

2021

A Case for Creating Clearly Condemnatory Status of Wrongdoers

Chloe Berger
Bryn Mawr College

Follow this and additional works at: <https://commons.emich.edu/ac>



Part of the [Philosophy Commons](#)

Recommended Citation

Berger, Chloe (2021) "A Case for Creating Clearly Condemnatory Status of Wrongdoers," *Acta Cogitata: An Undergraduate Journal in Philosophy*. Vol. 9 , Article 3.

Available at: <https://commons.emich.edu/ac/vol9/iss1/3>

This Article is brought to you for free and open access by the History & Philosophy at DigitalCommons@EMU. It has been accepted for inclusion in *Acta Cogitata: An Undergraduate Journal in Philosophy* by an authorized editor of DigitalCommons@EMU. For more information, please contact lib-ir@emich.edu.

A Case for Creating Clearly Condemnatory Status of Wrongdoers

Chloe Berger

Bryn Mawr College

Abstract: In recent work discussing how we should address public statues of wrongdoers, people typically argue for either removing statues or retaining them, often with the addition of a contextualizing plaque, counter-commemoration, or other alteration.¹ In contrast to mere removal or modification, I argue that one permissible alternative is to create clearly condemnatory statues of wrongdoers, but only for wrongdoers with already existing statues. That is, we need not create statues of every wrongdoer; we should only create them following removal of the originals. While my arguments apply to wrongdoers generally, including confederates, colonizers, and genocidaires, I focus on Columbus as a wrongdoer and the Columbus statue in Marconi Plaza in Philadelphia.² First, I outline Helen Frowe’s argument for our duty to remove statues of wrongdoers as part of the state’s duty to condemn and repudiate wrongdoing. While I do not frame my argument in terms of duties, building on Frowe’s claims, I argue that one permissible way of condemning and repudiating wrongdoing is to create condemnatory statues, and in cases involving serious rights violators, we ought to prefer creation of these statues over mere removal.³ I also draw on accounts of the value of blame to show how blame – and particularly the blame that condemnatory statues convey – demonstrates our commitment to morality. Finally, I address alternative options of retaining the statue and either adding a plaque, counter-commemoration, or vandalization, to illuminate some reasons why we might prefer condemnatory statues.

¹ When I use the term “wrongdoers” in this essay, it is limited to those who are serious rights violators, as articulated in Helen Frowe’s account (8). My account is limited to statues of individual wrongdoers, rather than commemorations of groups that commit wrongs, groups that contain some wrongdoers, or other portrayals of wrongdoing that do not depict individual wrongdoers.

² The Columbus statue before and after being boarded up. In August 2020, its removal was approved by the Philadelphia Art Commission, but when the removal was legally challenged, a judge paused the process while waiting to hear related motions. In April 2021, a new lawsuit was filed opposing the removal. In August 2021, a judge ruled that the city may not remove the statue, but the city plans to appeal, and the statue is still boarded up.

³ When I say, “we ought to prefer,” I do not mean that we must respond to all statues of serious rights violators by creating condemnatory statues. While specific responses to each statue will be largely context-dependent, we should make our condemnation of serious rights violators salient, and often, mere removal does not clearly or sufficiently express condemnation. For example, if a statue has recently sparked protests, local governments often cite public safety as a reason for removal, while failing to condemn the wrongdoer’s actions. Or the government might remove the statue at night, so as not to attract attention or protest, and fail to provide reasons for the removal. In contrast, a condemnatory removal might involve the government issuing a condemnatory statement upon removal and then installing a condemnatory plaque so that the condemnation remains publicly visible. Although both this condemnatory removal and the creation of a condemnatory statue are permissible responses, below I address reasons why creating condemnatory statues can better condemn wrongdoers and convey our commitment to morality than can mere removal.

First, I should clarify what constitutes a “clearly condemnatory” statue. Helen Frowe argues that statues often convey a positive evaluative attitude of a historical figure, and that “states have duties to repudiate their own historical wrongdoing, and to condemn other people’s serious wrongdoing,” and these duties are incompatible with expressing positive evaluations of wrongdoers through public statues (1). When Frowe mentions that her argument does not support a duty to remove clearly condemnatory statues, she notes that most statues are not condemnatory, since “they merely depict the person (often in a manner meant to convey their heroic or otherwise admirable status), and they are erected as expressions of esteem” and “denote a positive evaluation” of a historical figure (3). In contrast to these positive evaluations, condemnatory works involve negative evaluation, meant to convey the wrongdoer’s vicious or contemptible status, created as expressions of condemnation. But this blaming does not license malicious ridicule, as our main aim in condemning is to convey our commitment to our moral principles and our repudiation of the wrongdoer’s bad actions or values.

I do not adopt a specific account of blame in my above outline of the features of a clearly condemnatory statue. So, a condemnatory statue could express a judgment of blameworthiness, provoke reactive attitudes constitutive of blame, morally protest the actions or values of the wrongdoer, and so on. But whatever account of blame one chooses to adopt, she can envision condemnatory works that align with her views; her constraints are self-imposed and imaginative rather than author-imposed and definitional. Because public art has enhanced capacities to communicate commitments and encourage emotional responses in its viewers compared to other ways of blaming, I mainly address the communicative and affective aspects of condemnation.

To illustrate what a condemnatory statue might look like, below I have created an example of a clearly condemnatory statue that could replace the Columbus statue following its

removal.⁴ Aligning with my definition of a clearly condemnatory work, this statue does not honor, esteem, nor denote a positive evaluation of Columbus. The “hate” letters express a negative evaluation and have a double meaning, in that we convey our hatred of Columbus’ wrongdoing while portraying him as hateful figure, given his enslavement, murder, and other mistreatment and manipulation of indigenous people. Rather than depicting him as a heroic figure looking down on viewers, he is the same size and on the same level as viewers and, importantly, he is the same size as the bold “hate” letters, so his figure does not overshadow our condemnation. Indeed, he is now positioned in the shadow of hatred: no longer towering over his colonial conquests, the oppressor becomes oppressed under the weight of the hatred his actions and attitudes convey.⁵

⁴ Although this statue is not proportional to the actual sizes of the Love and Columbus statues, this is how I imagine one example of a clearly condemnatory statue.

⁵ While I only address individual wrongdoers here, for examples of other works that I consider clearly condemnatory and directed towards group wrongdoing (in this case, that of the Mexican government), see this [video on Mexico’s anti-monuments](https://youtu.be/9byeq7LP050). <<https://youtu.be/9byeq7LP050>>. One aim of anti-monuments is protesting how the government has addressed, or failed to address, tragedies or wrongdoing. Though I do not argue that moral protest is essential to blame, the protest of these anti-monuments seems to blame or negatively evaluate the government for failing to appropriately address wrongdoing.



Having clarified what constitutes a clearly condemnatory statue, I now address Frowe's argument for the duty to remove statues of wrongdoers and I build on her claims to argue that one permissible way of condemning and repudiating wrongdoing is to create condemnatory statues. I focus on showing that mere removal is insufficient condemnation and offer reasons why we should prefer condemnatory statues, and because I agree both that the original statues express positive evaluations of wrongdoers and with Frowe's argument for removal, I do not restate all of her claims. Frowe asserts that "[k]eeping public statues of serious rights violators is incompatible with the state's duties to condemn and repudiate serious wrongdoing" grounded in what is owed to victims of wrongdoing (2). Regarding repudiation, Frowe states that it "requires, amongst other things, a public and sincere declaration of an act's wrongfulness, and a commitment to not facilitate such wrongdoing in the future," which is incompatible with publicly honoring wrongdoers through statues (11). Similarly, the value of a state's condemnation is that

it “reflects our intrinsic reasons to affirm victims’ moral standing in the face of actions that have denied that standing by publicly asserting the wrongfulness of those actions” (12).

In comparison to creating a condemnatory statue, merely removing a statue does not declare an act’s wrongfulness, a future commitment to improved actions, nor victims’ moral worth. That is, merely removing a statue expressing a positive evaluation does not equate expressing a negative evaluation. Likewise, mere withdrawal of praise is not blame, and merely removing a racist statue does not make one anti-racist. Considering that these statues aim to communicate our values, declaring that we are no longer committed to some value does not positively articulate the values to which we are presently committed, nor those to which we will commit ourselves in the future. Since statues can serve as reminders of the commitments they convey, creating condemnatory statues can fulfill Frowe’s aim of conveying our commitment not to enable future wrongdoing, whereas mere removal does not convey nor remind us of this commitment. Moreover, while Frowe claims that condemnation must be sincere, mere removal is less sincere than creating condemnatory works. In discussing condemnation, Frowe connects its sincerity to the idea that “justice should not only be done, but also be seen to be done” (13). Yet, in the case of mere removal of statues, after the removal, nothing is seen at all; we are left with an empty plot of land, which does not come close to the sincere declaration of wrongfulness, nor the affirmation of victims’ worth, that Frowe seeks. In contrast, creating clearly condemnatory statues makes the declaration of a perpetrator’s wrongfulness sincere, visible, and lasting, and thus is a permissible way that the state can repudiate and condemn wrongdoing.

One might object to my argument for the creation of condemnatory statues and assert that since most of the wrongdoers are dead, we have no reason to blame them, since they cannot apologize, change their values, or produce any future good. Opponents might similarly claim that we should not blame wrongdoers when, according to the context of their times, their views were

not as egregious as we currently consider them to be. I respond to this second concern by noting that if we agree that our moral principles are universal and apply across time, we can still blame wrongdoers who lived in different social contexts. As George Sher states, “given that all moral principles apply to all persons, we may indeed conclude that whenever someone accepts a principle as moral. . . he must have not only a motivationally effective desire to obey it himself, but also a variety of motivationally ineffective desires that others obey it as well,” and desires that people obeyed it in the past (126). While I do not adopt Sher’s belief-desire pair account of blame, I agree that a commitment to blame is inseparable from a commitment to morality (115).

To address the objection that we ought not blame wrongdoers if they are dead and incapable of reforming and contributing to future good, I maintain that while there can be good consequences of condemnation, I am more focused on blame as serving to defend and articulate our moral commitments and the intrinsic value of affirming victims’ worth, rather than instrumental benefits of condemnation. Because I focus on the connection between blame and our commitment to morality, I do not think that the only value of blame is in its ability to reform wrongdoers, indeed, I prefer to focus on how blaming might aid victims of wrongdoing.

Christopher Evan Franklin also focuses on victims while arguing for a conceptual connection between blame and a commitment to morality, arguing that we are required to protect and defend objects of moral worth, and only blame can provide the requisite defense and protection (215). In particular, Franklin claims that blame defends an object’s moral worth, avoids your complicity in devaluing the object upon failing to defend it, and avoids your failure to recognize an object of moral worth as important. Franklin states: “to defend moral values involves expressing our condemnation of the act [which devalues a valuable object] . . . we make it clear that we disagree with and will not stand for that kind of action” (220). These expressive and functional dimensions of blame support the public expression of blame, such as

through the creation of condemnatory public statues, rather than a more private or less salient condemnation. As Franklin notes, “publicly blaming the agent can serve to bring others to a recognition of the value of the object in question or to sustain the beliefs of those who already recognize it as valuable” (220).

Blaming wrongdoers shows that we value objects of moral worth in the sense that when someone commits a wrong, they fail to show proper moral concern for the people whose rights they violate. So when we blame the wrongdoer, we show that we value victims of wrongdoing and their descendants, that we do not condone the mistreatment of members of our moral community who are worthy of moral concern. And, as Franklin articulates above, blaming not only makes salient the moral worth of victims of wrongdoing for those who already believe they are worthy of concern, but also for those who failed to view victims and their descendants as valuable. Blame’s contribution to making community members recognize the value of victims is especially important under nonideal oppressive conditions, since oppressed groups are less likely to be seen as valuable parts of the community and have their interests and well-being prioritized by their oppressors. So even if we cannot dismantle oppressive systems in a single blaming interaction, through the creation of condemnatory statues, we can at least communicate to the oppressed that we regard them as worthy of moral concern and we oppose their mistreatment.⁶

⁶ One might worry that since I claim that the state can blame wrongdoers through condemnatory statues, and in a democracy, the state is composed of citizens, I am therefore claiming that all citizens blame wrongdoers, when in fact, some citizens view wrongdoers – such as Columbus – as admirable and would be deeply upset by a condemnatory statue. To respond, first, I note that we can still outline some basic values that everyone should agree on, even if everyone does not actually agree. In this essay, I assume that all citizens should condemn serious rights violators. We should not forgo blaming serious rights violators merely because some people admire them. And if we want to maintain that colonialism is universally bad, we should still publicly condemn colonizers. The fact that some community members admire colonizers does not mean that colonizers are good, nor that people who praise colonizers are justified in praising them. Second, more generally, I think no statue will represent all citizens, or even all Philadelphians. People’s views on wrongdoers vary widely and are often too nuanced to be fully conveyed through simple statues. Likewise, within a community, people’s values are often conflicting and incommensurable. So it is not the case that the community was in perfect agreement, and creating a condemnatory statue is the state’s first non-neutral statement. Retaining a statue of a wrongdoer is also not neutral; indeed, it conveys a lack of moral concern for the wrongdoer’s victims and their descendants.

We can see how public art in particular can serve as an effective way to encourage condemnation of wrongdoers if, in our account of blame, we define it as involving experiencing certain reactive attitudes. Since public art often provokes emotional responses in viewers, we can support the creation of condemnatory statues, as opposed to condemnatory texts or other assertions that may not generate as strong an emotional response in the audience. While we cannot obligate people to feel the negative attitudes involved in blame upon viewing a statue, the state should still publicly condemn wrongdoing and defend values through creating condemnatory statues. Even if not every viewer will experience the attitudes associated with blame, they can still understand the condemnatory message that the work communicates, and having the statue as a public reminder of what they ought to condemn may gradually encourage the negative attitudes involved in blame, or at least positive attitudes towards victims.

Now, to address to a preservationist objection, one might claim that in removing statues, we eliminate the opportunity to engage in democratic dialogue regarding the wrongdoing, our history, and our current values. But unlike mere removal, creating a condemnatory statue does not foreclose dialogue, rather, the dialogue would be grounded in a negative evaluation instead of a positive one. So, we retain our dialogue while better articulating and defending our values.⁷

I now turn to the inadequacy of plaques, counter-commemorations, and vandalism as alternatives to condemnatory statues. I do not oppose all instances of plaques, as condemnatory works can often benefit from clarification or contextualization in plaque form. I only claim that, regarding the original statues of wrongdoers, a contextualizing plaque does not adequately

⁷ Some people who favor preservation are also concerned with potential damage to old statues caused by the removal. The August 2021 ruling – which can be accessed through this [news article](https://www.nbcphiladelphia.com/news/local/christopher-columbus-statue-can-remain-in-south-philly-judge-rules/2929988/) <www.nbcphiladelphia.com/news/local/christopher-columbus-statue-can-remain-in-south-philly-judge-rules/2929988/> – declaring that the city may not remove the Columbus statue cites concerns about damage to the marble (2-3), as well as the city’s “duty to preserve and protect historical objects” (6). My argument for clearly condemnatory statues can accommodate these preservationist worries about damaging original works. This is because condemnatory statues can be built around the originals, similar to the “hate” letters placed over the original Columbus statue in the example I present above.

condemn wrongdoing nor demonstrate our commitment to morality. Part of expressing our commitment to morality is not just praising those who are virtuous, but also identifying those who violate our moral principles, which also shows moral concern for wrongdoers' victims. By keeping a statue and adding a plaque, you still retain the honoring and positive evaluation aspects of the statue, which are typically more salient than the plaque. That is, it is not enough to merely state that the wrongs occurred through providing historical context, we also must condemn those wrongs. The ambivalence of a prominent positive statue and an easily overlooked condemnatory plaque is often insufficient to adequately condemn serious rights violators.

Regarding counter-commemorations, Frowe opposes their creation by stating that they imply wrongdoers and non-wrongdoers are “merely two sides of the same story – their actions on a moral par, their views equally reasonable, both worthy of respect,” and “This implication is morally objectionable,” since retaining statues of wrongdoers continues to honor them, and wrongdoers do not deserve positive evaluation (7). I endorse Frowe's view, and further claim that even if the wrongdoer were removed and only the non-wrongdoer remained, this would be insufficient condemnation, for the reasons articulated above in claiming that removal is insufficient. While I do not oppose creating statues of admirable figures, we cannot convey our commitment to moral principles merely by highlighting instances in which people fulfill them, we must also condemn wrongdoers who flout them.

With respect to vandalism, in his defense of vandalizing tainted commemorations, Chong-Ming Lim contrasts the aims of activists and preservationists, stating, “Activists seek to secure self-respect. . . Preservationists seek to secure public engagement with the past” (197), and he articulates how vandalism can fulfill the values of self-respect and remembrance. While I do not oppose his argument for vandalism, I argue that creating condemnatory statues meets the

aims of both groups while better condemning wrongdoers.⁸ First, a condemnatory statue still facilitates public engagement with the past, which is the aim of preservationists. As noted above, creating condemnatory statues still allows us to discuss the wrongdoer and their actions, but rather than publicly praising the wrongdoer, our discussion is based on a negative evaluation.

Second, in relation to activists' aim of securing respect, we should not only be concerned with activists' self-respect, but also others' respect for activists. Respect need not be our only concern when evaluating statues, but focusing on respect for activists reflects the reality that people angered by vandalism may retaliate, as when Columbus statue "defenders" assaulted activists advocating its removal.⁹ Not all preservationists "defend" statues violently, but this violence is not an isolated incidence. Since this Columbus-related assault was prompted by mere protest, we have even more reason to be concerned about the violence vandalism might provoke. Even if vandalism were legalized, because it involves vandalizers' visibility, it exposes them to assault. So, if we are concerned with respect, and respect encompasses bodily integrity, we ought to prefer condemnatory statues. The state better condemns wrongdoing by creating condemnatory statues, which involves affirming victims' worth and committing not to facilitate future wrongdoing, whereas allowing activists to be assaulted does not affirm their worth and enables assaulters' wrongdoing. Risking assault should not be the cost of securing respect.

⁸ It is important to note that Lim defends vandalism in the context of a state's refusal to remove tainted commemorations, so he is not arguing for vandalism as an alternative to removal. And in cases in which the state will not remove statues, they may be even less likely to create new condemnatory statues. Though if the state values preservation, they might be willing to build a condemnatory statue around the original. In cases in which the state rejects removal and condemnatory statues, we may support the creation of condemnatory contextualization, such as a contextualizing plaque or other exhibit near the statue, as an initial step towards more complete condemnation in the future. Even though it is unlikely that those who admire wrongdoers will immediately change their views and support condemnatory statues, condemnatory contextualization could at least encourage people to reconsider their views and confront the truth about the extent of the wrongdoing.

⁹ The state's failure to condemn wrongdoing enabled "defenders" to "swarm around them [activists], punch them, push them to the ground, kick and stomp on them, burn them with lighters, cigarettes and cigars, sexually assault them, and shove them into busy Broad Street traffic," as detailed in [this article](http://www.inquirer.com/news/columbus-statue-black-lives-matter-krasner-philadelphia-marconi-vigilantes-20200616.html).
<www.inquirer.com/news/columbus-statue-black-lives-matter-krasner-philadelphia-marconi-vigilantes-20200616.html>.

Instead, the state should assume the risks of the wrathful reactions of dissatisfied “defenders,” and create clearly condemnatory statuses.

Bibliography

- “Christopher Columbus Statue Can Remain in South Philly, Judge Rules.” *NBC Philadelphia*, 19 August 2021, www.nbcphiladelphia.com/news/local/christopher-columbus-statue-can-remain-in-south-philly-judge-rules/2929988/.
- Franklin, Christopher Evan. “Valuing Blame.” *Blame: Its Nature and Norms*. Oxford University Press, 2013.
- Frowe, Helen. “The Duty to Remove Statues of Wrongdoers.” *Journal of Practical Ethics*, vol. 7, no. 3, 2019, pp. 1–31.
- Lim, Chong-Ming. “Vandalizing Tainted Commemorations.” *Philosophy & Public Affairs*, vol. 48, no. 2, 2020, pp. 185–216., doi:10.1111/papa.12162.
- Melamed, Samantha. “Protest observers say police allowed South Philly Columbus ‘defenders’ to assault them.” *The Philadelphia Inquirer*, 16 Jun. 2020, www.inquirer.com/news/columbus-statue-black-lives-matter-krasner-philadelphia-marconi-vigilantes-20200616.html.
- “Mexico's violent history: Activists create memorials.” *YouTube*, uploaded by Al Jazeera English, 3 Jan. 2020, <https://youtu.be/9byeq7LP050>.
- Sher, George. *In Praise of Blame*. Oxford University Press, 2006.