

Norms, Laws, and Democracy
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This paper has been drafted and revised in a time of serious political turmoil in the U.S. The broader context for this turmoil is a crisis of confidence in democratic governance in the Western democracies in general.¹

There are two general themes I want to explore. One is the dangerous necessity of norms in democratic governance: norms are necessary for the maintenance of democratic life, in ways I will discuss below. At the same time, the very existence of strong moral norms poses a threat to democratic governance, which must of necessity include a great deal of compromise and accommodation to function effectively.

The second and related theme is that democratic governance requires that we see our political adversaries as adversaries, not enemies. While democratic polities must indeed resolve conflicts, this must be done in a way that treats our adversaries as part of the same polity as ourselves. Policy differences are real and inevitable, but we cannot see our adversaries as enemies. The question arises, then: what are the consequences when one (or both) sides of a political disagreement see their opponents not as adversaries to be compromised with, but as enemies to be eliminated?

Let us begin these reflections with an exploration of the meaning and operation of *norms*.

Imagine, please, that you are driving on an interstate and the posted speed limit is 60 mph. Now look at your imaginary speedometer. How fast are you going? While there would be a range of answers to the question, 60 mph would not likely be the most common answer. Sixty-nine and 70 mph would likely be popular answers, given the common wisdom that most police allow a 10 mph leeway before writing a ticket. Or perhaps you are one of those drivers who adjust their speed to keep up with the flow of traffic. And, likely, there would be several other answers to the question. I suspect, however, that very few of the answers would be 60 mph, and even fewer below 60 mph. That is, few people would be obeying the law.

Now consider what it means that many drivers would adjust their speed to the flow of traffic. Specifically, consider that we are now conforming to the speed of others, not to the posted limit, i.e.,

not to the clearly visible, unambiguous law. This points to one significant feature of norms: they are shared. *We learn and come to share norms as members of a community.*² Put another way, to be a member of a morally normative community is to hold a particular set of moral norms, norms that define that community and its members, and develop systems and institutions to pass those norms from one generation to the next.³

Note another feature of the “flow of traffic” response. It is only loosely related to the law: the higher the actual posted speed limit, the faster will be the flow of traffic. Where the posted speed limit is 60 mph, the flow of traffic is likely to be somewhere in the 65-70 mph range, but where the posted speed limit is 70 mph, the flow of traffic is likely to be in the 75-80 mph range. The posted speed limit tends to establish a lower limit to speed, not an upper one. Put another way: most drivers on the interstate highway system are breaking the law. This seems true nationally, regardless of region, except during rush hour, where the flow of traffic is slowed, but not by choice.

Now return in your imagination to the driver’s seat. There is a car ahead of you driving 60 mph in an area of the interstate where the speed limit is 60 mph. There is likely a steady stream of cars passing it. Now, imagine that as you approach the car and are about to pass, a car merges onto the interstate, also traveling at the posted speed limit. The car already on the road moves into the left lane to allow the entering car to merge into the right hand lane. Now the two cars are traveling next to each other, both at 60 mph. You cannot pass, as this is a two-lane highway. How do you feel right now?

When I do this exercise with a group, there is often laughter at this point. Most individuals say they would be angry, and they say so with quite a bit of heat: just thinking about being trapped behind such inconsiderate drivers makes them feel some anger. It is not just that drivers expect each other to disobey the clearly stated law. It is that people find it positively offensive to be made to obey the law themselves. And, significantly, this is the case for a large number of otherwise law-abiding people.

Note also that if I suddenly find myself driving at the speed limit and blocking traffic by doing so, I am likely to feel embarrassed, or even ashamed. That is, as I realize that I am blocking others I also know this is something that should not be done. While speeding or obeying the speed limit is a matter of personal choice, one should make way for those who wish to drive faster. That is, the expectation is that we will all clear the way for those who wish to break the law, and to do otherwise is

to be guilty of a serious breach of social expectations. And, of course, we should also consider that, generally speaking, we do *not* consider obedience to the law a matter of personal choice.

What we have been considering so far is the operation and nature of norms: norms not only shape behavior, they shape how we judge the behavior of others. So, for example, while I might have a very strong preference for eating vanilla ice cream, that preference is not a norm: I do not care much whether you choose to also so indulge or not. In this way, it is very different from the expectations I have of you when we share the road: not every preference is a norm.

In passing, I would note this is one of the reasons talk of “values” is dangerous: it erodes the difference between personal preferences and norms, which are something with much greater moral weight. While honesty and a preference for dogs over cats might both express my “values,” only honesty is a virtue. However, it is possible to imagine a moral universe in which preference for dogs over cats is indeed a moral virtue. And, of course, one of Odysseus’s virtues was that he was “wily,” which is to say, he was in many circumstances a very good liar: the moral architecture of an honor culture is very different from the moral architecture of, say, Christianity, or liberal democracy. The point to understand here is that within any specific moral architecture there is a very close relationship between true norms on the one hand, and virtues and vices on the other.

Another point to understand is that our attachment to norms is mostly emotional and part of our identity, not intellectual. It is about communal membership before it is about rational choice. It is not just that doing a certain thing in a certain way is the abstractly right way to do that thing. It is, much more significantly, that *we* do that thing, that way. That is, norms are the signs and the meaning of membership in some morally normative community.

Morally normative here references morality in a broad sense. We learn what it means to be good and bad, to be virtuous or vicious, as members of moral communities.⁴ Which is to say, we are social animals who are taught these things as we mature to membership *in a community*, which is inescapably a moral education. This is the central problem every community must solve: how to bring children born in the community into full membership. This entails passing on the moral commitments of the community: the understanding that there is such a thing as *right* and *wrong* and second, what that means in concrete terms. This concretization of “good/right” and “bad/wrong” is the essence of what

differentiates an “us” from a “them.” *We are those who share a particular set of moral norms, who live within a particular moral architecture.*

The sense that morality has an architecture – has multiple architectures that define different moral communities – is not a purely relativistic meaning of morality, but it does mean that as a phenomenological experience, morality is inevitably the morality of one’s own community. While there may be an absolutist “God’s-eye” view of the moral world. There is no “we” who occupies that point of view, by definition. Our view of the moral world is inevitably bounded by our situatedness in the social world. Because our view is limited, our morality is inevitably *our* morality: *a* moral way of living, not *the* objectively moral way to live. Paradoxically, however, the fact remains that whatever moral architecture has made us, seems to us to be absolute. It is most powerful when it is least visible as a social constraint: that is, the things that seem to us to be right and wrong, seem to just be the proper way to live. So there is the potential for good news, but also the potential for bad news for democratic life in the relationship between norms, laws, and behaviors. The good news first.

Norms give laws their authority, which is quite different from their merely being enforced. Norms allow us to say that the law should be obeyed, that it is legitimate, that it is *good*. Laws need such support in all polities, but especially in democratic ones. This is due to the nature of democratic life, however it is understood: the more people freely choose their laws in accordance with their ideas of what a good society looks like, the less coercion is necessary for social life to be so organized. A society with a police officer stationed on every street corner, or with an extensive network of informers cannot be called democratic. This is why *1984*’s Oceania has rightly become a trope denoting threats to democratic life.

Where the laws do not have this kind of support and power, that is a sign of serious difficulty for a democratic society. Recall the speed limit example above. Because the law is not only not supported by, but is positively opposed by our norms, it is only obeyed when it is enforced. If we felt it was important that the law be obeyed, enforcement would need to be constant and pervasive: only constant coercion would do.

Now, consistency between norms and laws need not be perfect, but it must be much more common than not. When that is not the case, we have clear evidence that democratic governance is

breaking down. That the law and the norms are at odds with each other in the matter of speed limits is not, in itself, a serious problem, but its significance should also not be overlooked. How did we come to have a law, so universally in place, and so universally ignored. And, ignored without much consequence: people brag about getting away with speeding, which is not something people feel ashamed of. Again, in the matter of speed limits, this may (or may not) particularly significant, but if it becomes a general attitude toward the laws of a society, that society is in trouble.

Norms, therefore, matter. When norms do not support the laws, we truly must choose between intrusive and oppressive exercise of police power on the one hand, and chaos and anarchy on the other. So, while it is certainly true that all governments relies on norms for their stability and smooth functioning, this is uniquely true in the case of governments that seek to be democratic.

This is why, when the Soviet Union broke apart and newly independent states emerged from the USSR seeking to establish themselves as democracies, there was much concern in the U.S. press about the concern that these experiments would fail because of their lack of “democratic culture,” which is to say, the lack of democratic norms. Closer to home and the current circumstances in the U.S., we see the same phenomenon: this is exactly what commentators, both friendly and critical, mean when they discuss the current president. Critics say that President Trump is a threat to democracy because of the gleeful way he shatters a long tradition of norms that limit and direct the actions of the president. Likewise, when the president’s supporters cheer the way he has turned Washington upside down, what they mean is that he has discarded one set of norms in favor of a very different set. It is worth looking at what those norms – both broken and newly-made – consist of, but that is different paper. What I want to do here is turn to a different, but very real, danger to the project of democratic governance: what happens when the moral architectures inhabited by significant numbers of citizens are foundationally different and radically incommensurable? That is, when one government must hold together two (or more) radically incommensurable moral communities.

The problem I am posing is not when norms are weak, but when opposing moral norms are strongly held, and so the law must violate (at least) one set of identity-conferring norms. This is the prescription for a loss of confidence in government: if the government can do (or allow) *this*, then it cannot be legitimate. This is also the situation in which we find ourselves.

One of the commonly-heard laments about our current political situation is that we have lost the ability to compromise. According to those who share this concern, democratic government is almost by definition a form of government that requires constant compromise, and that has in fact been American reality through our history. No single point of view in U.S. political society has had such a dominant majority that it has been able to legislate without compromise. So there is a strong case to be made for the essential nature of compromise for a functioning democracy. However, our ability to so far compromise is a result of an historical oddity about our system, one that has recently become undone.

Unlike most democratic states, we are a two-party system, rather than a multiparty one. As it happened, the two parties dominated U.S. politics in different periods each held a wide range of political ideologies: until recently, there have been liberal and conservative Republicans, and liberal and conservative Democrats.⁵ This has mostly allowed us to negotiate serious *ideological* differences without being overly polarized along *party* lines: ideological differences did not line up very neatly with political party, and so ideology and partisanship did not reinforce each other.

The unraveling of this state of affairs began in the post-World War II era, as the modern Democratic Party began to be more and more the party of civil rights, a political and morally normative position that was originally shared by many in the Republican Party as well. The Civil Rights legislation of the 1960's was all strongly bi-partisan. This changed over time, and today we have clear ideological divisions between the two parties. Bi-partisan legislation is so rare that it is headline-worthy.

Ironically, I remember when such bi-partisan cooperation and collaboration was seen as a problem: many commentators complained that what we needed in the U.S. were parties that had a strong ideological unity. The concern was that, without that ideological identity – if parties did not have what we might think of as integrity – party membership and party loyalty became politically meaningless. That is, if party identity was not a reliable predictor of policy commitments, then voting was connected to the personality of the candidate, but not reliably to the enactment of legislation. For this reason, it was argued, more representative legislative bodies would follow from a more coherent ideological identity from our political parties; this would allow the voters to hold parties more accountable. This process, begun with the Nixon recruitment of the Southern voters from the

Democratic Party to the Republican, and accelerated under the Speakership of Newt Gingrich, should perhaps be filed in the drawer marked “be careful what you wish for.”

As first civil rights, and then abortion rights (and other issues related to full civil presence and recognition) became litmus tests for both political parties, ideology and party began to align, slowly at first, and then all at once. Our wishes to the contrary notwithstanding, I suspect the current ideological stalemate was inevitable, for reasons discussed above. Political questions, at root, are moral questions, questions of identity, and questions of policy all wrapped up as one. This is obvious when we are debating abortion and civil rights, but it is just as true in debates about taxation and spending. All these questions are about how we should live together, what unalienable rights we have as individuals, what we owe each other, and what limits we are morally – and only then, legally – allowed to use the power of government to place on each other: norms authorize laws, and precede them. Under what circumstances and to what extent we are allowed to use the power of the state to coerce the behavior of others is the question that is the beating heart of social morality.

The question of who is granted full civil and legal membership and recognition in the American polity was always present, but for most of our history it was not a political question. So, for example, women have always called for full civil rights and membership. Similarly, there has been an abolition movement and then a Civil Rights movement from long before we were a nation (which is why the issue of slavery was so contentious in the Constitutional Convention).⁶ However, while these historically resilient voices were always *present*, they were rarely *heard*.

Here again we see the power of norms over laws, even cherished constitutional statements. We think the First Amendment guarantees free speech for all Americans, as supposedly it does. Supposedly but not actually. The first way that norms trump laws is by direct action: Norman Thomas, though a candidate for president, was also locked up for speaking for socialism and against WWI. Martin Luther King was also jailed for speaking in favor of Civil Rights. In the very early days of the republic, the Alien and Sedition Acts characterized criticism of government officials as sedition, and therefore illegal. In general, speech that is found to be sufficiently offensive or threatening by enough people to be declared illegal, is. However, open oppression and naked injustice have not been terribly successful long term strategies, because those who present themselves as victims of government suppression tend

to have the better of the argument in the public square. If the targets of these laws can redirect the conversation from *what they are saying* to their *right to say it*, they are likely to reverse the action of the state.

As mentioned above, there is a second, more subtle way norms trump laws, which is more insidious and effective. Historically, political society simply does not – refuses to – hear the voices of certain individuals and groups.⁷ The power to silence – to refuse to hear – is the power to exclude from public speech and public. The norms of white supremacy and patriarchy are so powerful that for much of our history, women’s demands for full equality were not debated because they were simply not heard: women were subjugated to their husbands and in society because that was just the way things were, had always been, and should remain. Similarly, until very recently in our history the demands by people of color for full equality, especially demands by African Americans, have simply not been heard. Such debate as did exist was between white men who might have differed on the question of how much citizenship would be allocated to people of color, a question that literally could not be asked of the citizenship of white men. It was white men debating this and coming to an agreement, not people of color. Because the voices of African American are still not heard as a serious part of the civic discussion, reparations for slavery have never been seriously been considered by the Congress, despite the promise of “forty acres and mule” (never acted on), and despite the fact that a resolution to study the question – H.R. 40 – has been introduced in Congress every session since 1989. Most white people are unaware that this is the case. Such is the power of norms to prevent us from hearing the voices of our fellow citizens. We do not choose to oppress; we just do it without thinking.

And these same moral divisions are at the root of many of our most contentious political and public disputes. Indeed, these issues have become so contentious because they so are rooted in our moral architectures, our deep, foundational, identity-conferring moral commitments. These are, by definition, not commitments that can be compromised. Or, to put it more precisely: if we compromise on *these* principles, either we have given them up as identity-conferring, or we sacrifice our integrity. In either case, compromise on such issues cannot be seen as virtuous from within the moral architectures that are built upon such moral commitments.

Understanding this, it becomes clear why citizens who believe that a fully formed and distinct rights-bearing human being exists from the moment of conception will not be able to reach a lasting, stable compromise with citizens who believe that women have the inviolable right to choose whether or not to carry a pregnancy to term. The former group considers abortion to be morally indistinguishable from murder; the latter group argues that forcing women to bear children against their will is a form of bondage. And what we need to note, and this should greatly concern us, is that from within their respective moral architectures, each side is inarguably correct, and the opposing point of view is so wrong as to legitimately be labeled *evil*.

Nor is this a difference that can be settled by reasoned debate and logical argument. What defines this disagreement is not a matter of reason or of logic, but of foundational assumptions: they are as much emotional attachments as empirical claims (though it is not uncommon for each side to state their claims as though they are empirical, or at least self-evident, because that is how they feel from within the respective moral architectures). The appeal to find some middle ground and reach a compromise is incoherent and fails to grasp what is at stake. Yes, the two positions as stated in the previous paragraph are extreme, but that is because each rightly views the issue as existential: either the fetus is, or it is not, a fully rights-bearing individual. Either women do, or they do not, have the right to choose whether to carry a pregnancy to term.

Further, when we look back at history to issues that are more distant to us, we recognize standing by such moral commitments as admirable: the abolitionists who agitated for an end to slavery even to the point of Civil War are heroes today precisely because they were not willing to compromise on the morally defining issue of slavery. However, it is also true that a different subset of citizens believes the real heroes of the nineteenth century are men such as Robert E. Lee, Jefferson Davis, and Stonewall Jackson. The moral architecture of the “lost cause” continues to be transmitted through the fight to preserve monuments to the political and military leaders of the Confederacy.⁸ Though the underlying moral architectures of these two views of the past are radically and incommensurably different, what they have in common is that their heroes were men who refused to compromise on fundamental moral principles.

So we face a persistent, and politically and socially significant paradox: on the one hand, we value compromise and civility as a means to find a way forward in democratic societies. On the other hand, we honor those who stand on moral principle and refuse to compromise when their cause is just. The problem, of course, is that the essence of what I am calling different moral architectures is that they define “just” differently – incompatibly.

To conclude this paper, I will sketch briefly what I think are the implications of the preceding argument, specifically from a Deweyan perspective on democratic life. In a series of works over many years, Dewey developed a rich and robust theory of democratic life and education to prepare society’s young for that life.⁹

As Dewey constructs democratic life, it is a pursuit of the common good. The shared understanding of the common good is arrived at as common problems are identified by the action of the assembled commons: what Dewey identifies as the *public*. Conceptually, what Dewey describes as a public is what we might call democracy in its work clothes. It is as a public that the polity comes together to identify common problems and work in common to find common solutions. The premise here is twofold: the first is that everyone’s interests and commitments are taken into account, and that the solution should benefit the public *as a public*, that is, as a whole. The second premise is that there is a common good to be reached, which is to say, there is an agreed-upon vision of a common good.

The dilemma the US faces is that there is a sense in which this actual common good exists, but there is also a sense in which it most definitely does not. Since any idea of what the common good looks like and entails is rooted in some moral vision of what is good. The existence of radically incommensurable moral architectures means there are also radically incommensurable understandings of what constitutes the common good.

So, a white supremacist does not – cannot – count a policy that leads to equal civil rights for all as contributing to the common good, while liberal democracies can accept nothing less. Similarly, libertarians believe that government should be restricted to the most minimal necessary functions, and taxation beyond that is theft. Democratic socialists, on the other hand, define the common good as dedicated to reducing inequality and providing for the basic needs of all citizens through political policy-making and taxation. Abortion, as discussed above, is another of these issues on which the

political problem is not that there is no vision of the common good; the problem is that there are multiple, competing, and radically incommensurable visions of what the common good absolutely requires.

In such a situation, the search for compromise and maximization of the common good looks much like the search for a unicorn: on many issues of significance, there is no such thing. I am not suggesting that Dewey has nothing useful and important to say to us. However, I think that we need to make some differentiations between in-group and out-group publics. I am frankly not sure Dewey would share either my conclusions or my recommendations, but it does seem to me that the evidence is strong that we need to bifurcate our thinking about democratic life if we are to maintain it. What might this look like?

The in-group discussion should be very much as Dewey described: significantly like-minded individuals and groups should come together as a public to work toward their shared vision of a democratic society. People and groups will differ to some extent about the details of that vision, and certainly there will be real and sometimes serious disagreements about the means to reach the commonly agreed-upon goals. Note that in *this* public, to compromise is not to lose one's integrity, but to set aside one's own opinion to seriously and respectfully consider, sometimes to accept, and sometimes simply defer to, the opinion of others. In *this* public, the exchange of views will, at least some of the time, lead to changing minds, as individuals listen to the voices of others who bring different experiences and different points of view to the policy making table. In this public, all voices are heard with respect, and all points of view are considered. This view of society is summed up in Barack Obama's keynote address to the Democratic National Convention in 2008:

Well, I say to them tonight, there's not a liberal America and a conservative America; there's the United States of America. There's not a black America and white America and Latino America and Asian America; there's the United States of America. The pundits like to slice-and-dice our country into Red States and Blue States; Red States for Republicans, Blue States for Democrats. But I've got news for them, too. We worship an awesome God in the Blue States, and we don't like federal agents poking around our libraries in the Red States.

We coach Little League in the Blue States and have gay friends in the Red States. There are patriots who opposed the war in Iraq and patriots who supported it. We are one people, all of us pledging allegiance to the stars and stripes, all of us defending the United States of America. (Available: <http://obamaspeeches.com/002-Keynote-Address-at-the-2004-Democratic-National-Convention-Obama-Speech.htm>)

But the question remains: what do we do if not all citizens agree with this view of America? Suppose we listen instead to a very different convention address, delivered by Pat Buchanan to the Republican National Convention in 1992:

My friends, this election is about more than who gets what. It is about who we are. It is about what we believe, and what we stand for as Americans. There is a religious war going on in this country. It is a cultural war, as critical to the kind of nation we shall be as was the Cold War itself, for this war is for the soul of America. And in that struggle for the soul of America, Clinton & Clinton are on the other side, and George Bush is on our side.

(Available: <https://voicesofdemocracy.umd.edu/buchanan-culture-war-speech-speech-text/>).

Or, if 1992 seems too long ago to be relevant, consider the premise stated by Attorney General William Barr in February of 2020 in an address to the National Religious Broadcasters Convention: “It seems to me that the passionate divisions of today result from a conflict between two fundamentally different visions of the individual and his relationship to the state” Available: (<https://www.justice.gov/opa/speech/attorney-general-william-p-barr-delivers-remarks-2020-national-religious-broadcasters>).

What is important to note in these two different visions of American socio-political life is that the second description becomes accurate merely by the fact that a significant portion of the citizenry hold it: it may take two parties to make peace, but it only takes one party to make war. And that is the circumstance in which we find ourselves: one side openly views politics as warfare. I actually think this is true of both sides, as discussed above with respect to Civil Rights.

Much has been written in the past four years about how Russian troll farms, as well as domestic ones, have exploited our political divisions. The phenomenon is real and should concern us, but I think this concern misses the real point: the troll farms, foreign and domestic, are able to exploit these divisions *because these divisions are real, and they are fundamental, significant, and identity-conferring*. The divisions, in fact, go back to before the nation became a nation.¹⁰

In a real sense, then, Buchanan and Barr are more accurate than Dewey and Obama. Significantly, I do think that this Buchanan/Barr view of politics-as-warfare is something that the Obama/Dewey view actually shares, though it is denial about it. Take, as examples, the movements for full civic membership for women and people of color. Compromise over these issues is not the goal of either movement; the goal is victory over the other point of view, and, if not the eradication of white patriarchy, at least its silencing and marginalization.

This is the reality behind the outrage at President Trump's comment that there were "good people" on both sides of the infamous "Unite the Right" rally in Charlottesville in 2017. It is also, of course, at the root of affirmations like Elijah Cummings's oft-repeated, "We are better than this." The flip side of this claim is that those of us who are not, in fact "better" (by "our" standard), are not therefore part of "we." The question then is: who gets to decide what defines "better?" Those Americans who were offended by President Trump's affirmation that there were "good people on both sides" at the Charlottesville rally, were offended by the notion that "they" can be counted as part of "us."

I do not mean this as a criticism. It is the way things are. When moral commitments are at the root of political disagreements, and I think they often are, then compromise will, and should, be avoided as much as possible, and undermined whenever they are made. Of course, the trick is to take such stands only when they are (1) correct and (2) necessary. The problem is that it is easy to believe these conditions are true if our moral architecture has shaped us accordingly. The real question, then, is

not whether to compromise or not; the question is when to compromise but, more importantly, when *not* to compromise.

- 1 Anne Applebaum, *Twilight of Democracy: The Seductive Lure of Authoritarianism* (New York: Doubleday, 2020).
- 2 Emile Durkheim, *On Moral Education: A Study in the Theory and Application of the Sociology of Education* (New York: The Free Press, 1961).
- 3 In truth, life is more complicated than this: we are all members of multiple morally normative communities: family, church, neighborhood association, professional group. For simplicity's sake, I will mostly be talking as though moral membership is a unitary thing.
- 4 John F. Covalleskie, *Membership and Moral Formation: Shame as an Educational and Social Emotion* (Charlottesville, NC: Information Age Press, 2013).
- 5 The terms "liberal" and "conservative" in the U.S. system are relatively idiosyncratic: these terms do not mean what those mean when describing classical political theories. For reasons that need not detain us here, we should just note that the U.S. do not have what would be described as a classical Liberal or Conservative Party.
- 6 Andrew Delbanco. *The War Before the War: Fugitive Slaves and the Struggle for America's Soul from the Revolution to the Civil War*. New York, NY: Penguin Press, 2016).
- 7 Thomas F Green, "Public Speech," *Teachers College Record*, 95, no. 3 (Spring 1994), 369-388.
- 8 John Kennedy supposedly once observed that we would have wars until there are monuments to pacifists.
- 9 John Dewey, *The Public and Its Problems* (New York: Holt, 1927); *School and Society* (Chicago, IL: University of Chicago Press, 1900); *Democracy and Education* (New York: MacMillan, 1916); and *Experience and Education* (New York: Simon and Simon, 1933)
- 10 Delbanco. *The War Before the War: Fugitive Slaves and the Struggle for America's Soul from the Revolution to the Civil War* (New York: Penguin Books, 2019).