

What are Laws and Norms?

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Laws are rules of behavior observed and enforced by a society. These rules are mandated by whatever authorities are recognized by that culture. In republics such as ours, the laws are created by a process that involves debate, public input, and the combined authority of elected representatives, an elected president, and a judiciary as a source of appeal. When such laws are widely considered reasonable, the vast majority of the population obeys them. When laws are regarded by most as unreasonable, widespread lawlessness is the result. The Prohibition of Alcoholic Beverages during the 1920s fell into that category, a law that produced more harm than good, until its repeal.

When our system works best, laws are created with the cooperation of both political parties. We are currently going through a phase (hopefully coming to an end) in which the parties are so polarized that they refuse to work together. We are already seeing signs that decent members of Congress and the Senate are tentatively revisiting this issue.

Western Civilization is largely governed in the same way that our country is: through elections of representatives (Parliaments) and elected heads of state. The success of their lawmaking depends upon the literacy level of their populations, a history of gradual democratization, and a belief in the separation of religious law and secular law. Religious law rarely changes with changing times, an example of which is how long it took for the Catholic Church to accept the formerly banned work of Galileo, the astronomer who discovered that the earth rotates around the sun. It took five centuries for the Church to address this.

We observe around the world those countries whose laws are governed by religion (Muslim-majority states), struggling to juggle secular laws addressing modern issues with religious law unchanging through time. This mixed sort of lawmaking does not work well. Citizens with modern educations privately ignore out-of-date religious mandates and secular governance is rarely the result of elected representatives. Most oppressive laws are sidelined by payment of bribes. This observation explains the constant turmoil in the Middle East.

Even non-religious dictatorships rule by force. Their subjects resist through underground revolts and widespread corruption, until finally the dictatorship is overturned, either by a coup or a revolution. Such countries have difficulty with modernization or legitimacy (Russia is a good example of a dictatorship masquerading as a republic).

Almost as important as laws are "norms," a new term that describes behaviors accepted by most people. Such norms often define national character. A simple American norm is to say "God Bless You" when a person sneezes. Although this no longer has the purpose of divine protection against the Black Plague, we still do it. It is a norm of good manners, as are "please" and "thank you."

An example of a norm was established by George Washington, who astonished the crown-heads of Europe by stepping down from power after two terms of service. His dignity and decency were also presidential norms until the presidency of Andrew Jackson, a boorish and violent man who defied the Supreme Court in his persecution of the Cherokee Indians and gutted the National Bank established by Alexander Hamilton.

Other presidents who deliberately violated the norms of presidential behavior were Richard Nixon (obstruction of justice), Bill Clinton (improper sexual behavior), and President Trump, who has scoffed at the norm of releasing his income taxes and providing information on his health. He is under investigation for obstruction of justice, conspiracy with Russian interference in our election process, violating the Emolument Clause to prevent conflict of interest (a norm that requires presidents to put their wealth in blind trusts), and the norm that governs the bi-partisan nature of foreign policy, treaties, and global voluntary actions (undoing decades of prior presidents\222 treaties and agreements).

So many norms have been violated during this brief presidency that voters will have difficulty sorting them out. Any possibility of presidential continuity of foreign policy issues has been discarded. Our leadership in the very global order that we created is melting away. Norms matter and violating them leads to disorder.

680 words

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