

What is active citizenship in the era of rule by decree?

## **American political theology has tended to take democracy and the rule of law for granted. What now?**

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Century illustration

What does it mean, at this moment in American history, for a political or state action to be “unthinkable”? So much that was formerly unthinkable has become not only thinkable but routine in the last 15 years, from Congress threatening to default on

America's public debt to the blockading of Supreme Court nominees. But unthinkability has been having an especially hard go of it over the last few weeks.

The US is abruptly out of the World Health Organization (leaving China, for whatever it's worth, as the major player left). We have instantly canceled ongoing aid projects, a critical source of soft power around the world, leaving staff stranded in places they went assuming the good faith of their government and [medical devices implanted in medical-study participants](#). A freeze in grants and loans disbursed by the federal government was partially rolled back but seems to have run faster than the courts can keep up ([let alone enforce](#)). Above it all, the Elon Musk-headed "department" created by executive order has been layered over all the functions of the federal government, gaining electronic access to Treasury systems and seemingly even the Social Security Administration without having any official government role (to say nothing of security clearances, background checks, or ethics disclosures).

If you find all these developments (and too many more to include here) troubling, you probably know where to go to find out as much as can be publicly known about them. But what has struck me most forcefully is not so much the substance of any one action, though some are truly shocking. It's that all of this is being done not just without legal authorization, but in direct contradiction to the power of Congress as laid out in Article 1 of the Constitution. Policies always change, sometimes drastically, when a new administration comes to power. What has changed this time is not just the content of policy but the form: all of this is being done by executive decree. The majorities in both houses of Congress are sitting idly—or eagerly—on the sidelines as the last real source of their power is simply taken away from them.

The courts may continue to intervene, as some already have, and it is likely that the administration will often lose in those courts. But an administration that seems determined to defy courts—as this one, most notably in [the person of Vice President J.D. Vance](#), has indicated it will—faces no legal leverage against its actions.

This revolution in rule by decree is, simply on paper and by definition, a constitutional crisis. And it's one that's been building for a long time. Going back to the first lengthy government shutdown in 1995, Congress has become progressively less able to pass basic government funding bills, let alone legislation addressing serious problems. The massive increase in the use of the filibuster in the 21st century has rendered the Senate able to do very little besides pass fiscal measures under the budget reconciliation rules and confirm appointees, neither of which is

subject to the filibuster. And the courts, especially the Supreme Court under John Roberts, have claimed a sort of universal roving veto on any legislation or executive action they dislike, while simultaneously granting the person of the president [a monarchical immunity from legal repercussions for his actions](#).

Ideas for breaking this dysfunctional logjam have been proposed by progressives—making Washington D.C. and Puerto Rico states to create a more representative Senate, abolishing the filibuster, reforming the Supreme Court—but in the narrow window of united Democratic governance during the Biden administration, none of them was acted on. Instead, the Democrats responded to the threat of ever-increasing institutional failure by promising supposedly popular policy goals that had no chance of making it past a filibuster or a hostile Supreme Court, let alone a divided Congress.

Republicans, on the other hand, coalesced around a nominee who offered to bulldoze the constitutional strictures that made governing hard and ideologically unsatisfying. This is part of why Congress has been so cowlike as it watches the abolition of its authority: many members wanted these exact measures but could not shepherd them through the maze of compromises, veto points, and tradeoffs inherent to our system of government.

What we've lost, slowly and then all at once, is the idea of the presidency as an office within a constitutional structure that assures some continuity of law even between very different administrations. The presidency was conceived by the framers not as the embodiment of a national will but as a part of a whole. Assuming we continue to have meaningfully contested elections in the future—another unthinkable question that has become quite thinkable—it will in principle be possible for a president with different priorities to simply reformat the federal government along different lines, without any input from Congress.

Watching this crisis develop, I have thought back to surveys of the electorate before the last election. I don't remember polls asking prospective voters whether they thought "the system" should be "torn down entirely" before last year, but the 2024 surveys found startling percentages of respondents saying exactly that. I've wondered whether and how those responses correlate with the survey results showing voters in large numbers actively avoiding the news. An electorate clamouring for massive change while having no particular interest in the details is more an audience than a citizenry. It is primed for what the political scientists call an

authoritarian breakthrough.

How this crisis will play out—to say nothing of whatever kinds of regimes may await us on the other side of it—is impossible to know. But absent some very swift and far-reaching reversals, it seems inevitable that many of the assumptions that underlie our politics and even our theology will have to be rethought.

American Christianity has to some extent reflected the democratic-republican character of the constitution. Our political theology is mostly one of active, responsible citizenship within the give-and-take of changing electoral outcomes, hedged about with the procedural protections of the Bill of Rights and the rule of law. When we articulate calls for peace and justice, or even just for good and orderly government, we tend to do so within the terms set for us by a long history of democratic citizenship and the theoretically impartial application of the laws. Even our institutions have their own little constitutions, including the separation of powers and the procedures for making and executing decisions.

This is an admirable thing; it is better to have a Christianity appropriate to citizens rather than to subjects. But it is in historical terms a relatively new and fragile thing. That as citizens we are the agents of history, that our rulers are subject not only to God but to a system of laws that is larger than them—these are not assumptions that would have been shared by most Christians (or most humans) throughout history.

But it's clear that everything changes and that we are not necessarily equipped for the changes that are happening. The challenges facing active citizenship in these days are many, but one we can't neglect is the responsibility to think harder about what our constitution may become—and what it will look like to endure it.