

OUR STATUES OF WRONGDOERS

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ABSTRACT

Many of those memorialized around us in statue are wrongdoers, and so we are often called to consider whether we should take down those statues. Some of those statues are memorialized for reasons now taken to be wrong; others are memorialized not for but rather despite their wrongdoing. How should we consider those latter cases? One tempting analysis suggests that we need only consider whether the wrongdoing was sufficiently transgressive. In this paper, however, I reject that constrained focus. Instead, these cases have as much to do with us, our priorities, and what those priorities should be as they have to do with the particulars of the lives of the subjects of the statues. Recognizing the central role that our priorities play in blame and condemnation better captures the contours of the debate about statue removal than any categorical rule about types of wrongs.

ESSAY

Perhaps statues are made to be toppled. Think, for instance, of the bronze statue of Confederate General Robert E. Lee on Monument Avenue in Richmond, Virginia. Erected in 1890, the Lee statue stood for over a century, finally coming down in 2021 and then melted in 2023. It is easy enough to understand why many wanted the Lee statue removed. Given Lee's role in the Confederate rebellion, given the horrors of slavery, and given the association between the statue's installation and the onset of Jim Crow, many rightly reject the Lee statue as noxiously denigrating great swaths of the population. Of course, confronting the statuary vestiges of the Confederacy involves potentially thorny remedial questions: should we contextualize the statues, leave them in place as markers of history, move them to museums, or remove them entirely?

However, neither these practical questions nor Lee's statue are my primary focus. Instead, I consider how we should confront more morally complicated remnants of the past. The Lee statue's noxiousness is morally straightforward: the statue commemorates the attempt to preserve white supremacy, and that attempt is not worthy of our commemoration. But other statues are more complicated. Consider a statute of Walt Whitman erected on the campus of Rutgers University–Camden in 2008. Whitman lived in Camden at the end of his life, and the university has long taken special interest in the local figure, publishing the Whitman-focused *Mickle Street Review* for a time and offering a Walt Whitman program in American Studies. Whitman is, of course, famous for his poetry, he was a strident public opponent of slavery, he served as a hospital volunteer for Union soldiers, and he is increasingly seen as a pioneering queer public intellectual. Toward the end of his life, Whitman gave more than a dozen talks eulogizing Abraham Lincoln, Whitman's famous Captain. Much that Whitman might be honored for is rightly honorable. However, Whitman also harbored deep and vicious racial prejudices. He was skeptical that the ballot should be extended to African Americans, characterizing African Americans as ignorant and immoral, and he was an opponent of racial "amalgamation."¹ In recognition of Whitman's troubled relationship with race, his statue was removed from its place of prominence on Rutgers University–Camden's campus in the winter of 2022.

Call Whitman's case a mixed case: there are morally honorable matters which plausibly are the spark for the statue, even as there are serious moral wrongs which complicate the case. Distinguishing motivating factors from complicating factors helps us see a potentially significant difference between Lee and Whitman. In Lee's case, the motivating factors are themselves worthy of condemnation. In Whitman's case, the motivating factors are worthy of honor, and so Whitman's statue is called into question *despite* those motivating factors, not *because of* those motivating factors. Does this structural difference matter? Perhaps not, as Helen Frowe argues. She argues that we are obligated to condemn serious, rights-infringing wrongdoings and that praising those whose behavior we are obligated to condemn is to impermissibly overlook that obligation or treat it as outweighed. Thus, she concludes, the duty to condemn racial and other significant wrongs readily trumps any upside, and so the case for removing these statues is straightforward.

But the trumping argument is too quick. In this paper, I argue that our thinking about controversial statues and about statue removal has focused too much on the wrongdoers and not enough on us. We might have supposed that behavior being fit for condemnation gives us reason to condemn and that having reason to condemn gives us reason to remove a statue. But fitness for condemnation on its own obligates us neither to condemn the wrongdoing nor to remove a statue of the wrongdoer. Instead, these cases have as much to do with us, our priorities, and what those priorities should be as they have to do with the particulars of the lives of the subjects of the statues. We should ask about our own relationship to the wrongs at issue, about our relationships with the victims of those wrongs, and about the need for public commitment to the values and virtues intended to be embodied by the statue. Recognizing the central role that our priorities play in condemnation better captures the contours of the debate about statue removal than any categorical rule about types of wrongs. Richmonders have particular reason to be concerned with Lee's wrongs and the victims of those wrongs, and Rutgers–Camden, a Minority-Serving Institution as defined in American federal law, has particular reason to disavow Whitman's racism; the reasons in both cases go beyond the badness of what Lee did and Whitman did.

My argument proceeds as follows. In Section 1, I examine Frowe's argument for removal and its satisfying answer to cases like Richmond's Lee statute. In Section 2, I address a preliminary problem for Frowe's argument: even if we should not erect new statues of wrongdoers like Lee, why should we now be responsible for the moral mistakes of the past? In Section 3, I turn to a deeper problem for Frowe: we should reject the general duty to condemn wrongs at the heart of her framework. Finally, in Section 4, I combine the lessons of Sections 2 and 3 to argue that a look at our own priorities gives us a more nuanced account of when we should condemn particular wrongs. This conditional account of condemnation and removal better captures the intuitive contrasts between different potentially controversial statues.

1. Frowe's demanding call for statutory removal

Helen Frowe provides a powerful argument calling for the removal of public statues of serious wrongdoers. She argues that states have a duty to condemn serious wrongdoing, that honoring someone despite their wrongdoing is failing to condemn their serious wrongdoing, and that public statues of historical figures typically honor those figures. From those three premises, Frowe concludes that states have a defeasible duty to remove the statues of serious wrongdoers. In this section, I will reconstruct Frowe's argument, I will show how it applies to a case like Richmond's Lee statue, and I will show its potentially broad implications.

Begin with Frowe's claim that states have a duty to condemn serious wrongdoing. Here, her argument is disjunctive. When the state is involved in wrongdoing, Frowe argues that the state has a duty to repudiate that wrongdoing. This requires "the state's acknowledging its past complicity in, or sanctioning of, wrongdoing, and explicitly rejecting the attitudes or values that underpinned that wrongdoing."² Arguably, however, the United States was not complicit in Lee's most immediate

wrongdoings, namely those of his waging war against the United States in defense of the rebellious Confederacy and its ongoing commitment to chattel slavery. However, Frowe also argues that states have a duty to condemn serious wrongdoings even when they are not complicit in those wrongs. Condemning serious wrongs can have valuable consequential upsides. It might, for example, help to deter future wrongdoing. But more fundamentally, condemning serious wrongs “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.”³ Although all of us have some duty to affirm others’ moral standing and thus some duty to condemn serious wrongdoings, these duties are particularly stringent for the state, given its expansive powers and capacities.

Next, Frowe claims that honoring someone who has done wrong is to fail to condemn their wrongdoing. Here, she is particularly concerned with someone who has a mixed moral record, i.e., someone who has done something worthy of admiration and something else worthy of condemnation. Frowe offers a straightforward prescription for such cases: the condemnation dominates the admiration. Frowe contends that, “when one perpetrates a [serious rights violation], that fact becomes the dominant feature of one’s moral record.”⁴ Serious rights violations are “*defining* wrongs ... always salient to our evaluation of the perpetrator.”⁵ Accordingly, we must condemn serious wrongdoings regardless of any moral achievements in the rest of the wrongdoers’ lives. For Frowe, condemnation occludes praise. As Frowe concludes: “It is objectionable not only to honour a person for her wrongdoing, but also *despite* her wrongdoing. To do so either ignores the fact that someone perpetrated serious rights violations, or implies that our duties to the victims of those violations are outweighed by some other consideration.”⁶

Frowe’s first two premises yield an intermediate conclusion: we have a duty not to honor serious wrongdoers. Frowe then argues that allowing public statues to remain is honoring the subjects of those statues. As she points out, “public statues of historical figures typically express positive evaluative attitudes towards that figure.”⁷ As Frowe points out, even though Hitler is incredibly significant for understanding Britain’s experience of the 20th century, there are no statues of Hitler in Britain; statues mark approval, not merely significance. This also explains the difference between a statue in a museum, often marking the significance of the object itself, from the statue in public, which often marks public admiration of the subject of the statue.

With this third premise, that public statues typically honor their subjects, Frowe has her conclusion: a defeasible duty not to allow public statues of serious wrongdoers to remain.⁸ When the state removes the statues of serious wrongdoers, it takes seriously the moral standing of the victims of those wrongdoers’ wrongs, fulfilling a moral obligation.

Frowe’s dominance answer helps make the case against Confederate memorials. Defenders of those memorials rarely explicitly deny the wrongness of slavery (though they sometimes attempt to qualify our grounds for blaming those who participated in or defended the practice). Instead, they point to ostensibly praiseworthy aspects of the Confederate militants’ lives. Frowe’s dominance answer allows us to avoid having to evaluate the credibility of these claims. We might very charitably accept that Lee was a skilled general, that he was a loyal Virginian, and that he was internally conflicted about the Confederacy’s commitment to slavery. We need not turn to historians to resolve those matters. Instead, we can simply point to the horrors of slavery, the ties between slavery and secession and war, and Lee’s connection to those wrongs. We are obligated to condemn those serious, rights-implicating wrongs, because we are obligated to respect the moral standing of the victims of those wrongs, both the historical victims and our now-contemporaries who continue to shoulder the harms of those wrongs. Admiring Lee would be tantamount to overlooking those wrongs or taking Lee’s putative virtues to outweigh those wrongs; either is morally misguided. Accordingly, we may not publicly admire Lee. Because statues of Lee express admiration for him, and because we must not publicly admire him, we must remove his statues. That obligation stems

from his wrongs, and it does not depend upon a holistic evaluation of Lee or a denial of any putative virtues. Thus, on Frowe's account, the advocates of allowing the Lee statues to remain misunderstand the nature of the moral accounting we should execute in these cases.

As Frowe acknowledges, however, the implications of her argument are likely to go far beyond relatively straightforward cases like Richmond's Lee statue. If the subject of a statue has committed a serious wrongdoing, then the statue must come down. We would have to remove all of the Confederate statues, but many more besides. Julius Caesar's military dominance did not come without wrongful brutality, and so arguably the owners of the Caesar's Palace casino in Las Vegas, Nevada are obligated to both remove the statue of Caesar in front of the casino and to change its name, and likewise perhaps for the Little Caesars pizza chain. Frowe's argument helps us with the Confederate statues, but we should acknowledge how revisionary it is. Because of Frowe's dominance claim, there is little space to distinguish between wrongs, once we decide that they are serious, and there is little space to consider the wrongdoer in context or the rest of their achievements. Although this demandingness of Frowe's claims gives me pause, we should be wary of being too conservative. Perhaps we should be far more careful with public expressions of admiration.

2. Statues as continuing public value expressions

A first worry about Frowe's argument challenges its third premise, that leaving a public statue in place is our honoring the subject of the statue. Even if it is true that erecting a statue is an act of honoring, there are few new Lee statues erected. Frowe tells us that "The fact that a statue already exists does not make it any less evaluative."⁹ It may be that the statue remains evaluative, but we need to understand why we now are responsible for the evaluative stance of a statue erected long before us. Frowe's argument more readily explains why we should not erect new statues of Confederates than it explains why we should remove existing statues of Confederates.

In this Section, I use work from Thi Nguyen to address this worry, which also helps us to better explain the connection between removing a statue and condemning its subject's wrongdoing. Nguyen argues that many public statues are tools for the public to make value commitments. Nguyen's account nicely captures why it is we would want public statuary, and it points us to two distinctive reasons to remove public statues.

Nguyen's account begins with a claim shared with Frowe: that public statues can convey admiration for their subjects. In Nguyen's words, "monuments can preserve and honor something in memory."¹⁰ As Frowe notes: "We build and display public statues primarily as a means of honouring people, and such statues thus express a claim that the depicted figure is worthy of admiration or respect."¹¹ Public statues often express positive evaluative attitudes toward their subjects. But the evaluation is not only of the subject. Rather, statues typically express positive evaluative attitudes toward their subjects *for something*, and thus they concomitantly express a positive evaluative attitude toward that something. The Whitman statue expresses approval both of Whitman the person and, given its placement on a university campus in Camden, of his poetry and his connections to the city of Camden. Likewise, the Lee statue plausibly expresses approval both of Lee the person and of white supremacy and Lee's ill-advised resistance against the federal government.

Nguyen adds to this expressive element a public commitment element, which will help us address the worry motivating this section. Public statues are both public and persistent.¹² The Whitman statue stood in a central place on the Rutgers–Camden campus for over a decade; the Lee statue stood for over a century. Public statues are in and among us, and they are intended to, and ordinarily do, persist for years. Statues such as Lee's and Whitman's make the positive evaluations of Lee, of Whitman, and of their acts concrete (literally so in many cases), and the statues keep those evaluations close, as regular reminders of those evaluations. Accordingly, as Nguyen argues,

“Monuments and memorials ... can serve as a ... physical instantiation ... for group commitments.”¹³ Values and evaluations are hard to express or convey, as opposed to, say, rules of procedure; by contrast with prose, art is a particularly good way of capturing values. Thus, as Nguyen argues, public art can offer the public the functional equivalent of the individual’s memory. Accordingly, publicly installing art is thus a good way of making a long-term commitment to a value. Just as a Post-It reminder to buy milk makes a commitment to shopping, a public statue of Lee can be an effective way to make commitments both to honoring a certain aspect of the Confederate past and to continuing to advocate and defend the current instantiations of that past. Thus, statues, and public art generally, “can make it possible for groups to have emotionally-laden values and commitments.”¹⁴

Because statues in the public space can have this stabilizing effect on public values, public art can be used to make public value commitments. Note the group agency in Arthur Danto’s review of the Vietnam Veterans Memorial, as discussed by Nguyen: “*We* erect monuments so that *we* shall always remember, and [*we*] build memorials so that *we* shall never forget.”¹⁵ In the ideal case, we act as a public, collective agent, deliberating together and deciding that there is some value which is important to us. We construct a public monument of some instantiation of that value, and the public and permanent nature of that monument functions to remind us of that commitment as we continue to act as a collective agent.

Nguyen’s public commitment account helps us shift our attention from the meaning of a statue to its effects. As David Friedell and Shen-yi Liao note, we can distinguish between what statues say and what they do (or, more precisely, between their locutionary and illocutionary elements). For example, Friedell and Liao argue, “there is a difference between depicting a person as honorable and honoring that person.”¹⁶ To gesture at the difference, imagine the notes of John Giannotti, the sculptor of Camden’s Whitman statue. Imagine that those notes include sketches of Whitman’s distinctive look as well as research regarding Whitman’s famous butterfly. Those notes capture what Giannotti takes to be honorable about Whitman, and they explain how the statue itself aims to depict Whitman as honorable. However, plausibly, those notes themselves do not honor Whitman (even if they give us evidence that Giannotti took Whitman to be honorable). The notes say; they do not do. By contrast, very often, as Nguyen’s argument shows, statues do, and what they do is help us make public value commitments.

Of course, not every statue functions as a public value commitment. As Frowe points out, statues in a museum work differently than statues in a public space. And both the public and the particular officials acting on behalf of the public can have diverse motivations for any particular statue. Indeed, it is imaginable that a statue might well get erected for purely strategic purposes—perhaps to corruptly generate business for an official’s friends in the statue-erecting business. Still, an artifact can have an effect and even a function without that effect or function being central to its maker’s purposes. We can thus separate two theses in Nguyen’s account: first, an intentional thesis, that public statues are at least sometimes erected with the intention of fixing public values, and, second, a more modest functional thesis, that public statues often have the function of fixing public values by virtue of being both public and relatively permanent. The more modest thesis is all that is needed here.

Nguyen’s public commitment account of the function of much public statuary helps us address the worry that the statues at issues in these debates are ordinarily statues of figures from the relatively distant past. It is not just that the statues express admiration for their subjects, nor that the erection of the statues allows us to make some attribution of that admiration to the public at the time of the installation of the statue. Rather, because the statue functions to influence and anchor value commitments, the statue is part of our ongoing value machinery.¹⁷ It is the nature of public statuary to be part of our values, whether we erected them, would have erected them, or not.

This explanation of the significance of statues helps us identify two additional reasons we might have to reject a public statue. First, while we might plausibly have some reasons of rationality or agency to stick to our own commitments, we have often little or no reason to stick to commitments others force upon us. In the ideal case, as Nguyen and Danto suggest, public art successfully manifests the commitment of the public. But, of course, much of life is not ideal. Sometimes, whether intentionally or otherwise, one group foists a commitment upon another. Moreover, we should be skeptical that the original commitment is one of healthy group agency. Healthy group agency does not always require unanimous, active, and equal participation of all members; that would be too strong. However, systematic, intentional, or even just substantial exclusion of some of the group from the deliberative processes can mean that the resulting group action should be attributed to a proper subset of the group, and not the group itself.¹⁸ Thus, sometimes we find that public statuary is explicitly one group speaking to another, and other times we find that a proper subset of a group is improperly claiming to speak on behalf of the entire group. Even if each minority group is given an adequate procedural say, relying upon democratic procedure to enact public commitments can yield distorted commitments. Even if all 100 members of a society participate in an election, the construction of an honoring statue after a 51-49 vote does not reflect the striking disagreement in the community. And, of course, democratic procedure does not guarantee substantively good results; the history of democracy is replete with instances where a majority imposes unjust conditions upon a minority. It is reasonable to doubt that the majority's mere numerosity gives the minority particularly strong reason to take on substantively immoral commitments. In all of these cases, the audience of the commitment did not make the commitment, and so we can readily imagine why the audience need not be bound by the commitment.

The second mode of critique suggested by Nguyen's public commitment account of the role of public statuary points to the limits of the normative stickiness of commitments. Plausibly, for commitments to be a valuable part of our lives, they should have some normative stickiness. They should mean more than "At one point, this was what I valued or intended." They should instead be relatively sticky: that I committed *then* is at least some reason for me *now* to heed whatever I committed to.¹⁹ However, this reason is defeasible. We can revisit our commitments. Even if I used a note to commit myself to buy milk, knowing that I often decide to buy treats instead, I might nonetheless later abandon that commitment, perhaps because I discover a particularly rare treat for sale when I am shopping. Insofar as our public statues are our commitments, and insofar as we can revisit our commitments, we can revisit the commitments embodied in our public statuary.

We can see these critiques in the cases of Richmond's Lee statue and other Confederate statuary. Just as African Americans (and many others) were excluded from broad swaths of social and political life in the late 19th century, we should expect that they were excluded from the deliberative processes which led to the erection of the Lee statue. Then, insofar as the decision-making was not representative of us (because the decision-making process excluded great swaths of us), the commitments made then do not bind us. Moreover, even if they did bind us, we are not thereby entirely bereft of normative power. Two of Lee's daughters attended the dedication of the Lee statue; we might (defeasibly) suppose that Lee's family is a group that was represented in the installation of the statue. Nonetheless, Lee's descendants might now gather, deliberate, and reject the values embodied in the Lee statue. And, likewise, insofar as the Lee statue is taken to represent us (perhaps we Richmonders, we Virginians, or we Americans), the same us might now gather, deliberate, and reject the values embodied in the Lee statue.²⁰ Both of these responses are ways of understanding how we might now set aside the commitments of the Confederate statuary, and neither way of understanding requires us to determine the culpability or blameworthiness of Lee himself. Thought Lee's blameworthiness might well come up in considering whether the statue represents our current commitments and in considering whether we want to abandon that

commitment, a determination that Lee was culpable for his wrongdoing is not necessary to either of those critiques.

At this point, things look better for Frowe, and worse for Lee. Not only is Lee culpable for a serious wrongdoing, one which rightly dominates our moral assessment of him, but also the values embodied in his statue are not ones which we must remain committed to. We can accept his historical significance, and we can accept the importance of understanding Lee's role in our past, without needing to continue to center him and the values he represents. This means we have both reason to condemn him and reason to revisit our manifested priority commitments, both telling against retaining the Lee statue.²¹

3. Against a general duty to condemn wrongdoing

But a harder problem looms in Frowe's first premise, which urged a general duty to condemn serious wrongdoing. I am skeptical that there is any general duty to condemn even serious wrongdoings. This is not a skepticism that serious wrongdoings are worthy of condemnation. Rather, this is a skepticism that we have a general duty to respond with robust condemnation to serious wrongdoings.²² I am skeptical that the mere fact that something is a wrongdoing alone can provide a full explanation of a duty to condemn. That some action is a serious wrongdoing does not immediately obligate us to condemn the action. Because Frowe's argument is apparently grounded in a claim to the contrary, her argument is too strong.

I begin by arguing that the general duty to condemn is extensionally dissatisfying when we consider our intuitions about mixed cases. It is not obvious that all statues of subjects who have committed serious wrongs obligate us to respond with condemnation. We may agree with the implication of Frowe's argument in the case of Richmond's Lee statute, that his wrongs and the related and ongoing social ills of white supremacy and violent resistance warrant condemnation. But not all cases are as morally straightforward; many cases are mixed cases, where there is a motivating reason for having the statue which is morally acceptable and yet, at the same time, there is a complicating moral concern about highlighting the subject of the statue, often some grievous moral wrong that the subject committed, endorsed, or is otherwise associated with. Camden's Whitman statue is one example: he is a culturally significant figure associated with Camden, and yet his views on race were abysmal.

Or consider the bronze statue of George Floyd outside of Newark, New Jersey's City Hall. That statue, depicting Floyd sitting comfortably on a bench, humanizes Floyd, reminding us of the way that Floyd was victimized and pushing us to see Floyd as more than a passive victim of official crime. By being placed in front of City Hall, the statue plausibly stands as an official rebuke of Floyd's killing and its broader class of wrongs that require both social and official attention. These are all laudable motivating considerations. However, Floyd, like all of us, was a real person who occasionally fell short, and Floyd had prior run-ins with the legal system. Some of those run-ins plausibly reflected inappropriate policing or criminalization, but one of them might be more worrisome.²³ In 2007, Floyd, along with others, forced his way into a residence, used a gun to restrain the occupants, and then stole valuables.²⁴

We might suppose, rightly, that Lee's wrongs were both more grievous and more significant than those of Whitman and Floyd. Nonetheless, all three seemingly committed serious moral wrongs. Thus, on Frowe's argument, the wrongs of all three warrant condemnation, and so we have defeasible reason to bring all three statues down. Perhaps we should accept Frowe's revisionary argument; however, my intuitive sense is that things are much less clear for Whitman and for Floyd than for Lee. That is, Frowe's demanding *modus ponens* is my *modus tollens*.

This intuitive discomfort is heightened when we recognize a distinction between judging culpable (or judging fitting for condemnation) and robustly condemning. Judging culpable or fitting for condemnation is an intellectual matter.²⁵ Robustly condemning is something more; feeling

serious anger, confronting the wrongdoer, and ending a relationship can all be instances of robust condemnation. The distinction is familiar. Imagine the traffic court administrative judge, who sorts through hundreds of traffic tickets, day after day. The judge is diligent, and they take their job seriously—but it is a job, and they do not invest much emotion into their work. It is easy enough to imagine the judge looking for the various legally inculpatory factors, determining whether they are present, and then completing an administrative form, on case after case. Now imagine the judge leaving work. When they near their home, they see that someone has parked in a crosswalk, blocking a curb cut used by people in wheelchairs, parents with baby carriages, and others. Although this violation is just like many the judge confronts at work, this time the judge gets upset, gesturing wildly at the car. Here, I don't endorse the judge's pattern of behavior (although it does seem quite reasonable to me). Instead, I use this case to illustrate the difference between merely judging worthy of condemnation and condemning. At work, the judge judges worthy of condemnation; on the walk home, the judge condemns, by way of the judge's feelings and exclamations.²⁶

Frowe urges a duty to condemn rather than merely a duty to judge worthy of condemnation. This distinction is essential to Frowe's argument. Frowe argues that satisfying whatever duty is at issue in the case of statues of wrongdoers requires removing the statues. However, merely judging worthy of condemnation does not require removing the statues. One can satisfy a duty to judge privately. Interpreted quite charitably, those defenders of the statues who insist that the statues remain as markers of the country's contested history might be understood as at the same time judging the Confederates' wrongs as worthy of condemnation. This judgment is not in tension with other reactions. We might straightforwardly judge both that someone has done something honorable and that they have done something else condemnable, and we might even honor someone as we judge them to have done something else condemnable. I can certainly honor a student for doing quite well on a second essay even as I maintain that they were wrong to have plagiarized on their first. Thus, Frowe must have in mind something more than merely judging worthy of condemnation. If, as Frowe argues, honoring and condemning are in tension, the sort of condemnation involved must be a robust reaction, involving something like an emotional or conative element.²⁷ Frowe's argument does not commit her to any particular account of the robustness of condemnation, but it does commit her to enough robustness to explain the conflict with honoring.

Keeping in mind Frowe's dialectical commitment to robust condemnation, we should be skeptical of any general obligation to condemn. Robust condemnation is demanding. It requires more than mere belief. It requires something like feeling, conversation, or interaction. We can only feel, say, or do so much. But there have been so many serious wrongs that no one could possibly condemn or renounce them all. We have neither the time nor the capacity. Insofar as ought implies can, that we could not possibly condemn all serious wrongs entails that we have no duty to condemn all serious wrongs, and that we can have no duty to condemn all serious wrongs is a potent reason to doubt a general duty to condemn serious wrongs.

Would a charitable amendment help Frowe? Perhaps the duty is conditional on having drawn attention to the subject by honoring them. If we would or do draw attention to someone, especially if in doing so we cast them in a positive light, and if that person has committed a serious wrong, then perhaps we have a duty to condemn their serious wrongs. As an exegetical matter, I am torn between reading Frowe as making the stronger general duty claim and reading her as making this more specific, conditional claim. But the more specific, conditional claim would seem to fill the role she needs for her statues argument. We do not have a general, standing duty to condemn all serious wrongs, and so it is ordinarily permissible for me to go about my day focused on other things. However, when we consider a statue to honor Lee, we thereby consider Lee, and that consideration could yield a duty to condemn Lee's serious wrongs.

Such a conditional duty might be attractive, especially if our attention is sparked by our praise for the wrongdoer (even on other grounds). Drawing attention to someone in order to honor them without condemning their serious wrongdoings might tacitly condone those wrongdoings. And, as Archer and Matheson contend, we might rightly be worried that praise might, causally, result in distorted judgments about the praised agent's other wrongful acts.²⁸ If drawing attention to wrongdoers for their praiseworthy behaviors risks distorting our judgments about their wrongdoings, it might be the case that drawing attention to wrongdoers sparks a duty to condemn their wrongdoing.

I remain skeptical. Think of the child of divorced parents, one of whom wronged the other. My intuition is that the child has no general duty to condemn their parent's wrongs. It is at least sometimes acceptable for the child to overlook the reason to condemn the wrongdoing parent, at least sometimes acceptable for the child's other needs and concerns to occlude or outweigh the reason to condemn the wrongdoing parent, and even sometimes acceptable for the child to praise and appreciate the wrongdoing parent (albeit not for the wrongdoing parent's wrongs). It is certainly possible for the child to react in complicated ways to their complicated situation, and the child might well both appreciate the wrongdoing parent and condemn their wrongdoing. However, robust reactions of the sort that Frowe needs for her argument can be burdensome, and so my intuition is that it is not obligatory for the child to have a complicated reaction to their circumstances, even if it is both possible and permissible. Moreover, because so many of us have ever transgressed, even this conditional duty will be mammothly revisionary of our ordinary social lives. Many of us have ever committed a serious wrong, and many of us have committed serious unaddressed wrongs. Life is complicated. This conditional duty, that we are obligated to condemn someone if we bring attention to them and they have ever committed a serious wrong, threatens to swamp our lives with condemnation. Perhaps Frowe's intuitions go otherwise, but these my senses of both the child example and our ordinary social lives are some data against even a conditional duty of this sort.

There is a bigger problem for this charitable amendment of Frowe's argument than my intuitions about ordinary cases. Frowe needs a way to distinguish between different statues, even if the subjects have all at some point committed a serious wrong. This amended version would treat Lee, Whitman, and Floyd as all of a type. So long as it is intuitive that we are obligated to remove only a proper subset of that group, this amendment will not do.

Perhaps instead the condition that is needed is one sensitive to the particulars of the wrong at issue. That is an attractive possibility. After all, Lee's wrongs were horrifying, broad in scope, causing tremendous pain, and deeply denying the dignity of others. The wrongs of Whitman and Floyd were comparatively modest. Perhaps only Lee's wrongs were significant wrongdoings of the requisite sort. If we can specify the criteria adequately, perhaps this sort of conditional duty can help Frowe's argument.

I have two worries about such a move. First, that means that Frowe's argument is incomplete, in a significant way. We now need accounts of both rights-infringing and seriousness, and that threatens the attractive simplicity of Frowe's account. Second, and perhaps more worrisomely, I suspect that the obligations to remove do not tidily track only the badness of the wrongs at issue.

How would Frowe have us compare Floyd's case with Whitman's. On her analysis, we should consider any serious, rights-transgressing wrongs committed by each. Comparing the wrongs of Whitman and Floyd is guaranteed to be controversial. Whitman's racism was vicious, and even if thoughts do not render us culpable²⁹, expressions have consequences. On the other hand, in at least the one instance, Floyd seems to have committed a crime of violence and intrusion, and it is easy to imagine that the particular victims of that crime have significant grievances against Floyd. Whitman's wrong might manifest the more reprehensible character flaw, but plausibly Floyd's wrong is a

stronger transgression of others' rights. Indeed, we can heighten the contrast by imagining that Whitman's racism was confined to his private diaries, discovered only by historians working through his papers. I find it plausible that Whitman's current critics would still be bothered by those private writings. However, if we are concerned with rights-transgressing wrongs, it is reasonable to think a violent home invasion more badly transgresses more significant rights than private if vicious thoughts. Thus, either Frowe must appeal to a revisionary account of the rights at issue, or she must accept that we have a stronger, and perhaps much stronger, reason to remove Floyd's statue than to remove Whitman's statue. But this contrastive verdict is intuitively uncomfortable, and in any event, it seems to fail to capture how we should compare the two cases. Frowe's argument denies us the resources to properly consider either case.

Let's step back. Frowe's argument was attractive in large part because it offered a simple framework for deciding whether we are obligated to remove a statue. On her account, we are obligated to remove a statue if the statue depicts someone who committed a serious, rights-infringing wrongdoing. That is a general obligation, insensitive to any other factors, such as the countervailing good the subject might have done. That insensitivity is part of what makes the account attractive, for it shortcuts much of the debate that keeps us from acting on statues of historical wrongdoers. However, in this section, I have argued that the insensitivity does in Frowe's argument, because the mere fact of having committed the wrong cannot be enough on its own to generate an obligation to remove. Although Lee's case is straightforward, neither Frowe's description of the duty to condemn nor either of the amended versions I have considered is attractive once we consider real-world wrongdoers. Frowe's argument is too strong, and it cannot make intuitively important distinctions between cases. We need to look beyond just the wrongdoing.

4. What's missing? Our priorities.

We can combine the lessons from the prior two sections to make progress on the mixed cases. Though there are morally significant differences between Whitman and Floyd and between Whitman's wrongs and Floyd's wrongs, we cannot understand the categorical difference between the two cases unless we recognize what matters to us and what should matter to us. This is not just a general claim that what we have reason to do tracks our priorities, though that surely is true. Rather: our priorities have a special relationship with condemnation, such that we cannot make sense of whether we have reason, much less a duty, to condemn without considering our priorities.

I begin with a descriptive claim: when we condemn, as when we blame, we do so because there is a particular connection between our cares and concerns and the object of our condemnation. Our reasons to condemn have as much to do with what matters to us as with there being something worthy of condemnation. We see this, for instance, in the difference between the objective and participatory stances discussed by P. F. Strawson.³⁰ The difference is not just in how we see an agent vis-à-vis the natural, causal world, though that certainly looms large for Strawson's purposes. When we take the participatory stance, our reactions track our participation in interpersonal human relationships, and interpersonal relationships are constituted in significant part by distinctive cares and concerns.

The significance of our cares and concerns looms large for R. Jay Wallace as well. Taking up the expressive significance of our emotional responses to each other, Wallace gives an example from friendship. There, Wallace contends that our emotional responses "transform[] the meaning of the things that we do for our friends, turning them into actions that express the kind of care and concern that friends characteristically have for each other."³¹ Here, too, we see the connection between our responses to each other and our values and priorities.³²

Return to the administrative judge from before, considering parking violations. Why does the parking judge merely process paperwork while on the job? Because they are not particularly concerned with the wrongness of the parking violations. Or consider a dispassionate historian

studying a wrong from the distant past, as an object of study. The historian might well judge the wrong fitting for condemnation, gathering evidence that the behavior was wrong, that the wrongdoer knew what they were doing, and that the wrongdoer was responsible. Nonetheless, because of the historian's distinctive interests, the historian need not actually condemn the wrong, at least not in any robust sense.³³ What we see in both the administrative judge and the historian is that we can judge worthy of condemnation (or, at least, we can judge that each of the components of condemnation-worthiness are present) without actively condemning.

So, in practice, we see that our actual concerns mark much of the difference between judging worthy of condemnation and actually condemning. We might then reasonably suppose that we could make progress on determining when we should condemn—the duty at the core of Frowe's argument—by settling on a theory of which concerns we should have. If the wrong should be significant for us, that could explain why we should condemn. I do not here offer a general theory of the ethics of concerns. However, we can make progress on the particular statues debate, and we can support this expansion in focus from the subject of the statues to also including the audience of the statues, by looking at three plausible grounds for particular concern, seeing in each case how that ground helps us sort out contrasting intuitions.

First, we have reason to be particularly concerned about wrongs we have a substantial connection to. We might be responsible for a wrong, morally or even merely causally (recall Frowe's concern with repudiating our prior wrongs), or we might have benefitted from the wrong. This gets us a nice contrast between George Floyd's case and that of the statue of Thomas Jefferson in front of the Rotunda of the University of Virginia. That statue, installed in the early 20th century, embodies the university's relationship with its founder, and it plausibly reflects the university's public endorsement of the educational values Jefferson put forth: of a public, liberal university, where study is conducted in common, as a community, rather than in individual isolation. At the same time, Jefferson was a petty spendthrift, whose public proclamations of human rights and equality did not apparently compromise his comfort with keeping many people in brutal bondage, and who famously made use of his access and control over the people he enslaved to carry on an extended nonconsensual sexual relationship with Sally Hemings.

The American public, and especially the white American South, bears some causal responsibility for the ills of slavery, and the University of Virginia and its constituents benefitted greatly from Jefferson's ills (the university having been built in significant part by enslaved people). Thus, the American public, and especially the students and alumni of the University of Virginia, have particular reason to take the harms of American chattel slavery as significant, and therefore, the American public and those associated with the University of Virginia have particular reason to condemn American chattel slavery. This gives those groups distinctive reasons to condemn Jefferson's wrongs.

By contrast, insofar as we the broader public are inculpated in Floyd's wrong, it is in large part by creating the conditions of discrimination and deprivation that can lead to such crimes of desperation. We have some connection to the broader circumstances which can explain why people in general might turn to violence and theft, but we have little connection to Floyd's robbery in particular. And the connection is even more attenuated for the people of Newark who erected the Floyd statue and who have little control over the conditions of poverty in North Carolina (where Floyd was from) or Minnesota (where Floyd's wrong occurred). Thus, we can see why the American public should be significantly more concerned with the wrongs of chattel slavery than with particular everyday violent crimes. This can explain why the American public has a stronger duty to condemn Jefferson's wrongs than to condemn Floyd's wrongs.³⁴

What is true of Jefferson is likewise true, and probably even more so, of Lee, especially for white Americans with significant ties to the American South. Thus, there is more reason to condemn

Lee's wrongs than there would be if we found in our midst a statue of a militant defender of slavery from a remote place and time. We might still reject that statue of a stranger, of course—but our reason to condemn Lee's involvement in chattel slavery is stronger, explaining the distinctive reason we have to condemn the wrongs of Confederates in our midst.

Second, we have particular reason to be concerned about a wrong if we have some particular relationship to the victim of the harm. (In a way, this point partially overlaps the first point, insofar as responsibility for a wrong gives us a special relationship to the victim of the wrong.) Imagine, for instance, considering a stranger's child. The parent has particular reason to be concerned about child. You may have some generic concern, but we expect the parent's concern to be stronger. Here, we can see one way to explain why we should be more concerned with Whitman's wrongs than with Caesar's (a reason in addition to the reasons at issue from the first point). Plausibly, Caesar's wrongs were far more culpable than Whitman's. However, the American public bears a much closer relationship to the victims of American white supremacy than to Caesar's victims in Europe 2000 years ago. This distinction is even stronger when we consider the local case. Camden, New Jersey has a significant African-American population, as does Rutgers University–Camden. Neither the city of Camden nor the university there have much particular relationship with the victims of Caesar's wrongs.

Third, we might have particular reason to be concerned with any reason to praise the subject of the statue. Frowe's categorical duty is focused on wrongdoings and so does not give any place for this sort of consideration, but this sort of consideration promises to help us sort cases. Why might we have particular reason to be concerned with the reason to praise the subject of the statue? In some instances, this might be because the reason to praise the subject of the statue is socially overlooked. Contrast Floyd with Lee. There is a great deal of cultural material extolling the valor of the Confederate soldier and the romanticism of the South, from the great number of Confederate memorials to popular culture such as *The Dukes of Hazzard* and much else besides. The virtues of the Confederacy are (rightly) much contested, but we are not wanting for instances of advocacy for those virtues. And if we take at least some defenders of the Lee statue at their word, the Lee statue is a testimony to loyalty generally. But that general virtue is not one that is distinctively socially overlooked. By contrast, arguably, the victims and the costs of racialized police violence have been socially underappreciated. Thus, we have particular reason to support the maintenance of the Floyd statue, and little reason to be worried about what might be lost if we remove the Lee statue.³⁵

This list of particular concerns is not meant to be exhaustive. Moreover, any of my proffered applications might well be controversial. However, this survey should make apparent how thinking about us, what matters to us, and what should matter to us does a better job explaining which statue subjects have done wrongs warranting the sort of condemnation which precludes leaving the statues up than merely pointing to the wrongs themselves. Statues function to stabilize and fix our public commitments, and which commitments we do and should have turns upon our relationships with the people and matters involved. Thus, to determine which statues embody positive, evaluative commitments to subjects whom we should instead condemn, we have to consider our particularized duties to condemn certain wrongdoings, duties which depend upon our relationships with the wrongdoing, the wrongdoer, the victims, and the like. That expansion of the discussion has been my aim here.

5. Conclusion

What is the upshot of all of this? We should reject any analysis of whether to keep statues of historical figures which is confined to the wrongs committed by those figures. It is not enough to point to the badness of those wrongs to figure out what our responses should be. Nor is it enough to reach an all-things-considered verdict that blame is warranted for the wrongdoing. Indeed, such verdicts are neither sufficient nor necessary. Rather, in determining when we should renounce a

wrong and how significant such an obligation might be, we need to think about both the wrongdoing but also ourselves—who we are, our relationships to the wrong and the victims, and our particular obligations to care. Why does, or should, the wrongdoing matter to us in particular, and why does, or should, the putative grounds for honoring the subject matter to us in particular? Those are the central questions we should answer.

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¹ See Outka “Whitman and Race,” 295.

² Frowe “The Duty,” 15.

³ Frowe “The Duty,” 17.

⁴ Frowe “The Duty,” 11.

⁵ Frowe “The Duty,” 11. Frowe’s talk of the perpetrator’s moral record and of evaluating the perpetrator might seem to suggest that Frowe is thinking of blame rather than condemnation. Here is one way to contrast the two: the object of blame is the wrongdoer and their culpability for the wrong, while the object of condemnation is the wrongdoing itself. I blame you, while I condemn your wrong. Much of Frowe’s argument would survive without substantial change if we understood Frowe’s talk of condemnation to be talk of blame. Alternatively, Frowe needs only that robust condemnation has penumbral effects on our assessment of the wrongdoer such that robust condemnation of the wrongdoing and admiration for the wrongdoer (even on other grounds) are in some tension.

⁶ Frowe “The Duty,” 21.

⁷ Frowe “The Duty,” 3.

⁸ Frowe describes the duty as defeasible because she is concerned with the possibility of social consequences, such as unrest.

⁹ Frowe “The Duty,” 5.

¹⁰ Nguyen “Monuments,” 977.

¹¹ Frowe “The Duty,” 3.

¹² Contrast street art, which is public but not persistent; while street art may by chance last, its very nature is to be open to revision or removal. For more on the non-persistence of street art, see Nick Riggle’s “Street Art.”

¹³ Nguyen “Monuments,” 978.

¹⁴ Nguyen “Monuments,” 971.

¹⁵ Nguyen “Monuments,” 974, citing Danto “The Vietnam Veterans,” emphases added.

¹⁶ Friedell and Liao “How Statues Speak,” 448. See also Arianne Shahvisi “Colonial Monuments,” arguing that statues can contribute to social marginalization. Marginalizing is another thing that statues can do, though hopefully this effect is ordinarily unintentional.

¹⁷ Statues are not always effective at this task, as Quill Kukla points out, in “Public Artifacts.” However, a controversy, if nothing else, brings our attention to a statue, and those who spark the debate about the controversy have, of course, already noticed the statue.

¹⁸ For a similar argument regarding the exclusion of African-Americans from the crafting of the Constitution, see the dead-hand worry raised by Jamal Greene’s “Originalism’s Race Problem.” This is distinct from the complaint raised by Daniel Abrahams in “Statues, History, and Identity,” that statues which denigrate a group exclude that group from the public identity. That is a downstream harm worth taking into consideration, and a good reason to be concerned about derogatory public statues. The concern I am raising, by contrast, is upstream.

¹⁹ For more on the voluntarist normative relevance of our commitments, see Ruth Chang “Voluntarist Reasons” and “Grounding.”

²⁰ Descendants of both Robert E. Lee and the enslaved laborers who worked at Lee’s home have met for some years. The group has discussed what name we should use for the home itself, now a National Park Service historic site. The group voted to remove “The Robert E. Lee Memorial” from the name of the site. For more on this group, which calls itself the Family Circle, see Christopher Parker, “The Descendants.”

²¹ We are not obligated to renounce a commitment just because it was foisted upon us, nor are we obligated to remove a statue just because it embodies a commitment to a value we no longer have. These two reasons can be sufficient reasons, but they are not ordinarily obligating reasons.

²² There are other potential grounds of skepticism for a general duty. For example, see Nancy Sherman’s “Taking Responsibility” for a discussion of the limits of our control over our reactions. Where we lack adequate control over our reactions, it can seem unreasonable to make those reactions the stuff of obligations. I do not pursue such grounds for skepticism here, in significant part because whatever limits there may be to our control over our emotional reactions, those limits are unlikely to be implicated for reactions like erecting or removing statues.

²³ For a nuanced discussion of how systemic racism and material deprivation affect the import of different sorts of legal transgressions, see Tommie Shelby’s *Dark Ghettos* Ch. 7.

²⁴ For more on Floyd’s background, see Hernández, “A Knee.”

²⁵ For a similar distinction in the case of blame, between judging blameworthy and robustly blaming, see Coates and Tognazzini “The Nature” and “The Contours.” As Coates and Tognazzini argue, cognitive accounts are best suited to capture what it is to judge blameworthy, because genuine blame cannot be detached in the way that cognitive judgments can be.

²⁶ Recall the distinction made by Friedell and Liao between judging worthy of admiration and admiring.

²⁷ For a similar argument regarding blame and sympathy, see my “Being Sympathetic.” There, I argue that we can explain our conflicted reactions to cases of bad-history wrongdoers by noticing that we are pulled both to blame them and to feel sympathy toward them. Because those two reactions make conflicting demands on us, our resulting blame is conflicted and tempered. There, too, the conflict requires more than thin, cognitive judgments.

²⁸ Archer and Matheson “When Artists Fall,” 254.

²⁹ But see Rima Basu “The Wrongs” and Basu and Mark Schroeder “Doxastic Wronging,” arguing that our beliefs can wrong others.

³⁰ Strawson “Freedom.”

³¹ Wallace “Dispassionate Opprobrium,” 366.

³² The relevance of cares and concerns for our moral reactions is particularly vivid in the relationship between blame and forgiveness. For more on this, see my “Defending Elective Forgiveness.”

³³ This is not to say that no historian does their work in anger, nor that the historian might not now dispassionately research and later passionately condemn. But it is to say that it is possible for the historian to work as a historian without experiencing immediate, robust responses.

³⁴ And, of course, the American public might have little standing to condemn Floyd's wrongs, given our national responsibility for the conditions of discrimination and deprivation which are the context of those wrongs. For more on this argument, see Tommie Shelby *Dark Ghettos*, ch. 8 and Erin Kelly *The Limits of Blame*, ch. 7.

³⁵ This can help us understand why Christopher Columbus statues present more challenging questions than Confederate statues. We can understand many Columbus statues as responses to widespread anti-Italian and anti-immigrant prejudices. Frowe's account does not have space to capture this complication. Although there might be better subjects to spread that message, and although we might have grave reason to be concerned with Columbus's wrongs, we might at the same time have reason to take seriously the need to respond to those prejudices. Of course, this does not mean that the Columbus statues should remain; just that the matter is more complicated.