflate integralism with theocracy, depending on one’s definition. If by theocracy we mean the direct rule by religious authorities, then this is not it. Integralism is more subtle, or, depending on your point of view, more insidious. Catholic integralism is certainly theocratic in the sense that political rule is subsumed under that of a specific religion. But, at the outset at least, the integralist merely seeks

to amplify the power of the faithful within the parameters of the institutional and cultural status quo: to staff the federal bureaucracy, to put integralists in positions of high executive authority, and to install them throughout the judiciary. The longer-term aim is for these actors to make political decisions with a view to the religious ends that they hold close, and effectuate a deeper transformation of the system—i.e., a deeper integration of religion into civic and political life. The writer Jeet Heer described it as “a state where religion is woven into the fabric of everyday common life, with the sanction of the state, in contrast to secularism’s partitioning of the sacred into private life.”³²

For Vermeule and his integralist compatriots, the spiritual ends and results matter substantially more than the specific means used to attain them (and here we see a difference between Vermeule and Robby George, who cares more than Vermeule does about the liberal democratic provisions of American constitutionalism). As such, there is a latent volatility to the integralist movement, reminiscent of much older (i.e., preliberal) political-theological disputes. After all, what political means wouldn’t be justified by the pursuit of the highest heavenly ends? What *in principle* stands in the way of the integralist ruler?

While the individuals who constitute the Postliberal group vary in their commitment to Catholic integralism, Vermeule does not waver, though in his legal scholarship he defaults to more secular language. But, given what Vermeule has said about the primacy of spiritual ends, it is important to understand that his recent legal work is situated within his Catholic integralism, and secondary to it. In brief—and this is the big takeaway to keep in mind with respect to Vermeulean constitutionalism—integralism supplies the deep substantive content that can be so elusive in originalist jurisprudence, and which is, according to him, so wildly indeterminate in progressive or “living” constitutionalism.³³ Integralism provides the answers, and it does so whether they happen to line up with actual American constitutional history or not.

Before turning to *Common Good Constitutionalism*, one more set of observations is in order, which concerns Vermeule’s longstanding interest in the thought of Carl Schmitt. Since there are Schmittian reverberations throughout the New Right, it is worth spending some time here.

Carl Schmitt

In addition to being an unrepentant Nazi and antisemite, Schmitt is best known for his ideas about political theology, his critique of liberalism, his hard-line defense of the importance of the friends-enemies distinction in politics, and his defenses of dictatorship and the “state of exception.” To this day, Schmitt enjoys a cyclical popularity in academic circles, including on the left, and there was a resurgence of Schmitt studies in the United States after the 9/11 terrorist attacks and the passing of the controversial Patriot Act. I studied Schmitt in grad school in the 2000s; Vermeule, along with Posner, has done his share to keep that cycle going. Schmitt is a thinker worth taking seriously for several reasons, but his work and life also exemplify, in pure form, the derangement that can come with a highly theoretical orientation.

Schmitt saw some of the problems with the Weimar system and wrote about them with unusual clarity and directness. The Weimar Republic was a liberal democratic constitutional order, and it was highly unstable. Schmitt, like Vermeule after him, worried about the dangers of a weak state, which contributed to his eventual support for Hitler. He was also devoted to a kind of political theology that puts theological imperatives and holy spiritual ends at the heart of political life. He was raised Catholic in Protestant Germany, and though he was not a committed Catholic later in life, his thought (especially its “decisionist” aspect) was influenced by Catholic counterrevolutionaries like de Maistre and Donoso Cortés.³⁴ Schmitt’s critique of liberalism, like theirs, aimed at the foundations of liberal modernity, which had sought to unsettle religious assumptions and convictions and make space for alternative conceptions of freedom and the good life. According to Schmitt, liberal democratic claims to neutrality were always false and disingenuous. Liberalism, for all its pretended openness, was in fact a mask for a particular set of metaphysical claims, with its own normative implications and political imperatives.

For Schmitt—and this is a point we see rehearsed across the New Right going back to Harry Jaffa and the Ideas First mantras of Richard Weaver—liberalism represented not only the rejection of true religion

but also the embrace of a totalizing relativism, and with this he saw no middle ground. People like Bloom and Strauss argued that liberalism and democracy invited relativism, but they were very far from concluding that liberal democracy necessitated nihilism or the abandonment of meaning. And while they appreciated that liberalism was not neutral, they could also see the difference between liberal openness and moral pluralism, on the one hand, and enforced dogmatic indoctrination, on the other. For Schmitt, liberal openness meant a kind of nothingness (or interminable discussion and metaphysical evasion) and ultimately amounted to something like apostasy vis-à-vis real politics.³⁵ Not only was there no such thing as neutral in politics; anything but totalizing commitment was an affirmative choice for meaninglessness or worse. Political decision-making necessarily had a metaphysical valence.

Schmitt's work was an outcry against the liberal crisis of the era, and on behalf of "the political." In his most well-known work, *The Concept of the Political*, he argued that, "the political," properly speaking, always involves an existential position taken by a group of "friends" against their "enemies" and is expressed in situations where people are willing to kill, and potentially die, for whatever unites them. Schmitt loathed liberal and parliamentary politics in part because it avoided true politics and decision-making. One gets the sense in reading Schmitt that politics of this kind—deadly, dangerous—was an existential necessity. You cannot be truly serious about something unless you are willing to fight and die for it. And if you are willing to do so, that means it is real, for you.³⁶

Vermeule's appreciation for Schmitt spans more than a decade, including a long *Harvard Law Review* article "Our Schmittian Administrative Law" (2009).³⁷ Then, in 2011, he and Posner published their controversial book *The Executive Unbound: After the Madisonian Republic*, which leaned heavily on Schmitt, and in which they argued that "the legally constrained executive is now a historical curiosity" and the "Madisonian separation of powers is obsolete."³⁸ This was a good thing. Modern executives should be empowered to act decisively in rapidly changing modern environments, and political checks would be there to limit them should they overstep. Posner and Vermeule followed up their book with a contribution to *The Oxford Handbook*

of *Carl Schmitt* called “Demystifying Schmitt.” There they continued to make the case for a Schmittian approach to modern politics, or “governance through *ex post* standards, rather than *ex ante* rules”—i.e., an approach that acts first and asks questions later. “Schmittian commissarial dictatorship,” they wrote, “is just the purposive approach to legal interpretation, writ very large and applied to the constitution as a whole.”³⁹

Much of this work is highly technical, and though it contains interesting insights into how modern politics operate, it also consistently minimizes the purposes to which Schmitt’s work was eventually subsumed.⁴⁰ As is so common on the New Right, Vermeule’s work also abstracts away from tangible realities in America. Legal scholars consistently made this critique in their reviews of the book. Mark Graber wrote that Vermeule and Posner tended “to substitute rational speculation for closer examination into historical sources.” Richard Pious said that the book neglected lobbying and campaign finance, noting that “It is as if members of Congress and judges were all political theorists, immersed in the monographs of Schmitt written in the early 1920s.” Chris Edelson wrote: “It is ironic for a book that begins by taking liberal legalism to task for being disconnected from reality to base so much of its discussion on abstractions.”⁴¹

Vermeule’s commitment to Schmitt is also signaled repeatedly in his more recent Catholic writings, where he discloses his radical goals and vast ambitions, often in Schmittian terms. In “A Christian Strategy,” Vermeule praised Schmitt’s defense of the extreme political “flexibility” of Catholic Church leaders, and as a major point in his favor. “Schmitt,” he wrote, “saw that the universal jurisdiction and mission of the Church require it to be flexible in different places and times, willing to enter into coalitions that would be unthinkable for anyone with a merely political horizon.” Vermeule cites the tactics of Paul the apostle (“I have become all things to all men, to save at least some. All this I do for the sake of the gospel”—1 Cor. 9:20–23). He concludes by recommending a path that is “radically dogmatic as to ends, radically flexible as to tactics and means”—a perfectly Schmittian sentiment that makes no pretense of caring for particular legal and constitutional forms.

A final example of Vermeule's Schmittian style comes from an essay called "All Human Conflict Is Ultimately Theological," which was based on a speech that Vermeule gave at George's James Madison Program in 2019 and began and ended with quotes from Schmitt. (In it, Vermeule mocked those who bridle at the use of Schmitt as "demi-intellectuals" infected by "intellectualized moral Puritanism.")⁴² The subject of the talk was "sacramental liberalism," an idea about the fundamentally religious and ceremonial character of liberalism that owes something to Schmitt. The upshot was that liberals are driven by compulsive theological urges that disrupt other important goals and are revealed in moments of liberal overreach (Vermeule gives the example of *Obergefell*).⁴³ He concluded with a quote from Schmitt about the ultimate importance of ideas: "To the political belongs the idea, because there is no politics without authority and no authority without an ethos of belief."⁴⁴ Liberalism's theoretical incoherence would be its undoing.

There are weighty counters to Schmitt's thought—that it doesn't accurately capture the nature or essence of politics; that its celebration of mortal combat as truth-or-faith-disclosing is untrue and incoherent; that just because liberalism is not neutral, that does not mean it is totalizing; and that any all-or-nothing "political theology" amounts to a nihilistic devaluation of the regular goods of this world.⁴⁵ But my sense is that Vermeule is onboard with most of Schmitt's major insights. Vermeule sees liberals and liberalism (but not Schmitt) as the Satanic enemy. He believes in granting extraordinary power to the executive and shows few concerns about potential abuses of power. And he defends the idea of ruthless political "flexibility" in the service of divine spiritual ends, while lambasting liberals for incoherence. One ought not venture into Vermeule's constitutional thinking without a sense of this Schmittian context.

Common Good Constitutionalism

Vermeule's defense of common good constitutionalism began with an article in the *Atlantic* that made his comfort with authoritarian politics very plain. "Unlike legal liberalism," he wrote in 2020, "common-good

constitutionalism does not suffer from a horror of political domination and hierarchy, because it sees that law is parental, a wise teacher and an inculcator of good habits.” He described how the just law would transform subjects, against their will and coercively if necessary, and “subjects will come to thank the ruler” later for the legal strictures that transformed their lives and “better track and promote communal well-being.”⁴⁶ His subsequent book, *Common Good Constitutionalism* (2022) was likewise written in the modest language of legal interpretation, rather than integralism and Schmittian existentialism, but it reached for a thorough overhaul of the American constitutional order.

The purpose of *Common Good Constitutionalism* was to reground American constitutional law on its true foundation. Written as a counter to the two reigning modes of interpretation in the contemporary American tradition (originalism and progressive “living” constitutionalism), Vermeule argued that *the* aim of legal interpretation is “to promote the common good.” This approach allows for more interpretive latitude than originalism (Vermeule claims that originalists are beset by a needless “horror of judgment,” meaning they are afraid to moralize and adjudicate what is right or wrong), but it is narrower in scope than liberal “living” constitutionalism. For Vermeule, the conservative originalist mode is too constrained and needs to be unbound, whereas the liberal mode is too active (and individualistic) and needs to be bound down. *Common Good Constitutionalism* is the Goldilocks of judicial interpretation since it offers both scope and traditional grounding: If you need to determine whether a law or action is legal, you ask, “Does it serve the common good?” and voila, you have your decision.⁴⁷

Of course, if I put it like that, it raises a lot of questions: What is the common good? Who decides? Does anything limit the court’s ability to impose said common good? What about individual rights? To be sure, Vermeule’s account is more complex than the foregoing. But it is not complex enough. The book includes smart and sustained discussions of the interpretive problems of originalism and living/developmental constitutionalism, but the heart of the spare volume is about defending two concepts, “the common good” and the “classical legal tradition.” These concepts are meant to provide answers to our

questions—to give us something concrete to grasp when we think about the common good standard, and, further, to persuade us that the common good benchmark has been the true (but long forgotten) standard all along. The results of this part of Vermeule’s endeavor are enormously dissatisfying. Ultimately, Vermeule is subject to a “horror of judgment,” too, but he pushes it back to the metaphysical plane, where he disallows liberal democratic freedom about what is good, right, and legal, and finds his answers in tradition, as reconceptualized by him.

Before I turn to Vermeule’s conceptual definitions, I want to say something about the broad philosophical context here. Typically, questions about “the good” are seen as central to political philosophy in general, and as more-or-less irresolvable in modern political philosophy, if only for “the fact of pluralism” referenced by Robby George, and a modern liberal commitment to intellectual humility—i.e., not because they do not believe in goodness. In Aristotle and Plato, for example, abstract questions like “What is the good?” are treated as multifarious and difficult. Abstract answers (happiness, flourishing, virtue, social cohesion) are offered but never settled, and tensions between the good of individual persons and the collective are always kept alive (think of Athens vs. Sparta). Modern political thinkers have tended to punt on these sorts of questions, offering new respect to the individual while creating political edifices that allow for a wide variety of collective and individual answers. Adrian Vermeule treats the good differently: namely, as a matter of straightforward and uncontroversial dogma. The common good is, “for the purposes of the constitutional lawyer, the flourishing of a well-ordered political community.”⁴⁸ He does get more specific, but just barely.

When it comes down to it, the common good consists of what he calls the “famous trinity” or classical “triptych” of *justice, peace, and abundance*. Later he supplements these with the “modern triptych” of health, safety, and security.⁴⁹ Throughout the book, Vermeule treats these six abstract ends—justice, peace, abundance, health, safety, and security—as the straightforward and objective aims of all healthy political life. Strangely, he also insists that this sixfold common good is “unitary and indivisible” rather than something that could be understood in the aggregate (which I take to be his quasi-mystical way of

minimizing the importance of individual freedom and of the material dimensions of our common political life). Vermeule's strange composite-unitary list includes some very good and important things, but it is simply too abstract to provide much guidance. It also actively excludes other goods, the most important being freedom, which Vermeule carefully subsumes as a secondary good in his schema.⁵⁰

Vermeule writes as though the common good is a well-established, universally recognized concept in some readily accessible canonical library.⁵¹ But it is not. It is a concept that Vermeule has fashioned himself, out of various threads of numerous traditions, and based on his own idiosyncratic theoretical and spiritual affinities. The legal scholars Micah Schwartzman and Richard Schragger suggested that Vermeule's vagaries were symptomatic of a reticence to disclose the religious basis of his outlook, and I concur. As they note, Vermeule cites the *raison d'état* or "reason of state" tradition as the source of his original triptych and claims merely to provide a framework for thinking about the common good, not a blueprint. But as Schwartzman and Schragger further observe, he insists that some specific policy outcomes follow from his theory, including "a constitutional right to life for 'unborn children,' most likely a prohibition on gay marriage, bans on pornography and perhaps blasphemy, and restrictions on various forms of dangerous or false speech."⁵² Those specifics only follow if you accept Vermeule's legal sources as infallible.

The name that Vermeule gives for his fuller framework is the "classical legal tradition." According to him, this tradition is a set of background assumptions, unwritten norms, modes of interpretation, and aims that were assumed by the best jurists of the past and informed the American founders. Vermeule appeals to Blackstone and the English Common Law, to the Roman Civil law and the Continental system, to natural rights and natural laws, to Aristotle and Aquinas. And while he is quick to point out that the classical legal tradition is not a monolith, he nevertheless insists that all these strands amount to a singular "matrix in which American law grew." Crucially, the various parts of his classical legal matrix all "afforded broad scope for public authorities to act in service of the common good." The law should be interpreted according to the common good standard, as embedded in the classical legal tradition.⁵³

Vermeule is not the first to argue that legal interpretation takes place against a field of background assumptions, inheritances, thick principles, and unwritten rules. Abraham Lincoln argued for a version of this understanding, as have Harry Jaffa, Lon L. Fuller, Ronald Dworkin, and, more recently, George Thomas and Jonathan Gienapp. But Vermeule goes much further in his brazen insistence that both the common good and the classical legal tradition amount to a single, unified matrix of meaning.

All of which is fine. Vermeule is free to believe whatever he wants about the deep superstructure of the American constitutional order. His story becomes factually dubious, however, when he further argues that the classical legal tradition has always, with a singular voice, undergirded American jurisprudence. He presents *Common Good Constitutionalism* as a project of radical recovery, against a background of what he calls “our legal culture’s amnesia.”⁵⁴ He claims that American legal actors used to abide by common good constitutionalism and the classical legal tradition, just as he understands them, but over time that tradition was forgotten and replaced with the imposter theories of originalism and living constitutionalism. “The fundamental teleological aims of government identified by the classical tradition,” he writes, “are also the aims of our constitutional order.”⁵⁵ This is blatant historical retrofitting and is impossible to reconcile with the historical record.

Vermeule’s demotion of liberty in the pantheon of American goods and values suffices to demonstrate the point. He argues that freedom not only should be but traditionally *has been* better understood as a secondary value in the American tradition.⁵⁶ It simply isn’t so. Individual liberty has always, obviously, been core to the American project, including its legal traditions. If we were to go looking for the agreed-upon goods and values that inform the American psyche, we could do worse than the Declaration of Independence and the Preamble to the Constitution. The second sentence of the Declaration of Independence, of course, declares “Life, Liberty and the pursuit of Happiness” to be unalienable rights. Neither liberty nor happiness makes it onto Vermeule’s sixfold list. The Preamble states that the Constitution was established “to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the

Blessings of Liberty to ourselves and our Posterity.” Vermeule’s list covers all of these *except* the “Blessings of Liberty.” He addresses this point directly in the book, channeling Patrick Deneen’s conception of virtue, and arguing that “On the classical conception, ‘liberty’ is no mere power of arbitrary choice, but the faculty of choosing the common good.” Liberty consists in our capacity to aim for those other goods teleologically and “in exactly the same way as the classical tradition of *ragion di stato*.”⁵⁷ This is, at best, a fudge. It erases the fact that modern liberty has to do with self-government and setting limits on the power of others: it’s not just the “faculty of choosing the common good,” it’s actually getting to choose the good, for yourself and your community.

And, of course, it is not just the Declaration and Preamble that celebrate this kind of freedom. So does the Bill of Rights. In the Gettysburg Address, Lincoln described America as a nation “conceived in Liberty” and resolved that “this nation, under God, shall have a new birth of freedom.” He was talking about the end of slavery, not a renewal of virtue ethics. The Reconstruction Amendments, the Nineteenth Amendment, and, much later, the Civil Rights Act all served and aimed for liberty conceived in this emancipatory mode.

To his credit, Deneen is more honest about the liberal character of the American founding, and the ways that it departs from anything that could be called the classical legal tradition. In *Why Liberalism Failed*, he called the Constitution the “applied technology of liberal theory” and “the embodiment of a set of modern principles that sought to overturn ancient teachings and shape a distinctly different modern human.” It was obvious to Deneen that the founders hoped to expand “the sphere of individual liberty.”⁵⁸ The good, as conceived of by the American legal tradition, is simply not as objective as Adrian Vermeule thinks.

Popularizing Common Good Constitutionalism

Common Good Constitutionalism struck a nerve. Upon its publication, Vermeule became something of a cult figure in the upper echelons of the Catholic New Right—with the magazine profiles, conferences, and

panels that attend such acclaim—and suddenly everyone was talking in terms of the “common good.” It became evident that the Vermeulean “common good” was as flexible a concept as any good Schmittian could hope for. Other actors on the New Right proceeded, along with Patrick Deneen, to provide variations on the theme.

The *Postliberal Order* Substack was founded just prior to the publication of Vermeule’s book in February 2022. The first post by Deneen was entitled “A Good That Is Common,” but Deneen emphasized the “commonness” of common goodness and eschewed philosophical abstractions. He wanted to talk about “those needs and concerns that are identified in the ordinary requirements of ordinary people.”⁵⁹

A man named Josh Hammer was probably the most prolific lover of the new common goodness. An early National Conservatism enthusiast, research fellow with the Edmund Burke group, and editor at *Newsweek*, Hammer had earned an undergraduate degree from Duke University and a JD degree from the University of Chicago Law School. Shortly after the publication of Vermeule’s original *Atlantic* article, Hammer raised the notion of a tweaked—and less radical—alternative to Vermeule’s thought. He did so in the Claremont Institute’s *American Mind*, in an article called “Common Good Originalism,” and in later essays and “salvos” like “Undoing the Court’s Supreme Transgression,” “Who’s Afraid of the Common Good,” “A Better Originalism,” and “The Telos of the American Regime.”⁶⁰

If one reads these articles, it becomes obvious that, like Vermeule, Hammer and others on the New Right were deeply offended by Justice Neil Gorsuch’s ruling in *Bostock v. Clayton County, Georgia* (2020), a case in which the Supreme Court ruled in favor of federal laws prohibiting employer discrimination against LGBTQ people. As Hammer, echoing Josh Hawley, put it at the time:

There is no escaping the takeaway of *Bostock v. Clayton County, Georgia*, in which Federalist Society-vetted “originalist” golden boy Neil Gorsuch became the latest member of the ignominious list of Republican nominees at the Court to cave on a civilization-defining cultural issue. That conclusion is both stark and depressing: The conservative

legal movement, with all its attendant institutions, theories, and pedagogies, *has failed conservatism*.⁶¹

Like Vermeule, Hammer was eager to recover the broad, high, moral ideals of the American founding as something that ought to guide constitutional interpretation.⁶² And like Vermeule, he insisted that these true ideals were much more communitarian than was commonly believed. But unlike Vermeule, whose approach was abstract and “continental” (Hammer’s words), Hammer sought to situate his approach within originalism, broadly conceived—more in the tradition of Aristotelians and Straussians like Harry Jaffa and natural law theorists like Hadley Arkes.⁶³ Sometimes Hammer referred to his outlook as “moral originalism,” or “Manly Originalism.”⁶⁴

In the summer of 2021, Hammer published a longer essay explicating his outlook in the *Harvard Journal of Law & Public Policy*, which describes itself as “one of the top five most widely circulated law reviews and the nation’s leading forum for conservative and libertarian legal scholarship.” Hammer’s essay was fiery and struck an urgent, Claremont-style tone, claiming that, despite some appearances to the contrary, “the state of conservative jurisprudence in America has reached a crisis point.” He again took issue with positivistic and libertarian interpretations of the Constitution, preferring a much more moralizing and communitarian mode. He claimed to share “Professor Vermeule’s belief that solipsistic citizens’ ‘own perceptions of what is best for them’ are, for all intents and purposes, constitutionally irrelevant.” Like Vermeule, Hammer wanted to demote individual liberty in the American pantheon of values.⁶⁵

Hammer helped to keep the New Right movement active and growing, and the new constitutional conservatism continued to flourish. Roger Kimball’s cultural journal *The New Criterion* published a special symposium devoted to the theme in January 2022.⁶⁶ Hammer accused various critics—but especially the former vice president of the Heritage Foundation, Kim R. Holmes—of “not knowing what time it is” in America. He expressed hope that Roberts would have a “shrewder understanding of what time it is in these late-stage United States.” He also

explicitly emphasized “the connection between common-good originalism and national conservatism, which is more willing to prudentially wield state power to pursue a substantive vision of the good.”⁶⁷

After Vermeule’s book was published, there was another flurry of activity, with many searing reviews of the book in mainstream legal journals and other media.⁶⁸ But it created a stir in conservative quarters because it seemed to promise something richer and more concrete—something more fully “good”—than originalism ever had. *Common Good Constitutionalism* opened a prospect for bringing the Highest Good (back) into politics.

In October 2022 Sohrab Ahmari organized a conference around Vermeule’s book called “Restoring a Nation: The Common Good in the American Tradition.”⁶⁹ This small gathering in Steubenville, Ohio, included the crème de la crème of the Catholic contingent of the New Right scene. In addition to Ahmari, all the writers for the *Postliberal Order*—Vermeule, Deneen, Pappin, and Pecknold—were on the agenda. R. R. Reno, the editor of *First Things*, was there. So was Matthew Schmitz, who had formerly worked as an editor at *First Things* and was Ahmari’s collaborator on *Compact* magazine.

It was also a crossover crowd. John A. Burtka IV, the new president of the Intercollegiate Studies Institute, was in attendance. So was JD Vance, a recent convert to Catholicism who would be elected senator from Ohio the following month. Josh Hammer gave a talk. Michael Lind, a professor at the Lyndon B. Johnson School of Public Policy at the University of Texas—and a hard-to-categorize critic of libertarianism, defender of the working class, and thoughtful regular contributor to *Compact*—spoke too, just as he had done at the National Conservatism conference in Miami a month prior.⁷⁰ Rachel Bovard was also a speaker in Steubenville. She struck a culture-warring tone (“Nothing in the last thirty years suggests that the left’s fascist orgy is somehow going to abate”) and generally exemplified how the posh ideas of the Postliberal crowd (in her case, Postliberal ideas about freedom) get translated into the rest of the movement.⁷¹

At around this same time, Harvard University also hosted a conference on the book.⁷² And in fall 2023 the *Harvard Journal of Law &*

Public Policy devoted an entire issue to *Common Good Constitutionalism*. Refreshingly, some of the contributors to that symposium were liberals, and they pointed out that liberals believe in the common good, too. Linda C. McClain and James E. Fleming wrote a powerful article called “Toward a Liberal Common Good Constitutionalism for Polarized Times” that acknowledged points of agreement with Vermeule. As they argued, “A common good constitutionalism will be the only constitutionalism that has a chance against challenges like climate change, rolling pandemics, economic injustice, racial and gender injustice, uncontrolled technological change, advancing oligarchy, and recrudescing white Christian nationalism in the United States.”⁷³ They also made plain the extent to which Vermeule’s book relied on mysteries and vagaries about the actual substance of the good. As much as Vermeule would like to be the sole supplier of that substance, the good is a highly contested category—it is *the* contested category—especially in a pluralistic modern liberal democracy. To deny that, as the Postliberals are keenly aware, is to deny the core of liberal democratic ideals and practices. It is to replace toleration, pluralism, and democratic contestation with their own monolithic and hierarchical conception of what is true and meaningful.

In April 2023 I had a chance to witness the impact that Vermeulean thinking had on Patrick Deneen, at an AEI event in DC called “Religion’s Refusal to Die.”⁷⁴ Nathan Pinkoski was there, and so was Robby George. But the highlight of the conference was a panel on the first day called “Religion and American Liberalism,” which involved a conversation between Deneen and Meir Soloveichik. Soloveichik is a prominent Orthodox rabbi and professor at Yeshiva University in New York City. He is very conservative, and a former student of George’s. Like George, he is more sympathetic to liberal democracy and the American founding than Deneen.

By the time the AEI event had happened, Deneen had radicalized significantly beyond what he wrote in *Why Liberalism Failed*. There he

had defended something along the lines of Rod Dreher's *Benedict Option*—the idea that people of faith should isolate themselves from the broader liberal culture, at least as a preliminary step, if they wanted to preserve their communities against modern decadence and decay. By 2023 he was arguing forcefully against “defensive crouch conservatism” and on behalf of something much more radical.

In the conversation with Soloveichik, the question of how best to contend with the encroachment of contemporary liberal culture came up. Soloveichik and Deneen agreed that the *Benedict Option* response was dissatisfying, because conservatives and religious people needed to be able to engage in public life. Soloveichik argued that conservatives should look beyond mere religious liberty and seek to have a cultural impact—to build parallel cultures, or rival cultures, to liberalism. But Deneen went much further, deploying all-or-nothing Schmittian language to prove his point. He strongly objected to Soloveichik's idea of a “parallel” culture, because “you either have a culture or you don't.” He said he could accept the idea of “rival” culture because, as he put it, “a rival wants to win.” He became more adamant: “I think we really have to adopt the mentality and the view that we have to win. We don't just want to coexist. We have to win.”

Deneen's next book, published just a few months later, reflected this new militancy (Vance, now a senator, spoke at the book launch). With *Regime Change*, Deneen joined Vermeule more explicitly in the constructive project of “integration from within.” The title alone implied a total repudiation of liberal democracy. On the common good, Deneen followed Vermeule, but with a few twists. He argued for “common-good conservatism,” which involves a revival of Aristotelian “mixed constitutionalism,” and something he called “Aristopopulism,” which means rule by a new and better class of elites. The final chapter was titled “Toward Integration.” One of the Postliberal changes that Deneen advocated in this vein was the embrace of an overtly Christian state, with holy holidays and tax-funded religious public works.

Regime Change was slightly fantastical in its Manichean embrace of hard populist dualities. Deneen insisted on reinvigorating a supposedly long-lost classical distinction between “the many” and “the few,” and he

took it on himself to speak for the long-neglected masses (presumably from the vantage point of one of the few worthy aristocrats). To Deneen, the working-class masses are naturally conservative, at least in their cultural tastes and moral sentiments (which seemed here to matter more to him than economics). He wrote, for example, that “what is needed—and what most ordinary people *instinctively seek*—is stability, order, continuity, and a sense of gratitude for the past and obligation toward the future. What they want, without knowing the word for it, is a conservatism that conserves.”⁷⁵ As others have observed, many liberal social policies—like abortion rights and birth control, marriage equality, and no-fault divorce—are significantly more popular with the general public than are the conservative ones that came before.⁷⁶ And even on economics, as Becca Rothfeld wrote in a memorable review of the book, “This facile taxonomy is not class analysis; it is astrology for the bow-tie set.”⁷⁷

In *Regime Change*, Deneen also embraced Schmittian all-or-nothing language, albeit with typical hedging and coyness.⁷⁸ He advocated for the transformation or “replacement” of today’s elites with a new and more virtuous kind of “genuine aristoi.” As Jennifer Szalai wrote in her review, “After spending 150 pages disparaging the ‘elite,’ Deneen goes on, in the last third of the book, to try to reclaim the word for a ‘self-conscious aristoi’ who would dispense with all the liberal niceties about equality and freedom and instead serve as the vanguard of a muscular ‘aristopopulism. . . . The raw assertion of political power by a new generation of political actors inspired by an ethos of common-good conservatism.’”⁷⁹ *Regime Change* contained some interesting theoretical observations about the Aristotelian idea of a mixed constitution, and some good recommendations about policy changes that could help revitalize American life. But Deneen also repeatedly justified the deployment of “Machiavellian means to achieve Aristotelian ends” as a central part of his new vision, at one point approvingly citing a particularly dramatic passage from Machiavelli that refers to mobs in the senate and the streets with “shops boarded up.”⁸⁰ Deneen suggested that “existing political forms” could remain the same so long as, à la integralism, “a fundamentally different ethos informs those institutions and the personnel who populate

key offices and positions,” but it is hard to read his citation of Machiavelli as anything other than a flirt with violent revolt.⁸¹ *Regime Change* had nothing to say about the violence of January 6, 2021.

Economics, Orbánism, and the Hard Right

The Postliberals depart from the rest of the New Right in crucial respects. While they share with the rest a univocal and reactionary social conservatism—and a willingness to use the government to shape morality in traditionalist directions—they are more serious about moving beyond neoliberal economics in ways that would help the working class. They are also at once more skeptical of the New Right’s crude nativism and more free-thinking when it comes to international affairs. The Postliberals’ status as the intellectual Brahmins of the New Right allows them to be more ideologically pure. They are far less interested in day-to-day movement politics than the National Conservatives, or the Claremont group, or Robby George. They are not beholden to GOP donors, or to the GOP base.

Which also means that, with the exception of their influence on JD Vance, they have been the least influential thinkers of the New Right. Julius Krein started articulating the problem as early as 2020 (“For all the talk of Trump as a tribune of the working class—including from the president himself,” he wrote, “his administration never really strayed from Republican orthodoxy on conventional labor issues”).⁸² And this ineffectiveness was conceded by the more public-facing Postliberals in the course of 2023. In the spring edition of *American Affairs*, Gladden Pappin wrote an article titled “Requiem for the Realignment.” He argued that the conservative turn toward genuine economic populism was something of a mirage, unlikely to come to fruition.⁸³ Trump had basically followed the standard GOP model of massive tax breaks for the rich, and apart from measures taken in the wake of the Covid-19 pandemic, Trump’s GOP had not passed any major, lasting socioeconomic legislation that would help the working class. President Biden, on the other hand, had.⁸⁴ The Postliberals recognized these inconsistencies—on Ukraine, and on the economy—and kept distancing themselves from parts of the New Right.

Sohrab Ahmari—whom by that time I had taken to calling the “Where’s Waldo” of the New Right—was even more forthcoming, which was whiplash-inducing at the time. Indeed, it was hard at first to take Ahmari’s retreat from strident New Rightism seriously because he had been such a forceful advocate for culture warriorism in his writings on “David Frenchism” (where, recall, he had said that the way forward was to “fight the culture war with the aim of defeating the enemy and enjoying the spoils in the form of a public square re-ordered to the common good and ultimately the Highest Good”). And as late as September 2022, Ahmari was defending Donald Trump (in a *Compact* essay titled “He’s Still the One”).⁸⁵ Over time, however, Ahmari’s views about social democratic economics and the priority of economics over culture-warring began to gain some credibility.

In August 2023 Ahmari published an op-ed in *Newsweek* in which he declared: “I was wrong. The GOP will never be the party of the working class.” The substance of the article was forthright and compelling. Ahmari began by acknowledging his role in peddling GOP populism and hoping that Trump could deliver, helping working people “attain lives of security and dignity.” Then he pivoted: “Now I’m faced with the realization that he couldn’t—no one could, because the Republican Party remains, incorrigibly, a vehicle for the wealthy.” He went on to explain that, while he was “ferociously conservative” on cultural issues, he was increasingly drawn to the economic policies of the left—and to figures like Senators Elizabeth Warren or Bernie Sanders. For Ahmari, these two stood out against “the vast majority of leaders in American politics, and especially those on the right” who were unwilling to tackle the “corporate hegemony and Wall Street domination” that makes daily life “all but unlivable” for the working class. He went even further: “Indeed, I increasingly despair of the whole Right, now almost completely lost to a mindless politics that reduces *every* problem to ‘wokeness.’”⁸⁶ Ahmari’s anticorporate arguments were much smarter than the anti-ESG and “woke capitalism” lines coming from Claremont and the NatCons.

Ahmari’s book *Tyranny, Inc.* was also published in August 2023, and it was generally well-received on the left.⁸⁷ The book avoided the culture wars and stayed tethered to real working-class issues, support for

unionization, and achievements of the progressive past like the New Deal.⁸⁸ Perhaps Ahmari's background as a journalist and immigrant has kept him more bound to the real world. Sometimes, not having a PhD can be a boon to clear thinking.

If the Postliberals have some real independence of mind vis-à-vis American politics, their international allegiances still make their theoretical extremism plain enough. And, except for Ahmari, these appear mainly to be with far-right leaders in Europe.⁸⁹ Vermeule, Deneen, and Pappin have consistently hyped the leaders of Europe's far-right while sanitizing their illiberal and antidemocratic tendencies. On this front, there is no daylight between the Postliberals and the rest of the New Right.

Adrian Vermeule, for example, has been an outspoken supporter of Nigel Farage, the controversial right-wing Brexit politician and major Trump backer, whom he called in 2018 "the defining mind of our era."⁹⁰ He is also an admirer of the arch-conservative Polish intellectual and politician Ryszard Legutko (who is also a regular participant at NatCon conferences).⁹¹ Legutko is a prominent intellectual leader in Poland's far right Law and Justice Party, and was elected to the European Parliament in 2009. Vermeule has defended some of the controversial Polish judicial reforms through which that party achieved power.⁹² In 2022 Vermeule praised Legutko's embrace of "the European tradition in the broadest sense. . . . Which stands upon the three pillars of Greek philosophy, Roman law, and Catholic faith." This way of putting it erases the Protestant and Enlightenment parts of the European tradition. At this same time, Vermeule expressed excitement about the revival of "the European tradition" in the United States, praising the (American) New Right movement for being "unafraid to use public authority in the service of the common good where necessary."⁹³ Deneen offered a similar sentiment during his visit to Hungary in 2021.⁹⁴

The Postliberals' admiration for Viktor Orbán's Hungary is also well documented. In August 2022 Deneen and Pappin published a "Dispatch from Budapest" that entailed their "Notes on a Conversation with

Hungary's Viktor Orbán.”⁹⁵ They wrote of Orbán's “remarkable candor,” his “remarkable analytic and even philosophical depth.” They claimed to have witnessed a “genuine tour de force of political analysis and vision, a quality almost wholly absent in today's American political class.” The post culminated in a description of Orbán's thoughts about how “conservative leadership can win, lead, and shape the next generation.” And they claimed, “Without question, Hungary is a singular example of such success in recent years.” Deneen and Pappin praised Orbán's turn away from the “liberal conception” of freedom and his return to a Christian framework for “understanding the bedrock commitments needed for good politics.”⁹⁶

Nowhere did Vermeule, Deneen, or Pappin question the illiberal measures that Polish and Hungarian far-right leaders took to gain and consolidate power. Presumably, they approved. And why would they not?⁹⁷ Such measures are entirely consistent with notions like “Common Good Constitutionalism,” “Aristopopulism,” and using “Machiavellian means to achieve Aristotelian ends.”⁹⁸ Shortly after Pappin declared the populist realignment in the United States to be a failure, he took a job as president of the Hungarian Institute of International Affairs, the state-owned think tank advising Orbán.⁹⁹

Sohrab Ahmari was the exception to the Postliberals' infatuation with illiberal European politics. Though he dedicated *Tyranny, Inc.* to “Adrian, Chad, Gladden, and Patrick,” on the first page he spoke of freedom in affirming, liberal terms. He declared that freedom “is suffering a global funk” and called this a tragedy with multiple and varying causes, from the “seductive allure of populist demagogues,” to the “perceived failure of liberal democracy to solve ordinary people's problems” and the “advent of social media as a tool for spreading misinformation.” And then he stated the matter of despotism plainly, and in relation to American sentiments:

Whatever the causes, the sum effect is that vast multitudes now labor under the yoke of coercion, in some cases having willingly thrown in

their lots with elected despots, from Poland to the Philippines, Hungary to Turkey. This is an agonizing development for Americans especially. As one group of pro-democracy advocates has written, the yearning for a noncoercive society “is the question at the center of every pivotal moment of American history.”

In this last clause, Ahmari was quoting a Freedom House report cited by William Galston in *The Wall Street Journal*.¹⁰⁰ Here, both by calling out people like Orbán as “elected despots” and in his defense of freedom as noncoercion, Ahmari broke with his integralist colleagues.¹⁰¹ He published an essay in the Spring 2024 edition of *Liberties*, a liberal literary journal, where he concluded with a declaration that “American democracy is itself a most precious common good.”¹⁰²

Furthermore, Ahmari was the only New Right commentator I know of who came out strongly, in writing, against the Hard Right around this time. To his credit, Deneen did warn against Bronze Age Pervert in public talks.¹⁰³ But Ahmari really went for it. In the pages of the *New Statesman* in 2023, he dubbed them the “Unabomber Right,” naming figures like Raw Egg Nationalist, Bronze Age Pervert, and L0m3z.¹⁰⁴ He was also a strong and regular critic of Elon Musk’s antiworker policies, as well as his takeover of Twitter (calling X a “cesspool”).¹⁰⁵ He would write that DeSantis’s campaign in the GOP presidential primary failed because it was too online, too rigid, and too weird; DeSantis, he wrote, was too much “the darling of the intellectual right.”¹⁰⁶ Ahmari would continue this campaign against the “barbarian right” through 2024, as the power and visibility of the Hard Right continued to grow. It was lonely work.¹⁰⁷