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## **The Divine People? The political theology of post-liberalism**

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## **The Divine People? The political theology of post-liberalism**

It is by now undeniable that liberal democracy is in crisis, signaling the waning of the political, social, and even economic order that has ruled Western democracies since the end of the Second World War. The values associated with liberalism — from individual rights to democratic governance, equality before the law, and free-market principles<sup>1</sup> — have been called into question not merely by intellectuals but by the political actors and institutions that are constitutive of democratic political systems. These challenges are best illustrated in the rise of right-wing nationalist movements and parties the world over, from the BJP in India, the Law and Justice Party in Poland, Brothers of Italy, and Fidesz in Hungary to Trumpism in the United States, and of course the coalition of far-right politicians and parties that constitute Israel’s recently elected government. Even where the right has not seized power, racist and xenophobic political parties like National Rally in France, Sweden Democrats, and Alternative für Deutschland in Germany have increased in strength as their ideas, once deemed beyond the pale, have moved mainstream.

Looking “leftwards,” it is also possible to discern a retreat from liberalism that is present in the suspicion of the state — conceived by some scholars and activists as existing only to serve the rich and the powerful — accompanied by the growing sentiment that present institutions are ill-equipped to provide for a more equal and just social order. Rather than seeing entrenched

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<sup>1</sup> Writing on the history and substance of liberalism is abundant. For a general introduction, see: Edmund Fawcett, *Liberalism: The Life of an Idea* (Princeton University Press, 2018); and “Liberalism” in the Stanford Encyclopedia of Philosophy, <https://plato.stanford.edu/entries/liberalism/>.

racial, social, and economic hierarchies as a glitch within the liberal political order, such critiques argue that actually-existing liberalism (as opposed to its theoretical facade) is a vehicle for human exploitation and ecological exhaustion. Within this framing, the left calls liberalism's bluff in critiques that expose how supposedly disinterested or neutral laws were designed to serve a particular elite class and perpetuate its privileges. Laws, norms and institutions are thus not regarded as the foundations of democracy but as the means of *restraining* the democratic energies and aspirations of the people.

In short, liberalism at present is under attack from two directions: On the right, the liberal order is regarded as advancing the scourges of multiculturalism, immigration, Marxism, and secularist enmity towards religion, family, and tradition; meanwhile, progressives associate the same order with unrestrained capitalism, structural racism, and the incapacity to address inequality, poverty, systematic violence, and a dire ecological crisis. None of these critiques operate purely at the ideological level. Rather, they have developed alongside the unraveling of the post-war settlement, which assumed a high level of state intervention in the management of markets and the distribution of social goods.<sup>2</sup> Attempts since the late 1970s to “free” capital from democratic pressures have been wildly successful, resulting not merely in record levels of economic inequality but in declining wellness indexes like life expectancy.<sup>3</sup> The disintegration of liberalism

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<sup>2</sup> Wolfgang Streeck, *Buying Time: The Delayed Crisis of Democratic Capitalism*. New York: Verso, 2017.

<sup>3</sup> On the history of neoliberal ideas see: *The Road from Mont Pelerin*, ed. by Philip Mirowski and Dieter Plehwe, Harvard University Press, 2009; an abundance of data exists on rising levels of economic inequality in industrialized countries, including: Thomas Piketty, *Capital in the Twenty-First Century* (Harvard University Press, 2013) and *The Economics of Inequality* (HUP, 2015); Gabriel Zucman, “Global Wealth Inequality,” in *Annual Review of Economics*, 2019. 11:109–38. Life expectancy in the United States peaked in 2014 and has been slowly declining since, eradicating all gains since 1996,

as a political philosophy must be understood vis-à-vis this realignment of state and market forces.

While liberalism is under attack from both sides, it is important to note the unequal nature of its challengers. There is no organized far left that even approximates the power of the far right, which has succeeded in winning presidencies in Brazil, the United States, Hungary, Poland, India, Turkey, Israel, and the Philippines, among others.<sup>4</sup> For both mainstream liberals and social democrats, who constitute the overwhelming majority of the organized political left, the liberal-democratic state is still largely viewed as a vehicle for tackling collective problems and creating a more equitable society; that is, these forces tend to regard government as a means to more fully realize liberalism’s purported ideals. In contrast, emerging right-wing movements argue forcefully for a rejection of liberalism’s founding principles, particularly regarding individual freedoms and democratic governance.<sup>5</sup>

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according to data from the Centers for Disease Control and Prevention. See: “Provisional Life Expectancy Estimates for 2021,” available at: <https://www.cdc.gov/nchs/data/vsrr/vsrr023.pdf>.

<sup>4</sup> The context in each of these countries is obviously unique, but certain family resemblances are present in many of them, particularly in relation to an abuse of executive power and steamrolling of the country’s legal codes and procedures. In Brazil, for instance, President Jair Bolsonaro attacked the principles of gender equity, persecuted indigenous groups as part of his Amazon deforestation campaign, and suggested he would not leave office voluntarily—though he ultimately did. In the Philippines, former President Rodrigo Duterte launched a purported war on crimes, drugs, and terrorism – executed via tacit support for extrajudicial killings of thousands of people.

<sup>5</sup> As we examine below, post-liberals regard the liberal sanctification of individual rights as detrimental to the nation’s collective well-being. The emphasis on collective freedom, over and against the rights of individuals, is particularly noteworthy given the intense fear of communism (precisely on account of its “collectivism”) that animated conservatives in the twentieth century. In this way the emerging post-liberal order differs decidedly from the libertarianism that constituted a key part of conservative movements in past decades.

With the waning of liberalism comes a new vision for the relations between three fundamental political concepts: the law, the state, and the people. In particular, the champions of what is variously called post-liberalism or illiberal democracy offer an alternative that collapses the distinction between these categories: the law becomes whatever serves the interests of “the people” (a rhetorical concept that need not correspond with an actual popular majority), with the state charged with securing its implementation. We argue that this vision is rooted in a particular political theology that regards nations as divine creations and their preservation a sacred act whose fulfillment overrides all other laws. The state, in this schema, is paradoxically required to support and sustain the supposedly organic and homogenous nation that precedes it and indeed justifies its existence. We contend that understanding the theological dimensions of the post-liberal vision — both acknowledged and implicit — is necessary both to grasping its appeal and offering a viable alternative.

## **What is Political Theology?**

Two explanatory notes are necessary before delving into this discussion. The first pertains to the term political theology, which we use to convey both the overtly religious aspects of political life (e.g. anti-abortion arguments based in the Catholic notion that life begins at conception) and the more subtle ways that religious concepts shape political institutions. Each of our three terms of analysis — the law, the state, and the people — exists as a theological category in the Jewish, Christian, and Islamic traditions that inform the modern political imagination. But we would be wrong to think these terms maintain the same meanings or facilitate the same political orders

over time; both the divine right of kingship and popular sovereignty had theological bases, for example, though they represented competing political models.

The German jurist Carl Schmitt (1888-1985) famously asserted that our modern political categories are “secularized theological concepts.” Schmitt argued that political dominion, or sovereignty, mirrors God’s creation of the world and found expression in the idea of the king-as-lawgiver. But in the seventeenth and eighteenth century, the scientific revolution and enlightenment philosophy advanced a deist understanding of God as the creator of laws of nature rather than an active manager of human affairs. Once set in motion, the world was mechanized and could persist without divine intervention. Schmitt argued that this *depersonalized* notion of sovereignty — no longer dependent on either God or an individual monarch — paralleled the rise of the modern democratic state and the division of sovereign power into several parts. It reached its apex in the scientific management of not just manufacturing and commerce but politics and social life in the early twentieth century.

Schmitt understood the triumph of impersonal bureaucratic rationalism and the corresponding liberal legal order — which saw no situation that could not be accommodated under the law — as the dissolution of sovereignty. It created, he argued, a fundamentally unstable constitutional order in which no one truly wielded power. He thus saw in the Weimar Republic’s fragmented parliamentary system nothing less than the hollowing out of sovereign power. As an alternative Schmitt called for a sort of reinvigorated, personal sovereignty. Given these theoretical commitments, Schmitt embraced Hitler’s ascent to power as the revival of German sovereignty,

concentrated once more in an individual rather than divided among unruly parliamentarians and impersonal bureaucracies.

Debates over the true nature of sovereignty had raged for centuries if not millennia before Schmitt entered the fray with his own definition: “Sovereign is he who decides on the exception.”<sup>6</sup> This definition includes two important features. First, that sovereign power is marked by the capacity to decide, which mirrors on earth the idea of divine authority; second, the concept of the exception, which by definition is outside the usual course of events. That is to say, inherent in the sovereign’s capacity to decide is the ability to overrule any existing law, particularly when declaring a “state of emergency.” Schmitt explicitly compares this setting aside of normal operations to the miracle in theology. Thus, contrary to liberal legal theorists who envisioned a law for every scenario that would both guide and restrict the exercise of power, Schmitt did not regard law as a cage. Any sense of objective or universal law was rather a legal fiction that the sovereign could entertain at times but also overcome with brute force when deemed necessary.

Today, Schmitt is largely regarded as a notorious figure who expressed blatant antisemitism while helping to construct the Nazi legal order. But understanding Schmitt’s concept of political theology is important for two reasons: first, because it offers modern scholars a general toolbox for thinking about the religious and theological bases of even secular political forms; and

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<sup>6</sup> Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*. Translated by George Schwab. Chicago: University of Chicago Press, 2005. 5.

secondly, because his ideas continue to influence the ways in which many right-wing intellectuals and politicians think about sovereignty and “the enemy.”

The second introductory note relates to the political theology of liberalism itself, which we must better understand in order to see how post-liberals position their oppositional project. Associated with an influential group of thinkers — from Thomas Hobbes, John Locke, and Jean-Jacques Rousseau to Adam Smith, John Stuart Mill, and John Rawls — liberalism is broadly concerned with reconciling the creation and maintenance of states with the preservation of individual freedom. Its contemporary ideals — individual liberty and free markets — became dominant in the latter half of the twentieth century, as most infamously expressed in Francis Fukuyama’s argument that liberalism represented the “end of history.”

Liberal philosophers envisioned a particular relationship between the state, the law, and the people. Though they disagreed on the nature of human beings, they nonetheless traced the origins of the state to a group of people who band together to create a government in order to better protect their bodies and property. Through the mechanism of the social contract, liberal thinkers conjured an order in which people agreed to abide by the same law, overseen by a sovereign power tasked with enforcing it. Exiting the “state of nature” represented an act of consent that formed the basis for a rules-based civil society and in turn, self-government. The law thus conceived is objective and universal, supposedly disinterested and applicable to all.

In the political theological register, we could compare the social contract to the Israelites' covenant with God, the lawgiver. In Exodus, the Torah relates that God spoke at Mt. Sinai not merely to Moses but to the entire people — an instance both of mass revelation and acceptance of the terms outlined in the divine covenant. Here we find the law — given by the ultimate sovereign — and the people (the Israelites) exist as clear, distinctive categories. The third concept, the state, is soon created through necessity. Exodus 18:14-21 relates how Jethro, Moses's father-in-law, helped build a judicial apparatus to adjudicate amongst the people:

But when Moses' father-in-law saw how much he had to do for the people, he said, "What is this thing that you are doing to the people? Why do you act alone (as magistrate), while all the people stand about you from morning until evening?" Moses replied to his father-in-law, "It is because the people come to me to inquire of God. When they have a dispute, it comes before me, and I decide between one party and another, and I make known the laws and teachings of God." But Moses' father-in-law said to him, "The thing you are doing is not right; you will surely wear yourself out, and these people as well. For the task is too heavy for you; you cannot do it alone. Now listen to me. I will give you counsel, and God be with you! You represent the people before God: you bring the disputes before God, and enjoin upon them the laws and the teachings, and make known to them the way they are to go and the practices they are to follow. You shall also seek out, from among all the people, capable individuals who fear God — trustworthy ones who spurn ill-gotten gain. Set these over them as chiefs of thousands, hundreds, fifties, and tens, and let them judge the people at all times. Have them bring every major dispute to you, but let them decide every minor dispute themselves. Make it easier for yourself by letting them share the burden with you.<sup>7</sup>

Jethro thus envisions a budding state bureaucracy bound by the divine law but charged with the impartial application of this law to the people. The application of divine law by the people and for the people may have been an ideal, but in practice, it existed in tension with a tendency in rabbinical sources to incline toward the people as the arbiters of law. The Mishnah, for example,

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<sup>7</sup> Exodus 18: 14-22, translation taken from *The Contemporary Torah*, JPS, 2006.

states, “One with whom people are pleased, God is pleased” (Pirkei Avot, 3.10), associating popular approbation with divine favor. And in one of the most famous Talmudic deliberations (Bava Metzia 59b), the Torah is declared to be “not in heaven,” but rather in accordance with the view of the rabbinic majority.

Liberalism’s vaunted (and at this point, parodied) ideal of an impartial and independent judiciary certainly owes much to this biblical tale. Yet the same tension that appeared in rabbinic debates is also present in political ones. Only God could formulate such a perfect law in practice, to be administered by functionaries who are the mere relayers of divine justice. Laws made and adjudicated by humans will always be subjective, a fact that led Karl Marx to contend that the modern state was “a committee for managing the common affairs of the whole bourgeoisie.” How then could the law ever be disinterested or differentiated from the whims of the people, and in truth, the powerful among them? Contemporary thinkers both left and right take aim at this ideal of a disinterested law.

More broadly, post-liberals reject social contract theory for conjuring a state of nature that never existed; it was not choice, they contend, that forms the basis of the political community, but “natural” bonds and coercion. By tracing a genealogy of the political community to the natal family, post-liberals accomplish a great deal in theoretical terms: The elevation of natural bonds is also the celebration of social ties that are unchosen, with the suggestion that choice itself might be detrimental to the nation’s health. This element is subtle but present in much of this thought, for instance around abortion, which is not just a problem because of the moral status of the fetus

but because it implies women’s total agency over whether to enter a relationship of dependency with another life. For post-liberals this is an instance of runaway individualism, where selfish pursuits override any commitment to a broader social project and thus detract from the commonweal. As we shall see, there is far more at stake in these arguments than haggling about the true history of civic society or the state. Indeed, for those seeking to dismantle the liberal state, this particular understanding of history and human nature demands a fundamental revision of political relations going forward, one that serves to dissolve liberalism’s theoretical distinctions between the law, the state, and the people.

### **Vox Populi, Vox Dei**

In the year 800 CE, the Saxon scholar Alcuin of York penned a letter to the newly-crowned Emperor of the Romans, Charlamagne. “And those people should not be listened to who keep saying the voice of the people is the voice of God (*vox populi, vox dei*), since the riotousness of the crowd is always very close to madness.”<sup>8</sup> Alcuin represented an elitist distrust of the masses that has informed not merely monarchists but many liberals down to the present. It was a sentiment broadly shared by American founding fathers like Alexander Hamilton, who wrote, “The voice of the people has been said to be the voice of God; and, however generally this maxim has been quoted and believed, it is not true to fact. The people are turbulent and changing, they seldom judge or determine right.”<sup>9</sup> In 1934, the American political scientist

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<sup>8</sup> *Oxford Essential Quotations* (4<sup>th</sup> edition), edited by Susan Ratcliffe. Oxford: OUP, 2016. Accessible online at:

<https://www.oxfordreference.com/view/10.1093/acref/9780191826719.001.0001/q-oro-ed4-00000192>.

<sup>9</sup> *The Papers of Alexander Hamilton*, Volume IV: 1787-May 1788. 200.

Walter J. Shepherd likewise expressed his growing dismay with the virtues of democratic governance. Surveying an electorate he characterized as guided by “sentiment, caprice, and passion,” Shepherd called for conditional suffrage based on “educational and other tests which will exclude the ignorant, the uninformed, and the anti-social elements.” Political theorists, he added, should “no longer believe that the ‘voice of the people’ is the voice of God.”<sup>10</sup>

The conservative thinker Patrick Deneen takes up Shepherd’s case in his 2018 book *Why Liberalism Failed*, a book that both diagnoses the substantive failures of liberalism to provide for mass human flourishing and proposes a reconstructed political order based on the revival of civic virtue. As opposed to other factions of the new right that idolize the founding fathers, Deneen rightly notes the democratic deficit that sits at the heart of the American constitutional order as the byproduct of a profound mistrust of the public. What founders like James Madison desired was instead a citizenry that was individualistic, pursuing private ends, and divided against itself and thus incapable of destabilizing combinations. Deneen further notes that this same anti-democratic sentiment powered early 20<sup>th</sup> century progressive efforts to make government more mechanized through bureaucracy — what became the administrative state we know today. “Democracy was thus limited to the expression of preferences, the collection of individual opinions that could then be collated and inform expert crafting of appropriate policy by expert administrators.”<sup>11</sup>

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<sup>10</sup> Walter J. Shepard, “Democracy in Transition,” *American Political Science Review* 29 (1935): 9.

<sup>11</sup> Patrick Deneen, *Why Liberalism Failed*. New Haven: Yale University Press, 2018, 160.

According to Deneen, liberalism has gutted the populace of the necessary civic virtues required for the pursuit of a collective good, for life outside the self. Deneen extrapolates Madison's argument that government exists to "protect the diverse faculties of man" into the liberal demand that the state protects marginalized persons. And importantly, such a plurality of individuals pursuing their own aims represents, for Deneen, a deadly threat to the greater good. "The idolization of 'diversity' in the form of personal identity was sewn into the deepest fabric of the liberal project, and with it the diminution of a common civic and fostering of a common weal [good]."<sup>12</sup>

It is important to note that Deneen breaks with other new right thinkers in rejecting the strongman solution in principle. What he wants instead is a reinvigorated citizenry, guided by virtue. But in order for that to occur, civic virtue must return to what he identifies as its roots in Christian liberty. If the people are once again to be the "voice of God" and enabled to make democratic decisions in a substantive way, they must first be made virtuous through a specifically Christian understanding of liberty as pursuing "the just and the good." This understanding of liberty is not without constraint. Taking aim at social contract theory, Deneen argues that "one of liberalism's most damaging fictions was the theory of consent, an imaginary scenario in which autonomous, rational calculators formed an abstract contract to establish a government whose sole purpose was to 'secure rights.' This view of consent relegated all 'unchosen' forms of society and relationships to the category of 'arbitrary' and thus suspect if not illegitimate."<sup>13</sup> Yet Christian liberty, he argues, is not libertine and rather exists within certain

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<sup>12</sup> Ibid., 166.

<sup>13</sup> Deneen, 188-189.

limits. It is certainly *not* the freedom to pursue one’s own desires so long as it does not harm another, per John Stuart Mill.<sup>14</sup>

According to Deneen, civic virtue can only develop in local and immediate contexts — the guild, ward, and congregation — shaped by a sense of interdependence, traditional values, and restraints on individual freedom. “What we need today are practices fostered in local settings, focused on the creation of new and viable cultures, economics grounded in virtuosity within households, and the creation of civic polis life.”<sup>15</sup> There are, he notes, already intentional communities that reject liberalism’s hegemonic norms — including conservative Christians, Orthodox Jews, new homesteaders, and “radical homemakers”<sup>16</sup> — and are creating self-contained countercultures to inculcate such virtues.

Deneen often cites Alexis de Tocqueville’s nineteenth-century observations about the centrality of local government and institutions to maintaining American democracy.<sup>17</sup> This emphasis on the local may seem out of place given the development of communication and media technologies that de Tocqueville could not foresee — from iPhones to CNN and Zoom calls — and modern forms of transportation that tend to compress the sense of distance. Deneen’s view of social

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<sup>14</sup> Deneen, 175.

<sup>15</sup> Deneen, 197.

<sup>16</sup> The latter two groups encompass a wide range of people, some politically at odds with Deneen, who nonetheless share in his rebuke of contemporary society as unnatural and alienating. The new back-to-the-earth movements proffer an idealized vision rooted in rural life, gardening, farming, ranching, and sustainability. Radical homemakers similarly reject the struggle to “have it all” and focus on a reclaimed domesticity, with care for the family and community cast as an empowering choice for women in a ‘post-feminist’ era.

<sup>17</sup> Alexis de Tocqueville, *Democracy in America*.

relations as essentially static becomes, however, more understandable once we shift to how he imagines a virtuous population may once again prevail. The present reality, he notes, is that Christians and those who share their traditional moral compass — a world of strong, patriarchal families, healthy working-class wages, and robust structures of communal support — do not constitute a “moral majority,” as Jerry Falwell once imagined. They are rather a minority element struggling to stay afloat in a world dominated by woke capitalism, elite technocracy, and economic crisis. For some conservatives, the only possible maneuver is the so-called Benedict option outlined by Rod Dreher: namely, to retreat from liberal cultural and political spaces and ride out the storm in virtuous enclaves.

But Deneen is not so sure that (as Dreher holds) “politics will not save us.” Rather, Deneen understands that state power is required to mold a citizenry possessing the proper Christian virtues:

[I]n the absence of a good polity, it’s unlikely a healthy culture can be cultivated and sustained. The monasteries were not only religious institutions, but also served as the center of political life for many medieval towns, with abbots functioning as civic as well as religious leaders. The Church was the source of Christian culture in no small part because she developed systems of law and courts, in addition to rules and practices governing markets. Aristotle understood that law and culture, like ethics and politics, must be mutually reinforcing.”<sup>18</sup>

Deneen thus offers a political-theological vision that rejects both the libertarian solution and the Benedict option. Christianity is inherently political, he insists, and there is no way to escape having to fight for its values on the political stage. What is required is rather for the state to *make the people virtuous* through the mechanism of law. The moral majority might not yet exist, but it

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<sup>18</sup> Patrick Deneen, “Moral Minority.” *First Things*, April 2017.

can be coerced into being through state power. His emphasis on locality — "we need to focus on our town and city halls, our neighborhood associations, seeking to foster the kinds of communities where our children can — and will — roam the fields again" — is also a pragmatic understanding of where conservatives possess enough strength to push through their agenda. And indeed, it is at the city and state level that conservatives have managed to ban abortion, forbid the critical teaching of American history, and persecute trans people, all in the name of preserving the cultural heritage and traditional integrity of "the people."

"The people" thus conceived is at best a potentiality, at worst a rhetorical trope, but nowhere a concept that corresponds to the actual, existing majority. That is why this form of right-populism is authoritarian in nature. It requires state coercion via legal and cultural mechanisms to engineer a virtuous public, with the corollary that only a virtuous public could be trusted with true democracy. Until the moral minority becomes a demographic majority, Deneen's logic suggests that anti-democratic measures are necessary, which helps explain his strong support for U.S. Supreme Court rulings that are misaligned with the democratic will.<sup>19</sup>

Finally, it is worth noting that the bifurcation of "the people" into two groups — the moral minority on one hand and the "anti-American" opposition (liberals, social progressives, elite globalists, immigrants, non-Christians) on the other — illustrates how central the friend vs. foe

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<sup>19</sup> The overturn of *Roe v. Wade* when a reported 61% of the population favors legalized abortion is only the most obvious instance of using the court to advance counter majoritarian measures. See: Pew Research Center, "About six-in-ten Americans say abortion should be legal in all or most cases." June 13, 2022. Rulings overturning gun safety measures, climate regulation, and voting rights legislation are of a similar nature.

dynamic has become to domestic U.S. politics. The enemy in such telling is not a foreign power or commercial rival, but immoral forces within the body politic itself.

## **The Sanctity of Separation**

If Deneen presents a post-liberal political approach explicitly grounded in Christianity, Yoram Hazony outlines a “national conservative” vision allegedly rooted in Jewish tradition. Born in Israel, Hazony studied politics at Princeton (he was reportedly “mesmerized” when Meir Kahane came to speak at the university in 1984),<sup>20</sup> before settling in the West Bank outpost of Eli in 1989. He began his career writing columns for the *Jerusalem Post* and speeches for Benjamin Netanyahu, and in 1994 co-founded the right-wing Shalem Center (now College) in Jerusalem. More recently, Hazony has been the driving force behind the (ironically) international National Conservatism movement, helping to organize NatCon conferences across the world. Hazony now serves as the Chairman of the Edmund Burke Foundation, a new public affairs center that aims to “solidify and energize national conservatives, offering them a much-needed institutional base, substantial ideas in the areas of public policy, political theory, and economics.” Though he purports to offer nationalism as a universal political model, his vision remains firmly rooted in the particular experience of Zionism and Israeli state formation. Not unlike earlier generations of Zionist thinkers, Hazony envisions Israel as a light unto the nations – just not as “the only democracy in the Middle East,” but rather as a model of how to construct and maintain a supposedly homogenous national culture through the use of state violence.

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<sup>20</sup> Yoram Hazony, “‘Farewell From a ‘Non-Kahanist,’” *Jerusalem Post*, November 8, 1990.

Hazony’s national conservatism stems from the belief that the nation is a divine creation and that the nation can only flourish in the context of a state that promotes its interests. He regards the Bible to be the basis of the Anglo-American political tradition, with the Israelites serving as the original “nation” made of a homogenous group of people, sanctified by God (“a kingdom of priests and a holy nation,” Exodus 19.6). Moreover, because God created separate peoples, “globalist” attempts to forge a universal multicultural society are a violation of the divine will in addition to an expression of imperial intolerance. Hazony therefore juxtaposes nationalism with imperialism — the contemporary institutions of which include the United Nations, the European Union, and the International Criminal Court — and argues for the right of nations “to chart their own independent course, cultivating their own traditions and pursuing their own interests without interference.”<sup>21</sup> In practice, protecting nations from imperial intervention means shielding Israel from international sanction, asserting Hungary’s right to discriminate against Muslims and LGBTQ people, and shielding American soldiers from war crimes tribunals.

Nations for Hazony are both a theological category and a historical constant — allegedly pre-existing the institutions of the modern state — a dubious claim that is largely disputed by historians of nationalism. So too, he seems untroubled by the historical fact that many nation-states have also been empires, suggesting that nationalism and imperialism are not mutually exclusive political models. But historical veracity is far less important than theological claims to Hazony, whose political vision is clearly indebted to religious Zionism of a messianic sort. In his theocratic vision, the state is the first sign of redemption, one that “upholds and

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<sup>21</sup> Yoram Hazony, *The Virtues of Nationalism*. New York: Basic Books, 2018, 3.

honors God and the Bible, the congregation and the family, and the religious practices common to the nation.”<sup>22</sup> It is important to underscore this conceptualization of the nation’s culture and religious commitments as singular in nature, particularly given the diverse and often cacophonous nature of Jewish identity, practice, and political life. This is all the more noteworthy in the context of recent moves by the state of Israel to narrow the definition of who counts as a Jew (ruling out anyone not recognized as such by Israel’s Orthodox rabbinical establishment), with new agencies such as the Directorate of Jewish Identity charged with carrying out this mission.<sup>23</sup> These are precisely the sorts of top-down maneuvers allegedly required to support and protect the integrity of Jewish national identity, and it is evident that they are both exclusionary and wholly dependent on state institutions.

Hazony grounds his argument in a particular genealogy of the political community. He contends that states do not emerge from the social contract and its vaunted conventions: rational deliberation, choice, and consent. Rather, he locates the origin of the political community in the nuclear, patriarchal family, which progresses, somehow naturally, into an imagined homogenous and organic group of people — a nation and by extension a nation-state — united by language, ethnic origin, history, and religion. Just like families, national communities are maintained by bonds of loyalty and forces of constraint. He thus shares Deneen’s contempt for liberalism’s emphasis on individual freedom, viewing it as a centrifugal force that undermines the body politic, and offers “collective freedom” of the national group in its stead. By explicitly arguing

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<sup>22</sup> Yoram Hazony, *Conservatism: A Rediscovery*. Washington: Regnery Gateway, 30.

<sup>23</sup> Anshel Pfeffer, “Netanyahu’s New Ministers Have Very Strict Ideas About Who Is a Jew.” *New York Times*, Dec. 30, 2022.

that the collective freedom of the nation overrides individual liberty, he rejects the centrality of personal freedom within the political system. Embedded within this seemingly academic argument about the origins of the state is a degradation of the very principle of individual freedom that is alarming in its forthrightness, though it should not be surprising given the anti-democratic nature of Hazony's broader vision.

In particular, by asserting the supremacy of "the nation" in all political matters, he pits nationalism and democracy against each other and comes down definitively in favor of the former. Indeed, Hazony was an outspoken proponent of Israel's controversial nation-state law (*hok ha-le'om*), which was adopted in 2018, precisely because it clarified that nationalism, not democracy, is the state's core concern. In his telling, all attempts in recent decades to render Israel more genuinely democratic (associated he says with "alternative concepts" that envisioned Israel as a Jewish and democratic state, or a state of all of its citizens) function "to obscure, attenuate, or displace the traditional concept of Israel as the national state of the Jewish people in order to bring the country into conformity with the theory of the universal constitution."<sup>24</sup> But Israel was not founded to be a democracy, but rather to provide a home for the Jewish nation. Ergo, policies must be evaluated not in terms of their democratic credentials but whether they further the interests of Jews, or at least some portion of them.

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<sup>24</sup> Yoram Hazony, "The Current Crisis in Israel's Constitution," in Simon Rabinovitch, *Defining Israel: The Jewish State, Democracy and the Law* (Cincinnati: Hebrew Union College Press, 2018), pp. 145-157. 151.

Since the nation incarnates the will of God, although in secularized form, the nation not only represents the idea of sacred peoplehood. It consumes the concept of the state and destroys the supremacy of the law because states are instruments for organizing nations, and the law is subordinate to the supposed best interests of the nation — or more accurately, the portion of it that is deemed morally sound. It is this effective collapse of the people, the law, and the state that best typifies illiberal democracies like Hungary under Victor Orban, where the law becomes a vehicle for persecuting those who supposedly undermine the integrity of the nation (e.g., LGBTQ people, non-Christians, immigrants, “globalists,” and political opponents). So too Israel’s nation-state law makes legally explicit what was long true in practice: The state does not exist to serve its citizens equally but gives precedence to the portion of them identified with the Jewish nation. Under such a logic, those who are defined as outside the body politic are not entitled to legal protection or equality. The trio of law, state, and people are thereby collapsed; the law is whatever the people who control the state say it is. And while they act in the name of “the people” (in rhetorical terms if not numerical ones), the fetishization of state as an end in itself suggests that statehood has usurped both God and the law as the supreme principle.

Defenders of this position will argue that the nation and state must be so bound to one another because the nation can only flourish when it controls the levers of state power. Defining who is inside and outside of “the people” is thus of central importance to Hazony’s national conservative project, which helps explain his appeal to right-wing constituencies worldwide. Because intra-tribal loyalty, not commitment to a common set of principles, is the stuff of

political cohesion, all politics rest on a binary division between friends and enemies. The latter are usually an ethnic or religious Other but may also include internal traitors. Within such a framework, the state is less an institution for competing constituencies to further rival claims than a vehicle for managing insiders and outsiders even *within* the same territory. In the state of Israel, we see these machinations most clearly at work in legal discrimination against Palestinian citizens, attacks on Palestinian civil society organizations, and statutory provisions that reject Palestinian national rights. For his part, Hazony defends such measures on principle. As he argues in *The Virtues of Nationalism*, to the extent that “others” may exist within a nation-state, it is on account of sufferance rather than right. He also concedes that the right to national self-determination is not universal and must be weighed “in the balance of moral and prudential considerations.” Some groups, he contends in an argument that seems tailored for Palestinians, should settle for “a protectorate state with some measure of delegated authority.” In this he aligns himself with proponents of “Greater Israel” who champion permanent legal inequality between Jews and Palestinians as the solution to their long-standing conflict.

Convinced that the nation is a divine principle, and divisions among nations part of the divine plan, Hazony’s political theory stands ready to justify almost any measures carried out in the name of the people. Discriminatory and oppressive measures are necessary to preserve “the nation” — paradoxically viewed as both organic and eternal and yet highly susceptible to contamination and dissolution. Placing the nation on theological footing thus enables the attack on the supremacy of the law, the adoption of the friend/foe dichotomy, and the subordination of individual freedom to collective unity (all the while masking that such unity must itself be

manufactured by the state). And for those who are convinced that another people's mere existence is a danger to their own, there is no amount of discrimination, oppression, or even ethnic cleansing that cannot be justified for the sake of national survival.

## **Reviving the Sovereign, Preserving the Nation**

Having laid out two different, though overlapping, views of “the people,” we will conclude this discussion by considering how post-liberals conceive of the role of the state. In contexts ranging from the United States and Israel to India and Brazil, post-liberals align themselves with either real or aspiring authoritarians. In Schmitt's terms, we can interpret these alliances as expressing a desire for strong sovereign authority that will have the power to decide when the straitjacket of liberal democracy can be thrown off, and with it conventional laws and norms. Unlike conservatives who have in the past championed small government, post-liberals require a powerful government to further their purported aims. Indeed, the abiding paradox of the new nationalists in particular is that they require the state to preserve and promote identities and social relations that are supposedly innate.

This is one reason that many post-liberals regard strength as the principle political virtue. A “strong leader for a strong nation” served as the 1999 election slogan of the Likud party; today, Donald Trump vows to “make America strong again.” This desire for reinvigorated sovereignty concentrated in the figure of the leader sometimes bleeds into neo-monarchism (championed today by blogger Curtis Yarvin).<sup>25</sup> So too, in a recent interview, former journalist and

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<sup>25</sup> “Curtis Yarvin: Why America should become a monarchy.” Video available at <https://unherd.com/the-post/curtis-yarvin/>.

parliamentary candidate Boaz Bismuth stated that “the prime minister of Israel is the king of the Jews.”<sup>26</sup> “Israel,” he added, “is the kingdom” (*mamlachah*), a term laden with deep theological resonance. In the Bible and Jewish liturgical tradition, *mamlachah* is associated both with God’s dominion over heaven and earth (for instance, in I Chronicles 29:11, or the refrain “*l’cha Adonai ha-mamlachah*”) and God’s anointed kingdom led by the house of David (as in I Kings 2:46). While Bismuth claimed his statement was just a metaphor, it reflects an important political impulse in contemporary Israel to regard the state as the manifestation of the divine will, and indeed, as a messianic vehicle. The state — embodied by the strong leader — in such a scheme demands nothing short of worship; in political theological terms, the obedience to the state replaces adherence to the (divine) law.

The adoration of strength, however, is not restricted to the image of the leader. The Hebrew term *meshilut* (governance or governability), introduced in recent years by key right-wing political actors in Israel, aims to strengthen the capacity of the sovereign to decide by neutralizing those elements that restrain it. In *meshilut*, sovereignty transcends the “pyramid of norms” (as the Austrian-Jewish legal scholar Hans Kelsen had suggested)<sup>27</sup> that regulates political conduct because it receives its legitimacy from elsewhere: the divine domain or the “one voice” of the

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<sup>26</sup> Shany Littman, “‘Netanyahu is a superman, a super-leader. The best of the best. We won’.” *Haaretz*, August 24, 2022. Available (in Hebrew) at: <https://www.haaretz.co.il/magazine/2022-08-24/ty-article-magazine/.highlight/00000182-d137-d972-a7d6-d9bf76b40000>.

<sup>27</sup> In Kelsen’s “Pure Theory of Law” – in stark contradiction to Schmitt’s legal theory – norms are ordered in a hierarchical system, or a pyramid: Each formal norm derives its validity from a “higher”, more general, norm, and the process of mounting from inferior (e.g. practical, local, limited, temporary decrees) to superior (e.g. general, principal, universal laws) summits with the basic norm (*Grundnorm*) that endows the whole system with its validity, as for example in the form of a constitution.

supposedly homogenous nation. Arguing for the power to decide is, however, not about conservatism or nationalism per se but about the destruction of democracy. It calls for a political order which is defined by an uncontested authority that facilitates the nation's identification of, and fight against, enemies, be they external threats or internal traitors.

Yet for all its invocation of traditional religious morality, the new right is highly selective about its religious commitments and instrumentalist in its use of religious tradition. Many self-identified secular people invoke Christian or Jewish nationalism as a form of racialized identity politics, a matter of sorting who belongs where far more than a question of religious conviction. The fetishization of "the people" displaces not merely liberalism but central religious tenets: to welcome the stranger, to clothe the naked and feed the hungry, to recognize that all human beings are made in the divine image. Scholars have even noted a negative correlation between regular church attendance and anti-immigrant sentiment among American Christians, underscoring that the current battle is badly misunderstood if cast as one between religious conviction and secular freedom.<sup>28</sup> As the sociologists Philip S. Gorski and Samuel L. Perry have recently argued, "today, calling oneself a 'Christian' or even an 'evangelical' is sometimes just a way of claiming membership in an ideological or political tribe or defending a certain 'way of life.'"<sup>29</sup> When post-liberals claim a strong state is required to enforce traditional religious values

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<sup>28</sup> Samuel Stroope, Heather M. Rackin, and Paul Froese, "Christian Nationalism and Views of Immigrants in the United States: Is the Relationship Stronger for the Religiously Inactive?" *Socius*. January 2021. Available at: <https://journals.sagepub.com/doi/10.1177/2378023120985116>.

<sup>29</sup> Philip S. Gorski and Samuel L. Perry, *The Flag and the Cross: White Christian Nationalism and the Threat to American Democracy* (Oxford: OUP, 2022). 107.

— to make the majority moral again — we must keep in mind that theirs is a particular, somewhat thin, understanding of both religious identity and tradition.

## **Conclusion**

We inhabit a world defined by an unprecedented amount of mobility: of finance, consumer goods, and popular culture, and a global elite equally at home in Doha or San Francisco. Yet, and as a corollary, ours is also a world wherein the movement of people — immigrants, refugees, and “suspicious” populations — is obsessively restricted: a world of border walls and barbed-wire fences, security checkpoints, military blockades, constant surveillance, and denunciations of “foreign” elements in the body politic. Appeals to the organic unity of the nation, however fictitious, must be understood in the context of these material upheavals.

Post-liberals are sometimes described as traditionalists, but our analysis underscores that a mere return to earlier forms of political and social life are insufficient for their project. The need to distinguish the concept of tradition from that of conservatism requires, perhaps, a different discussion that exceeds the limits of this paper. But it would be in any case wrong to succumb to the post-liberal version not only of what tradition stands for but also of how to engage with what was handed down to us by preceding generations. Their new right-wing mission rather depends on the advanced technologies of governance — from state schooling to surveillance and criminalization — to create a body politic that accords with their vision of the nation. In asserting the primacy of the nation, they are also willing to dispense with much that is valued by its actual members: individual liberties, legal equality, free and fair elections, even the peaceful

transfer of power. The three categories of analysis — the people, the law, and the state — collapse upon one another into a unitary whole, ideally led by a “strong leader” with no plans to leave office.

The political-theological aspects of this worldview betray a yearning for a bold leader, a sovereign who, echoing the divine, will serve and protect his people from enemies both without and within. In practice we cannot summon the house of David to play such a role, and the messiah is known to tarry. The post-liberals are untroubled by this reality because they regard the nation-state as far more important than any other aspects of divine creation; its interests likewise overwhelm the demands of human decency and even explicit religious commands. The nation—or rather the portion of it that aligns with the state—is what reigns supreme, *me'ata ve'ad olam* [now and forever].

### **About the Authors**

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