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Nothing Left to Conserve: The Structural Conservatism That Keeps Losing the Culture War and the Reckoning That's Overdue

EXECUTIVE SUMMARY

In October 2024, a British court convicted a man for silent prayer — for the content of thoughts he did not speak aloud, three minutes of them, on a public street. It was the first such conviction in British history. The local council, then on the edge of bankruptcy, spent over £90,000 of public money to secure it. This is not an unusual case. It is a mild one. The enforcement architecture that produced it sits across every Western country and is pointed, with striking consistency, in one direction.

Conservatives have noticed hate speech laws, human rights tribunals, public broadcaster charters, immigration discretion, and educational curriculum are all used against the right and almost never against the left — yet failed to adapt or address this asymmetry. The response has been almost entirely incoherent. Conservatives write columns. They denounce the hypocrisy. They appeal to fairness and led by example. None of this changes anything, because the pattern is not produced by hypocrisy. It is produced by structure.

Two things are happening at once. The first is that one side plays the institutional game to win and the other, for reasons of temperament, coalition structure, fear of media response, or genuine moral restraint, does not. The second is that the people who interpret vague rules — what counts as hate, what counts as balance, what counts as in the public interest — come overwhelmingly

from the left, trained in the same universities, reading the same journals, working in the same institutions. Even when those people act in good faith, they produce one-directional outcomes.

The rule book looks neutral. The referees are not.

There are three ways forward and they are not alternatives but additive strategies:

Strategy A is to repeal the vague rules and replace them with bright-line ones that cannot be creatively interpreted. That is the destination — correct in principle but a generation of legislative work.

Strategy B is to compete seriously for the referee positions: fund the pipeline, train the candidates, sponsor the conservative scholarships, appoint the judges, staff the tribunals. That is the road — necessary but slow.

Strategy C is to use every lever of the existing architecture symmetrically, as the DeSantis administration in Florida and the second Trump administration in Washington are currently doing (or attempting), and absorb the coordinated institutional response as the cost. That is the accelerant — available now, genuinely costly, and the only thing that makes Strategy A and B politically attainable.

Pursued together they compound. Pursued separately each fails for reasons specific to what it leaves out. There is no fourth option; waiting for the system to self-correct is not a strategy.

1. The Asymmetry Is Real

Begin with the pattern, before the explanation. The examples below are not the worst cases of the past decade. They are deliberately among the mildest.

In November 2022, a British army veteran stood silently on a public green in Bournemouth, behind a tree, with his back to a nearby abortion facility, and prayed for three minutes for the son he had lost to abortion twenty-two years earlier. He was questioned by police about the nature of his prayers. In October 2024, Bournemouth Magistrates' Court convicted him for this conduct, the first conviction for silent prayer in British history. Bournemouth, Christchurch and Poole Council, then facing bankruptcy warnings, spent over £90,000 of public funds to prosecute him. He was ordered to pay a further £9,000 in costs.

In December 2022, a charity worker who had volunteered for twenty years supporting women in crisis pregnancies was arrested on a public street in Birmingham after telling police she "might" be silently praying. She was acquitted in February 2023. She was arrested again in March 2023. She received £13,000 in compensation from West Midlands Police in August 2024. She was charged a third time in December 2025 under new buffer-zone legislation.

In August 2023, Ontario's Divisional Court ruled that the College of Psychologists of Ontario could compel Dr Jordan Peterson to undergo mandatory social media re-education — at his own expense, or lose his licence to practise — as a consequence of tweets about contested political topics on which he had identified himself as a clinical psychologist. The Ontario Court of Appeal declined leave to appeal in January 2024. The Supreme Court of Canada declined the final appeal in August 2024.

In September 2021, Dr My Le Trinh — a Sydney GP of twenty-seven years' standing, without a single prior complaint — was suspended on the basis of an anonymous "John Smith" complaint whose email bounced, whose telephone was disconnected, whose address was blank, and which AHPRA and the NSW Health Care Complaints Commission declined to confirm as real. The evidence attached was an ivermectin prescription Trinh had written for a family member, left at her local pharmacy and, according to the pharmacy, had been collected directly by AHPRA agents. "John Smith" had no lawful route to that document. Its presence in his complaint meant the complainant must be inside the regulator. The enforcement proceeded regardless of the flaws in the evidence.

None of these cases involves speech or conduct that any reasonable observer would describe as threatening, harassing, violent, or dangerous. None of the defendants had any history of criminal conduct. In each, the enforcement architecture deployed against them — Public Spaces Protection Orders, professional licensing authorities, buffer-zone legislation — was enacted by legislators and regulators who assured the public at the time of enactment that the powers would be used

against genuine threats to public order and professional conduct. In each, the powers were used instead against mild expression of unfashionable beliefs by mild-mannered people.

The enforcement architecture was sold on the promise that it would be used against serious harms. It is being used against silent prayer, social media posts about contested political topics, and the expression of religious convictions on public streets. The gap between the stated purpose and the operating use is the asymmetry to be explained.

The pattern extends well beyond these cases. Section 18C of the Australian Racial Discrimination Act prohibits speech that offends, insults, humiliates, or intimidates on racial grounds. In the three decades since its enactment, its highest-profile applications have been against conservative columnist Andrew Bolt, against Queensland University of Technology students who objected to being asked to leave a computer lab on the basis of their race, and against cartoonist Bill Leak for a drawing about Indigenous parental responsibility. It has not been used against academic departments hostile to Anglo-Celtic students, against Islamist preachers operating in Australian mosques, or against the editorial lines of any left-wing Australian publication.

The United Kingdom's Public Order Act and the Communications Act have produced a documented thirty arrests per day for speech-based offences — approximately twelve thousand arrests per year, up from 7,734 in 2019 — with enforcement falling disproportionately on gender-critical feminists, pro-life campaigners, Christian street preachers, and online critics of government policy. A parallel regime of “non-crime hate incidents” has recorded over 133,000 citizens' views in police files since 2014, at a rate of roughly thirteen thousand per year, including children below the age of criminal responsibility. The same statutes have not been deployed with equivalent vigour against organisers of marches openly chanting for the genocide of Jews, against clerics preaching the death penalty for apostasy, or against academics calling for the dismantling of “whiteness.” The Canadian Human Rights Tribunal, under Section 13 of the Canadian Human Rights Act before its 2013 repeal, became an instrument used almost exclusively against right-wing speech, achieving a near-total conviction rate across its operational history.

Australia's ABC operates under a charter requiring impartiality and balance. Successive independent reviews, internal audits, and complaints data have consistently found systemic editorial drift on contested questions including climate, immigration, indigenous policy, and Israel-Palestine coverage. The charter is not enforced. It is interpreted by an institution staffed almost exclusively from the left.

The pattern repeats across charity commissions, professional registration boards, university disciplinary processes, social media platform moderation, immigration ministerial discretion, and the curriculum authorities of every Anglosphere jurisdiction. The asymmetric enforcement is not anecdotal. It is the operating reality of every discretionary instrument inside every Western institution simultaneously.

The asymmetric application of discretionary law across the Anglosphere is too consistent and too long-running to be explained as administrative drift or local

accident. It is the predictable output of a structural condition. The first task is to identify that condition correctly.

2. Two Asymmetries, Compounding

The standard explanations of the pattern divide into two camps. The first is moral: progressives operate in bad faith, conservatives are bound by principle. The second is structural: discretionary rules are inherently captured by whichever institutional class staffs the enforcement layer. Both contain truth. Neither alone is adequate. The brief that follows argues that two asymmetries are operating simultaneously, that they compound, and that any policy response that addresses only one of them will fail.

The first asymmetry is motivational and visible to anyone who reads the news. The progressive coalition treats the acquisition and use of state power as itself a primary objective; the conservative coalition, for a mix of reasons examined in Section 3, does not. The motivational asymmetry produces the observable pattern that conservatives, even when they hold institutional power, do not deploy it with the same systematic intent for transformation that progressives do.

The second asymmetry is structural and operates beneath the motivational layer. Discretionary rules require interpretation. Interpretation requires interpreters. Interpreters are drawn from credentialing pipelines that have been ideologically homogeneous for two generations and now operate inside an information environment that has been monoculture-captured across journalism, the academy, professional bodies, and the institutional NGO sector. Even sincere enforcers operating from genuine good faith will produce one-directional outputs because their entire conception of what counts as fair, neutral, harmful, or legitimate has been pre-filtered by an environment that systematically excludes one set of priors.

The two asymmetries are not in tension. They compound. The motivational asymmetry produces the failure to push back symmetrically; the structural asymmetry produces the baseline output that goes unpushed. Address either alone and the system continues to produce its current results.

This brief proceeds in two stages. Section 3 examines the motivational asymmetry: why conservatives do not exploit the discretionary architecture symmetrically even when given the opportunity, and why the rare occasions when they do — the DeSantis administration in Florida, the second Trump administration's use of executive power — are treated by the institutional response as constitutional crises rather than as normal political activity. Section 4 examines the structural asymmetry: how discretion plus capture plus monoculture produces asymmetric outputs even from sincere enforcement. Sections 5 onwards apply the Madisonian standard to the resulting policy environment.

3. Why Conservatives Don't Exploit Symmetrically

The progressive coalition, given control of an institution, transforms it. The conservative coalition, given control of an institution, runs it more or less as it found it, with marginal adjustments. This is the operating asymmetry of the post-1968 Western political order and has allowed for enormous drift over the ensuing decades in the fundamental fabric of society and its institutions.

The mechanism has four components.

Higher tolerance for state coercion as a means

Every revolutionary leftist project that has achieved sustained state capture in the modern era — China under Mao and now Xi, the Soviet bloc, North Korea, Cuba, Venezuela, Zimbabwe, the Bolivarian states across Latin America — has converged on coercive enforcement of preferred social outcomes. The pattern is too consistent across too many cultures and too many decades to be an artefact of local conditions. The shared feature is a theory of politics in which the state is the legitimate instrument for transforming society in line with ideological goals, and in which obstacles to that transformation — whether persons, institutions, traditions, or facts — are understood as enemies of progress to be neutralised.

The non-revolutionary social-democratic versions of this disposition do not produce mass coercion, because the residual constitutional architecture they operate inside prevents it — for now. They produce instead the lower-intensity version: progressive control of an institution is followed by progressive monoculture inside the institution and progressive exclusion of dissent from it. The pattern is visible in every Western university humanities faculty, every major newsroom, every public broadcaster, every professional association, and every government department whose remit includes any contested social question. The intensity differs. The mechanism is the same.

The conservative coalition has no equivalent theory of state-as-transformative-instrument and historically no equivalent record. Conservative ideology is more often defensive — preserve what exists, restrain what is changing — than transformative. This generates a much weaker institutional appetite for using captured offices to remake the institutions themselves, and a much weaker willingness to maintain the disciplined cohesion required to do so over decades (refer to Prothean Institute whitepaper “Lost Coherence” for a deeper analysis of this).

Coalitional structure: bloc discipline versus internal diversity

The progressive coalition operates with significantly higher bloc discipline than the conservative coalition. Democratic and Labour parliamentary votes routinely exhibit 95 per cent or higher bloc cohesion on contested questions. Republican and Coalition votes routinely fall below 80 per cent on the same kinds of questions. The within-coalition diversity of the conservative side — libertarians, social conservatives, business interests, populists, traditional institutionalists, and

various national-conservative tendencies — is genuinely greater than the within-coalition diversity of the progressive side, and the consequence is that coordinated exploitation of any institutional opportunity is harder for conservatives to organise and sustain.

This is partly a strength: the conservative coalition is harder to capture by any single ideological tendency. It is also a strategic weakness: the disciplined coalition wins more institutional engagements, and progressive coordination wins them consistently.

Fear of media criticism

Conservative actors who do attempt to use institutional power for transformative ends face an immediate, coordinated, and high-volume hostile response from a media environment that progressive actors using equivalent power do not. This shapes the calculation. A conservative governor who fires a regulatory commissioner faces accusations of authoritarianism that a progressive governor doing the same thing does not. A conservative president who removes US Attorneys faces investigation; a progressive president doing the same is treated as exercising normal executive prerogative. The asymmetric coverage produces an asymmetric political cost, which produces an asymmetric willingness to act.

Genuine moral compunction in some actors

In some conservative actors, the restraint is also genuinely moral: a belief that institutional norms matter, that procedural fairness has value beyond its instrumental utility, that the rule of law constrains one's own side as much as one's opponents. This disposition is real and is unequally distributed across the two coalitions. The progressive coalition contains plenty of individuals with the same disposition; what differs is its weight as a constraint on the coalition's collective behaviour. In the conservative coalition the moralist constraint frequently overrides the strategic calculation. In the progressive coalition the strategic calculation frequently overrides the moralist constraint.

DeSantis and Trump: the demonstration

The recent exceptions test the rule. The DeSantis administration in Florida used state education statute, professional licensing authority, and gubernatorial appointment power in a manner that mirrors how progressive administrations in California, New York, and Illinois have used identical authorities for forty years. The second Trump administration has used executive orders, agency reorganisation, and prosecutorial discretion in a manner that mirrors what the Obama and Biden administrations did when they held the same offices.

The comparison is specific. Trump's dismissal of US Attorneys and agency heads follows the Clinton administration's dismissal of all ninety-three US Attorneys in a single day in 1993 and every subsequent administration's equivalent exercise of the power. Trump's use of executive orders to reshape agency policy follows the Obama administration's use of the same tool to create DACA and DAPA, and the Biden administration's use of it to attempt student loan forgiveness after Congress declined to authorise it. DeSantis's use of Florida education statute to remove

curriculum content follows four decades of California, New York, and Illinois using identical authorities to insert curriculum content of their own choosing. DeSantis's use of professional licensing and corporate charter authority against Disney follows a long-established progressive-state pattern of using the same authorities against bakers who declined to make gay wedding cakes, photographers who declined to photograph same-sex ceremonies, pharmacists who declined to dispense abortifacients, crisis pregnancy centres, and religious schools whose accreditation depended on teaching mandates they could not conscientiously meet.

Every instrument deployed by DeSantis and Trump has a direct progressive-administration precedent in the preceding forty years. In no case are they using a new authority. In no case are they exceeding the scope progressive administrations established. They are using the existing discretionary architecture symmetrically.

The Virginia redistricting referendum of April 2026 demonstrates the asymmetric procedural conduct in real time. Democratic-controlled state legislatures have been aggressive partisan gerrymanderers for decades — Maryland, Illinois, Massachusetts, and pre-1994 California produced maps that federal courts described in terms ranging from "broken-winged pterodactyl" to "earmuff." When Republican legislatures in Texas, North Carolina, and Missouri belatedly began drawing comparable maps in 2025, the asymmetry was in the response, not the act. Virginia is the sharper case. Faced with the same redistricting incentive, Virginia Democrats overrode their own 2020 voter-approved bipartisan redistricting commission — passed with 66 per cent support — through a constitutional amendment introduced during a special session called for unrelated business while early voting was underway in another election. The state's own Attorney General said the process was unconstitutional. A trial court agreed. The Virginia Supreme Court reserved the substantive question and let the vote proceed. The amendment passed 50.7 to 49.3, converting a 6-5 delegation into a projected 10-1 in a state that voted 52-46 Democratic in 2024. The Texas, North Carolina, and Missouri legislatures used existing constitutional authority. The Virginia legislature broke its own. Both were described by the same captured institutional layer in opposite terms.

The institutional response to these conservative exercises of routine executive power has not been: “this is normal”. It has been: “this is constitutional crisis, this is authoritarian breakdown, this is the end of liberal democracy”. The intensity of the reaction is itself further evidence of the asymmetry. The same instruments deployed in the same way generate dramatically different institutional responses depending on which coalition is operating them. This is the asymmetric architecture functioning as designed: discretionary instruments produce one set of responses when used by the cultural in-group of the enforcement and media class, and a different set of responses when used by the out-group.

DeSantis, Trump and the conservative redistricting states have done nothing that multiple progressive governors, presidents and states have not done before them using the same authorities. The institutional response to their exercise of those authorities demonstrates the asymmetry more clearly than any analysis could. The same actions, the same instruments, the same legal bases — and a dramatically different institutional and media response depending solely on who is operating them.

Whether the conservative pattern of non-exploitation reflects moral grounding, fear, laziness, coalitional structure, or all four does not matter for policy purposes. The empirical output is what matters. Conservatives, with the rare and recent exception of the DeSantis-Trump experiment in symmetric exploitation, do not exploit the discretionary architecture as progressives do. Any policy framework that assumes they will is operating on a counter-factual — and any framework that assumes the DeSantis-Trump approach can be quietly generalised without precipitating a sustained institutional response of unprecedented intensity is operating on a different counter-factual.

4. The Structural Mechanism: Discretion, Capture, Monoculture

The motivational asymmetry described in Section 3 is necessary but not sufficient to explain the observed pattern. Even if conservatives suddenly developed the institutional discipline they have lacked for fifty years, the structural architecture of discretionary law operated by captured enforcement layers inside monoculture-captured information environments would continue to produce asymmetric outputs. Three components compound.

The design problem

Every law and every institutional rule sits somewhere on a spectrum from bright-line to discretionary. A bright-line rule is mechanical: a 60 kph speed limit, a 25 per cent corporate tax rate, a fixed retirement age. Its application requires no judgement about the meaning of the words involved or the character of the actor. A discretionary rule requires interpretation: what counts as "hate", what counts as "fair", what counts as "in the public interest", what counts as "a person of good character". The wider the interpretive space, the greater the discretionary power vested in the enforcer.

Discretionary rules are popular with legislators because they are flexible, because they avoid the political cost of bright-line specification, and because they can be passed with bipartisan support precisely because each side imagines its own preferred enforcement. The very ambiguity that makes a rule politically tractable at the moment of passage makes it institutionally dangerous in operation.

The capture problem

Discretionary rules require humans to interpret them. The humans who occupy interpretive positions over time are not drawn at random from the population. They are drawn from professional credentialing pipelines — law schools, journalism schools, public administration programmes, education faculties, NGO career tracks — that have been demographically and ideologically homogeneous for at least two generations. The 90/10 progressive-to-conservative ratio in American humanities and social science faculties is now well-documented (Langbert and Stevens 2020; similar ratios are reported for the UK by Carl 2017 and for Australia by Lindsay 2021); the equivalent ratios in journalism, public-sector law, and the senior civil service in every Anglosphere country are similar. The capture is not the result of a coordinated plan. It is the cumulative result of self-selection into low-paying credential-intensive professions by people drawn to particular cultural priors, sustained over decades, compounded by the motivational asymmetry described in Section 3 — progressives have been willing to do the unglamorous institutional work; conservatives have not.

The discretionary positions were not seized. They were vacated.

The monoculture problem

Discretion plus capture would, in principle, still leave room for individual conscience to produce occasional symmetric outputs. The third component closes that escape route. The information environment surrounding the discretionary office — the journals the enforcer reads, the professional bodies whose guidance they follow, the conferences they attend, the media they consume, the colleagues they discuss difficult cases with, the academic literature their decisions cite — has itself been monoculture-captured across the same generation. The result is that even sincere good-faith enforcement, conducted by individuals who genuinely believe themselves to be reaching the right answer through honest deliberation, produces one-directional outputs because the entire information environment in which they deliberate has been pre-filtered to exclude the priors that would generate symmetric conclusions.

The cleanest case is paediatric gender medicine. A general practitioner or paediatric endocrinologist asked to assess a fourteen-year-old presenting with gender dysphoria operates inside an information environment in which the World Professional Association for Transgender Health standards, the American Academy of Pediatrics guidelines, the Endocrine Society position statement, the relevant peer-reviewed journals, the medical school curriculum, the continuing medical education modules, the hospital's diversity training, the mainstream media, the political discourse and the activist NGO advocacy all point in the same direction simultaneously. A clinician applying the standard of care defined by their professional environment will affirm and refer for medicalisation. They are not all failing morally. They are not all acting in bad faith. They are operating inside an information architecture engineered to produce one answer, in which the contrary evidence — the Cass Review, the Finnish, Swedish, and Danish national health service reversals, the long-term outcome data on detransitioners — is filtered out before it reaches them or coded as fringe heterodoxy when it does. The structural failure produces harm at scale, by good people, who genuinely believed they were helping.

The same architecture operates across every contested domain in which discretionary judgement is exercised. The immigration officer applying "good character" tests, the charity commissioner applying "public benefit" tests, the tribunal member applying "hate" tests, the broadcasting ombudsman applying "impartiality" tests, the curriculum reviewer applying "age-appropriate" tests — each operates inside an information environment in which the relevant standards have been defined by the same monoculture, and in which the application of those standards therefore produces consistently one-directional outputs whether the enforcer is sincere or not.

Bad faith is not necessary to produce asymmetric enforcement. Captured discretion plus monoculture-captured information environment is sufficient. This is true even when every individual enforcer believes themselves to be acting in good faith — which they almost always do. The Madisonian failure is upstream of the individual enforcer. By the time the case reaches their desk, the asymmetric outcome has already been determined by the architecture they operate inside.

Where individual enforcers do act with deliberate partisan intent — as in the recent prosecutorial pattern in Fulton County, Manhattan, and various state attorneys general offices — that intent operates as an additional aggravating factor on top of the structural mechanism, not as the primary cause of the asymmetric output. The monoculture that surrounds these enforcers treats their partisan conduct as less significant than it would a conservative equivalent, which compounds the asymmetry without being its source. Even if every wilfully partisan prosecutor in the United States were replaced tomorrow with a sincere good-faith successor drawn from the same credential pipeline and operating inside the same information environment, the asymmetric pattern would persist.

5. The Strategic Menu: Three Strategies, Pursued Together

The diagnosis in Sections 3 and 4 determines the realistic strategic menu. There are three strategies available to a conservative political coalition operating in the Anglosphere in 2026. They are not alternatives. They are complements, operating on different levers and different time horizons, and pursuit of only one of them fails for reasons specific to the levers omitted. Each has costs. None is painless. The naive expectation that reciprocal good faith will eventually restore symmetric operation of the existing architecture is not a strategy; it is a fools hope.

Strategy A — Repeal and replace

Repeal the discretionary instruments. Replace them with bright-line rules whose application requires no interpretation. Convert "hate" standards into narrow incitement-to-violence standards modelled on the American Brandenburg test. Convert "impartiality" charters into mechanical compliance regimes. Convert ministerial discretion into objective statutory criteria. This is correct in Madisonian principle and would solve the structural problem at the root.

The cost is the scope of the required legislative programme. Every Anglosphere jurisdiction now has between three and five decades of accumulated discretionary statute, administrative rule, and institutional practice that would need to be legislatively dismantled to execute Strategy A at the scale required. No current Western conservative coalition has either the parliamentary votes or the multi-decade coordination capacity to carry it out. Strategy A is the option that should be pursued as background legislative project over a generation; it is not the option that addresses the immediate asymmetric architecture operating now.

Strategy B — Compete for the positions

Accept that the discretionary architecture exists and will exist for the foreseeable future. Do the unglamorous, low-prestige, long-duration institutional work of staffing the interpretive positions with competent conservative professionals. Fund the credentialing pipeline with conservative scholarships. Build the parallel professional societies. Recruit, train, and appoint across the judiciary, the regulatory bodies, the tribunal panels, the curriculum authorities, and the senior civil service with the same decades-long institutional patience progressives have demonstrated. The Federalist Society in the United States is the demonstration model. Its transformation of the federal judiciary over a generation is what the disciplined pursuit of Strategy B produces.

The cost is time. Strategy B is a forty-year strategy whose payoff is invisible for the first twenty. It requires conservative donors, foundations, and political organisations to fund work that produces no electoral benefit inside any single politician's career. The political economy of the conservative coalition has, with the notable exception of the Federalist Society, not historically rewarded this kind of patient institutional investment — which is why the discretionary positions are captured in the first place. Strategy B is necessary and should be pursued across every institutional domain, but it is a generation-long strategy, not a response to the asymmetric architecture operating now.

Strategy C — Symmetric exploitation

Use every lever of discretionary power available inside the existing architecture. Appoint in the manner of progressive administrations. Prosecute in the manner of progressive prosecutors. Regulate in the manner of progressive regulators. Defund and deprioritise in the manner of progressive defunding and deprioritisation. Absorb the coordinated media and institutional response as the operating cost of the strategy. Accept that the first three terms produce maximum institutional outrage and minimum cooperative reform, and continue.

The strategic logic of Strategy C is effectiveness and deterrent rather than restorative. It does not aim to build a better consensus. It aims to generate effective conservative governance and impose sufficient reciprocal cost on the progressive coalition that the discretionary architecture it built over fifty years begins to look to progressives themselves like a net liability rather than a net asset. Bipartisan appetite for Strategy A — repeal of the discretionary instruments — becomes plausible only when both sides have experienced the costs of operating on the receiving end of them. Strategy C is what produces that experience.

The cost of Strategy C is real and should not be minimised. Conservatives who adopt it are committing to fight on a field progressives chose fifty years ago and on which progressives have operated uncontested for two generations. The field is the use of discretionary institutional power for coalitional advantage, and the contest is already in progress — it has simply been one-sided, which is why the cultural landscape of 2026 looks as it does. Strategy C is not the initiation of that contest. It is the belated entry of the second coalition into a contest the first has been winning by default. The specific costs of that entry are: absorbing a coordinated media and institutional response of unprecedented intensity; foreclosing the restorationist hope that the old procedural norms can be re-established from the sidelines; and accepting that rule-of-law norms already substantially degraded by one-sided exploitation will degrade further before Strategy A can structurally replace them. The alternative is not a return to procedural symmetry. The alternative is continuing to lose the contest while declining to contest it.

The three strategies pursued together

The common error is to treat the three strategies as a menu from which one is selected. They are better understood as three layers of a single strategy, each operating on a different institutional lever and a different time horizon, and each necessary to the others' success. Strategy A operates on the statutory layer over a generation; it defines the end-state architecture. Strategy B operates on the human layer over two decades; it is what makes Strategy A's replacements durable, and what defends the remaining irreducible discretionary positions from re-capture. Strategy C operates on the institutional culture layer immediately; its function in the combined strategy is to generate the political conditions under which Strategy A becomes legislatively feasible, and to prevent the discretionary architecture from continuing to operate one-directionally during the decades that Strategy B requires to mature.

The reason each fails in isolation is specific. Strategy A pursued alone fails for lack of parliamentary votes, because the political pressure required to dismantle forty years of accumulated discretionary statute never builds in the absence of the bipartisan experience of reciprocal exploitation. Strategy B pursued alone fails through lack of immediate payoff; a forty-year pipeline strategy is chronically underfunded by a political economy that rewards the next election cycle. Strategy C pursued alone fails through unbounded escalation; without a statutory endpoint in view, symmetric exploitation degrades rule-of-law norms without producing the structural repair that would justify the cost.

Strategy A is the destination. Strategy B is the road. Strategy C is the accelerant. Pursued simultaneously, they compound: C creates the political conditions for A, A defines the end-state B is staffing toward, and B makes the outcome durable. Pursued individually, each fails for reasons specific to the lever omitted. The DeSantis administration in Florida and the second Trump administration in Washington are the active experiments in C; their strategic value is not the short-term institutional gain but the creation of the reciprocal-cost conditions that make A and B politically attainable.

The conservation-to-restoration reframe

A conservative movement operating inside the current Anglosphere institutional environment faces an analytical question it has generally declined to ask directly. Conservatism as a political disposition is defined by the preservation of inherited institutional forms and cultural practices against their replacement. It presupposes that there is something still substantially in place to conserve. The question worth asking is whether that presupposition remains empirically accurate across the major domains of Western public life.

The family structure that obtained in the Anglosphere in 1950 has not been conserved. The civic religious settlement has not been conserved. The national-identity framework has not been conserved. The institutional neutrality of the university, the public broadcaster, the judiciary, the regulatory state, and the professional bodies has not been conserved. The demographic composition of the historical Anglosphere populations has not been conserved. The educational consensus has not been conserved. The shared media environment has not been conserved. The market discipline of the financial and corporate sectors has not been conserved. The gendered distinction between male and female in public life has not been conserved.

On each of these dimensions, the progressive coalition has successfully executed an institutional transformation of approximately revolutionary scope over the past sixty years. The transformation is, from the progressive perspective, the culmination of a century-long programme and is now in its consolidation phase. From the conservative perspective, the ground being defended has progressively retreated to positions that would have been unrecognisable to any serious conservative thinker of 1960, and the continued use of the word "conservative" to describe the programme of restoring the pre-revolutionary institutional order is analytically imprecise. The accurate term for a programme that proposes the transformation of the actually-existing institutional order in service of an older vision of the social good is not conservatism but counter-revolution — or, to use the less martial term, restorationism.

The strategic implications of this reframe are substantial. Conservation, as a political disposition, has an in-built preference for the slow, the procedural, the institutionally cautious, and the consensus-respecting. These preferences are appropriate when the institutions being operated are substantially intact and when gradual reform can be expected to produce acceptable outcomes. They are inappropriate when the institutions being operated have already been transformed against the conserving coalition's core commitments, and when the operating question is no longer how to preserve what exists but how to restore what has been lost. Restoration, as a political disposition, permits strategic seriousness about the use of state power for transformative ends, because transformation is already acknowledged as the work required.

Restorationism properly understood is not permission for norm-breaking or undisciplined conduct. It is recognition that the institutional work required is transformation rather than preservation — and transformation requires the same patience, discipline, and institutional seriousness that successful revolutionaries have always shown. The theoretical articulation of the position is already underway in the post-liberal intellectual current, in the national-conservative

movement, and in the integralist and restorationist writings of the past decade. Whether the Prothean Institute endorses the reframe is a question for future work. Whether the reframe accurately describes the strategic reality faced by the conservative coalition in 2026 is a question already answered by the operating evidence.

Conservatism presupposes that there is something substantially in place to conserve. Across the major domains of Western public life in 2026, that presupposition is analytically weak. A coalition whose objective is the restoration of an institutional order that has already been transformed is not, strictly, conservative. It is counter-revolutionary. Naming the position accurately does not endorse it. It clarifies what strategic options are in fact available, and what the costs of each actually are.

6. The Madisonian Test

Madison's argument in *Federalist No. 51* is the classical formulation of the principle that institutions must be designed for self-interested actors, not virtuous ones. The standard application is constructive: design checks and balances such that ambition counteracts ambition. The diagnostic application — equally important and analytically prior — is to ask of any existing rule: *what does this rule require its enforcer to be, in order to produce its stated effect?*

Apply this test to the standard discretionary instruments of the modern administrative state and the failure pattern becomes visible. The test does not require the analyst to assume bad faith on the part of any enforcer. It requires only the realistic acknowledgement that the enforcer will be drawn from a credentialing pipeline, will operate inside an information environment, and will be subject to professional pressures — and that all three of those conditions have, for the past two generations, pulled in one direction across every Western jurisdiction simultaneously.

Section 18C requires the Australian Human Rights Commission and the Federal Court to define what counts as racial offence. The rule's protective effect therefore depends on the AHRC and the judiciary applying a politically neutral definition of offence. They have not done so. They were never going to.

The ABC charter requires the broadcaster to define impartiality. The rule's protective effect depends on the ABC's editorial leadership applying a politically neutral definition of the centre. They have not done so. They were never going to.

Charity commission registration requires officials to define what counts as a public benefit. The rule's protective effect depends on those officials applying politically neutral criteria for benefit. They have not done so. They were never going to.

Curriculum authority requires officials to define what counts as legitimate content. The rule's protective effect depends on those officials applying politically neutral criteria for legitimacy. They have not done so. They were never going to.

Each of these rules fails the Madisonian test at the design stage. None of them produces its stated outcome under any plausible enforcer staffing. The naive Madisonian principle — "do not pass a law you would not want your opponents to use" — is the surface form. The deeper principle is sharper:

Do not pass any rule whose protective effect depends on the worldview of the official who enforces it. The worst plausible enforcer will eventually staff that office. Either the rule produces acceptable outcomes when operated by that enforcer, or the rule is a defection waiting to be activated.

This principle, properly applied, would have prevented the construction of most of the discretionary architecture conservatives now find turned against them. It is also the principle conservatives have most consistently failed to apply, in part because they have wanted equivalent instruments for their own preferred uses — the prohibition of flag-burning, of pornography, of certain forms of religious expression they find objectionable, of border-crossing, of academic content they object to. The contemporary DeSantis and Trump administrations are testing what symmetric exploitation of the existing architecture looks like in practice. The Madisonian response to their experiment is not to celebrate it as overdue retaliation. It is to recognise that any apparatus whose acceptable operation depends on which side holds the discretionary office is an apparatus that should not exist. The conservative who applauds DeSantis-style use of state education statute today is endorsing the same instrument that will be used against the next conservative cohort once the institutional pendulum swings back. The Madisonian standard is universal or it is nothing.

7. What This Implies for Policy

The diagnosis in Sections 3 through 6 generates four concrete recommendations, each corresponding to an element of the combined strategy presented in Section 5. Recommendations 1, 2, and 3 constitute the Strategy A layer — structural repeal and bright-line replacement — to be pursued as a generation-long legislative agenda. Recommendation 4 is the Strategy B layer — competing for the discretionary positions that cannot be eliminated. Strategy C — symmetric exploitation of the existing architecture — is a strategic choice that must be made by the political actors currently holding executive office; its purpose in the combined strategy is to create the political conditions under which the legislative work of A and the institutional work of B become attainable. The three are complements, not alternatives, and the recommendations below are to be pursued simultaneously, not sequenced.

None of the recommendations is a moral appeal. All of them are structural.

1. Repeal discretionary speech law where possible.

Section 18C in Australia, Section 13 in Canada (already repealed), and the speech provisions of the Public Order Act 1986 in the United Kingdom are not reformable. Their failure is not a function of administrative practice but of their design. They cannot be made to work fairly because the words they use require interpretation that no plausible enforcer will perform neutrally. The American First Amendment standard — viewpoint-neutral, content-restrictive only in narrow categories defined by clear bright-line tests — is the relevant model. Where full repeal is politically unattainable, the legislative goal should be to convert discretionary standards into bright-line ones: replace "hate" with "direct incitement to imminent unlawful action against specified persons" and accept the much narrower scope this implies.

2. Privatised public broadcasters; ban government advertising in mainstream media; mandate license-conditional free public-interest airtime.

Public broadcasters operating under impartiality charters cannot be made impartial through internal complaints processes. They are structurally captured and should be privatised in full, with no residual state ownership. Government advertising spend — a disproportionately large revenue source for legacy media outlets across every Anglosphere jurisdiction — should be prohibited in commercial mainstream media, removing a significant structural subsidy to the captured outlets. The legitimate public-interest communication function currently justified as the reason for public broadcasting can be delivered through a different structural mechanism: commercial broadcasting licenses, including digital platform licenses, should be made conditional on providing a fixed percentage — ten per cent is a reasonable starting point — of advertising inventory free of charge for government public-interest messaging, with the eligible message categories defined by bright-line legislation rather than ministerial discretion (emergency alerts, statutory health campaigns, electoral and civic information, court notices). This converts a captured state-ownership model into a mechanical license-condition model whose operation does not depend on enforcer good faith.

This reform should be undertaken as a first-term priority, executed early in the mandate. The timing is not incidental. The reform must be completed far enough from the next election that its new equilibrium is the unremarkable status quo the election is fought within, rather than the contested question the election is fought about. Two dynamics make early action necessary. First, outlets that prove economically unviable under the new funding structure will fail; those failures are healthy for the broader media ecology but are reported as existential outrages, and both the failures and the reporting need time to resolve into the background before voters are next asked to consider them. Second, captured media outlets facing the prospect of losing their historical subsidy will treat any proximate election as an existential contest and will escalate their reporting bias accordingly. A reform announced six months before an election is a reform that dies; a reform executed in the first six months of a mandate is a reform that normalises before the next voter reckoning.

3. Strip ministerial and bureaucratic discretion from immigration, charity, and curriculum decisions.

Discretionary visa cancellation, discretionary charity registration, and discretionary curriculum content decisions all produce asymmetric outputs for the reasons described above. The corrective is to convert the rules into objective criteria whose application requires minimal judgement, accepting the political cost of having to specify the criteria in legislation rather than leaving them to be discovered in practice. Where genuine discretion is unavoidable — as in some areas of immigration — appointment to the discretionary office should be subject to the same bipartisan-appointment statutory requirements proposed for broadcasting oversight.

4. Compete for the discretionary positions that cannot be eliminated.

Some interpretive offices cannot be removed: senior judicial appointments, regulatory body memberships, university governance positions, professional standards boards. For these, the Madisonian response is not lamentation but participation. Conservative donors, foundations, and political organisations have spent forty years funding think tanks and political campaigns while ignoring the institutional pipeline. The Federalist Society in the United States is the single conservative institution that has understood this and has, in consequence, transformed the federal judiciary over a generation. Its success is the demonstration of what institutional discipline applied over decades can achieve. Its absence in every other Anglosphere jurisdiction, and across most other institutional domains in the United States, is the demonstration of what its absence costs.

8. The Underlying Discipline

None of the elements of the combined strategy will be popular with the conservative coalition as currently constituted. The Strategy A recommendations require accepting that the state should have less discretionary power, including in domains where conservatives would prefer it to have more. The Strategy B programme requires sustained low-prestige institutional work over decades, with no electoral payoff visible inside any single politician's career. Strategy C requires absorbing a coordinated media and institutional response of unprecedented intensity without retreat. All three are difficult, and the motivational asymmetry described in Section 3 is precisely what makes them difficult: the same coalitional tendencies that have prevented symmetric exploitation for fifty years also prevent the institutional discipline required for the corrective. The DeSantis and Trump administrations are demonstrating that Strategy C is executable. Whether the coalition can sustain it long enough to produce the conditions under which A and B become politically attainable is the live strategic question.

The alternative is to continue passing discretionary rules in the hope of someday controlling their enforcement, and continuing to lose the asymmetric enforcement game in the meantime. This has

been the operating strategy of the Anglosphere conservative movement since approximately 1975. Its results are visible.

The Madisonian discipline is not a partisan position. It is a structural one. Applied consistently, it would have prevented the construction of the discretionary apparatus that now harms conservative interests; it would also prevent conservatives from constructing the symmetric apparatus that progressives fear conservatives will build when they next hold sustained institutional power. The principle generalises. That is what makes it durable. That is also what makes it unattractive to operators on both sides who, on most days, would prefer the discretionary instrument to the bright-line one provided they can imagine themselves holding it.

The conservative movement has spent two generations losing a game whose rules it largely wrote, against an opponent better organised, more disciplined, and more willing to use captured institutions for transformative ends. The corrective is not better luck or better people in the next administration. It is the discipline to stop writing rules that depend on enforcer good faith – and the institutional patience to compete for the positions that interpret the rules already written.

Prothean Institute exists to think clearly about hard structural realities. This is one of them.

About Prothean Institute

The Prothean Institute is an independent strategic research organisation dedicated to understanding, preserving, and renewing the foundations of thriving societies.

Our mission is to develop political, cultural, and social frameworks that are deeply aligned with the structures, instincts, and emotional architectures that sustain human flourishing across generations.

Our work focuses on:

- Developing strategic whitepapers, policy briefs, and advisory documents to support effective governance and leadership.
- Conducting philosophical, historical, and behavioural analysis of political and cultural trends.
- Equipping leaders with frameworks that connect emotional resonance to rational clarity and practical governance.

At the Prothean Institute, all policy recommendations and strategic analyses are grounded in strict epistemic rigour and the reality of real-world conditions and human nature. Idealism, where entertained, is explicitly noted as distinct from core analysis. We reject abstractions untethered from reality and seek to equip leaders with tools that work in the world as it is — not as we might wish it to be.

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