



That Delicate Thing, the Rule of Law, Is Dying. Who Is Killing It?

As with representative government, the “rule of law” has been an anomaly on the world scene, historically speaking. The Romans had it; in fact, they essentially gave us the concept of the rule of law. It is the norm today, too, in the lands they most influenced, those of the modern West. But with the default for man being the rule of men, there’s ever the threat of regression to the mean or “behavioral relapse.”

Enter 21st-century America, where the rule of law has been eroding notably.

Most observers left, right, and center agree with this proposition, too; they just disagree on who is at fault. Commentator Susan Quinn knows where she stands, though. “The Left is destroying the rule of law,” she [wrote recently](#). As for leftists’ protestations to the contrary, are they perhaps projection?



chas53/iStock/Getty Images Plus

Tantrums

Quinn makes her case. She cites Chuck Schumer’s 2020 attack on the Supreme Court (when the SCOTUS seemed poised to overturn *Roe v. Wade*). And on this, Quinn quoted historian Victor Davis Hanson, who [wrote](#) in April:

Senate Minority Leader Chuck Schumer (D-NY) spoke to an angry throng of pro-abortion protesters assembled at the very doors of the court chambers.

He threatened two of the justices, Brett Kavanaugh and Neil Gorsuch, by name.

Schumer yelled to the volatile crowd that the justices’ views would make them ‘reap the whirlwind,’ and the two would not know what ‘hit’ them.

In the ensuing months, protesters mobbed some of the conservative justices’ homes — likely committing felonies.

Know, too, that eight years earlier then-president Barack Obama had also tried intimidating the Court, though more subtly. Referencing “ObamaCare” (the Affordable Care Act, or ACA), he [claimed](#) that for the SCOTUS to overturn the law would be “an unprecedented extraordinary step.” His reasoning?

The law “was passed by a strong majority of a democratically elected Congress,” Obama said.

Of course, overturning laws is only what the courts have been doing for 200 years. Apparently, Obama missed this somehow.



Written by [Selwyn Duke](#) on November 1, 2025

The irony is that Obama was half right — sort of. While there’s nothing “unprecedented” about courts striking down law, it *should* be considered “extraordinary.” For judicial supremacy is *not a constitutionally granted power*. Rather, it’s one the courts have arrogated to themselves.

It’s too bad Obama didn’t make this point instead of just pretending reality wasn’t what it was. He then would’ve been supporting the rule of law instead of undermining it.

Rule of Lawyers

Quinn does implicate the courts, too. After mentioning Schumer, she warns of how the judiciary so often will “legislate from the bench.” A prime example is the *Obergefell v. Hodges* same-sex “marriage” ruling in 2015. As Chief Justice John Roberts himself said, [lamenting the opinion](#), “[D]o not celebrate the Constitution. It had nothing to do with [the ruling].”

This matters because the Constitution is the *supreme law of the land*. This means that to violate the Constitution is to undermine the rule of law supremely. Yet it isn’t just that the courts have been doing this for most of America’s history. It’s that they’ve actually made rule-of-law violation a grand cause and “respected” legal theory called “pragmatism.” (Talk about chutzpah.)

Why, just consider renowned left-wing “legal scholar” Judge Richard Posner. He has bluntly said that the “Constitution has to be interpreted in light of modern needs...” (Unsaid: *as determined by judges*.)

Really, though, it puts Schumer’s actions in perspective. He was just playing the game too many judges do: Trying to be the man controlling the rule of men.

Metastasizing

Quinn also cites the Heritage Foundation, which points out that the U.S. is, tragically, beginning to mirror South America. “The weaponization of government has spread from Latin America to the United States,” it [writes](#).

For example, Heritage draws parallels between Brazilian censorship and Biden administration trespasses. Regarding the latter, the Twitter files (2022), Facebook founder Mark Zuckerberg’s revelations, and Google’s [recent admissions](#) all reveal government complicity. That is, the FBI and other Biden officials actually pressured Big Tech figures to suppress speech contrary to their agenda. In fact, Zuckerberg confessed, [the censorship at Facebook](#) got so bad that it was like “something out of 1984.”

Heritage mentions lawfare, too. It notes that in 2023/’24, “a Colombian-born American judge [Juan Merchan]” actually “presided over the corrupt criminal trial of a U.S. president [Trump] for the first time in history.” And such lawfare is common in South America, Heritage points out.

Returning to Quinn, she also addresses the Left’s efforts to ice ICE. She points to the [smearing](#) of Immigration and Customs Enforcement and numerous attacks on its facilities in Texas, [Illinois](#), and elsewhere. In fact, there have now been more than 100 attacks on ICE agents and structures in 2025 alone. Apparently, the Left doesn’t want immigration law enforced at all.

Such violence is [par for the course, too](#). For instance, there were more than 600 violent Antifa/BLM riots in 2020, [encouraged wink-and-nod style](#) by leftist figures, including politicians. Why, just ponder an utterance made that year by then-House Speaker Nancy Pelosi (D-Calif.). [Responding](#) to mob action (tearing down a statue) — the rule of law’s antithesis — she said, “People will do what they do.”

Whether this was her reaction after her husband was attacked with a hammer two years later was not



Written by [Selwyn Duke](#) on November 1, 2025

reported.

“We Have Met the Enemy and He Is Us”

Really, though, is any of this surprising? Leftists are infamous for talking about “situational values,” “shades of gray,” “social constructs,” and “relative truth.” And if people actually believe morality is relative, why expect them to treat the law as absolute?

Yet in fairness, it’s not just leftists. I remember, for example, a conservative writing at Free Republic years ago, “Constitutionalism is good *sometimes*.” Well, that’s a bit like saying fidelity to your wife is good sometimes. Of course, if you’re only faithful sometimes, you’re not faithful at all.

The bottom line is that the rule of law is fading in America because virtue is. Without it — without morality in the people — we will regress to the mean of the rule of men. For to whatever extent virtue does not govern, animal instinct will. And in the wild, the might of the mightiest makes right.



Subscribe to the New American

Get exclusive digital access to the most informative, non-partisan truthful news source for patriotic Americans!

Discover a refreshing blend of time-honored values, principles and insightful perspectives within the pages of "The New American" magazine. Delve into a world where tradition is the foundation, and exploration knows no bounds.

From politics and finance to foreign affairs, environment, culture, and technology, we bring you an unparalleled array of topics that matter most.



[Subscribe](#)

What's Included?

- 24 Issues Per Year
- Optional Print Edition
- Digital Edition Access
- Exclusive Subscriber Content
- Audio provided for all articles
- Unlimited access to past issues
- Coming Soon! Ad FREE
- 60-Day money back guarantee!
- Cancel anytime.