

Confederate Monuments-2020

Had I given this paper over a year ago when I was assigned this topic, I'd have begun it thusly: My assignment is Confederate Monuments. No more guidance than that. In the interest of time, allow me to stipulate the dry data.

But this is over a year later, and although the topic is the same and the data still dry, the problem of maintaining or not maintaining Confederate Monuments, has been overtaken by events and subsumed into a larger clash of cultures and philosophies. And so, to respect Quest time limits, I'll compress my original paper into today's first half and add more current comments into the second half. I'll print both digitally in full for those who are interested in links.

Let me continue with the traditional "W's" of reporting: The Who is simple. Confederate Monuments represent soldiers and public officials of the Confederate States of America, but mostly solitary soldiers and some Generals. Dictionaries note differences between physical monuments and memorials that include parks, roads, and schools. And that broadens considerably the problem of what to do, or not to do, with memorializing the Confederacy and romanticizing a culture that was destroyed by our bloodiest war.

How many are there? In truth, we don't know how many. Of the more than 1503 public monuments, more than

718 are statues. But including tablets and other markers the total is over 6000.

The “How” is more interesting. It is no small irony that several thousand life-sized “solitary soldier” statues were cheaply made by Monumental Bronze Company for \$450 to \$750 in Connecticut factories. Two versions used the same solitary soldier but with a wide brimmed slouch hat for the Confederates and a flat-topped kepi hat for the Union. The most expensive memorial depicting President Jefferson Davis and Generals Robert E. Lee and Thomas J. “Stonewall” Jackson was carved at Stone Mountain Georgia—the largest high relief sculpture in the world covering three-acres—a football field is 1.3 acres.

A legitimate controversy relates to the date a monument was placed because of far greater tolerance for memorials placed during and immediately after the war. However, a shattered Southern economy could afford little then. The largest spike in memorialization came at the 50th anniversary, around 1910, and another at the Centennial beginning in the late 1950’s. By then, post-war conditions and attitudes had evolved from destruction and grief, to reflect what had been very different North and South post-war recoveries. In the South after 50 years, strong memories remained of a humbling military defeat, of economic devastation and of a cultural change woefully mismanaged by vacillating Reconstruction politics allowed by Lincoln’s death and the States Rights beliefs of his successors, beliefs by which local control allowed the rise of Jim Crow laws. The Centennial

put 100 years of distance between both the brutality of civil war and the changed context of slavery, of tariffs and of territorial statehood---and the distance of a century allowed for the romanticizing of Southern history familiarly called “The Lost Cause of the Confederacy.” I should note here that military defeat nearly always results in revisionist history as is witnessed by Adolph Hitler’s mythic claim of a “stab in the back” at Versailles, by China’s “Century of Embarrassment” caused by control of their harbors by European gunships beginning in 1840, and even the blood feuds of the Balkans a thousand years after Byzantium. Revisionist histories become embedded in culture because they are comforting.

Next, some polling statistics: What do citizens want to do with an obvious excess of public monuments to a failed rebellion and a shattered culture? Answer from a 2017 Reuters opinion poll: “A majority of Americans think Confederate monuments should be preserved in public spaces, a view that is at odds with efforts in many cities to remove them . . . 54 percent of adults said Confederate monuments “should remain in all public spaces” while 27 percent said they “should be removed from all public spaces.” Another 19 percent said they “don’t know.” A split was evident across party and racial lines, but an NPR poll in 2017 found that 44% of African Americans believed that statues honoring leaders of the Confederacy should remain in place.” But that was three long years ago.

Destroy them or save them? Here are some thoughts.

Begin with a dystopian example from George Orwell's 1984, in which Winston says to Julia: "Already we know almost literally nothing about the Revolution and the years before the Revolution. Every record has been destroyed or falsified, every book rewritten, every picture has been repainted, every statue and street building has been renamed, every date has been altered. And the process is continuing day by day and minute by minute. History has stopped. Nothing exists except an endless present in which the Party is always right."

Next, let's look at an event: a statue of Robert E. Lee placed in 1884, being removed in New Orleans in 2017. So far, 120 or more such Confederate Monuments have been removed---a mere drop in the bucket---another was removed in Charlottesville September 12th, 2020.

Reporter Tyler Stiem, writing in *The Guardian* about the New Orleans event, offers credible reasons to destroy monuments: "Our relationship to a statue, or a building, or a sign is always changing. Often the change is so gradual, happening over decades and generations, that the monument – the version of reality it embodies – simply recedes into the background. . . We make the assumption that the past is past, that those ideas and values no longer have the power to threaten or harm, or never did. The reality is more complicated. For one thing, this is what monuments do: they normalize the past, for better or worse. They make injustices easier to defend and, more insidiously, harder to see. . .But as the past resonates in unexpected ways

... so a monument's power ebbs and flows." He asks: "Should any monument be safe?"

However, this quote from the NYT by Eric Foner presents another defense, but not destruction. "The historian Carl Becker wrote that history is what the present chooses to remember about the past. Historical monuments are, among other things, an expression of power — an indication of who has the power to choose how history is remembered in public places . . . Confederate statues do not simply commemorate "our" history, they honor one part of our past." He asks where are the monuments to the victims of slavery or to the hundreds of black lawmakers elected during the Reconstruction? Excluding blacks from historical recognition has been the other side of the coin of glorifying the Confederacy."

Mr. Foner indirectly refers to the Dred Scott decision---the famous ruling from the Supreme Court that denied slave Dred Scott citizenship and essentially voided the Missouri Compromise---that ruling later reversed and characterized by many as a failed effort to force a judicial solution to solve a political problem. Foner states we've made progress since Dred Scott, but that public monuments have not kept up with that progress. The August, 2017, Charlottesville protests, he sees as a healthy re-examination.

But, not everyone wants the monuments gone. Jonathan Zimmerman in 2017 headlined in the New York Daily News "The Progressive case for keeping Confederate statues

standing: We shouldn't cart away reminders to our white supremacist history." Of the removal of the statue of Supreme Court Justice Taney---author of the Dredd Scott ruling---he says: "The statue of Taney is gone, removed under the cover of night early Friday morning. And while that might make all of us feel a little better about the present, it's very bad news for those of us who teach about the past. So is the removal of dozens of other Confederate statues and memorials, which have toppled like dominoes since last weekend's events in Charlottesville. It's a short cut, a band-aid, a cotton-candy salve for America's wounded soul." Zimmerman says the Charlottesville protests expose images of our nation's dark history, but he asks: "will these Americans be more or less likely to know about the history of race and racism, now that we're taking the memorials away? The question answers itself."

We are now nearly half way through, and I'll discard a large part of my earlier paper. What will I leave out? I'll discard much of the history needed to understand alternatives to removing monuments---that includes decades of industrial tariffs that disadvantaged the agrarian South (note that only 6 States mentioned slavery in their departure documents.) And we omit the roles of Federalism, of the Missouri Compromise, of the tragedy of Reconstruction politics, and also discussing cultures throughout two thousand years during which slavery was a fact of life in much of the world. Indeed history is what we choose to remember,

Instead of a conversation that may have considered which Confederate Monuments to spare and how best to use them, we now need to examine why and how we reached a moment in 2020 when a civil dialogue on the question is no longer possible. We now encounter loud and well-organized groups who would rid the country of all such monuments, and more. Historical figures who are today found to have transgressed at any time, even two centuries ago---or who committed micro aggressions as inconsequential as dressing in an ethnic costume at Halloween or so politically wrong as having worked in a British colony, those people are now anathema. It is a war.

Confederate Monuments have become metaphors in a war of ideas, for which selected quotes may provide insight where data does not. For example, on war, recall this statement: "Only the dead have seen an end to war." Even the near total victories of Genghis Khan or Alexander the Great did not eliminate the return of similar cultural conflicts.

Recall that Carl von Clausewitz said, "War is not an independent phenomenon, but the continuation of politics by different means." He also said that, "Theory becomes infinitely more difficult as soon as it touches the realm of moral values."

Then, there is "presentism," a cultural bias that interprets history using today's ideas and values---a bias especially true of younger generations. By 2020, several generations have been educated with little exposure to Western History, probably not the give and take of the Articles of

Confederation, the Constitutional Convention, or the Missouri compromise, let alone familiarity with the Federalist Papers. We need only reference current University enthusiasm for safe spaces and limitations on press and speech freedoms on their campuses. It is worth noting that Stanford University ceased to require a Freshman course in Western Civilization in the 1980's.

Presentism denies the discipline of historical thinking, that is, considering the 5 "C's": causality, context, complexity, contingency and change over time. Today's focus is on accusing those who support retention of monuments, as "honoring a dark era," rather than having a thorough understanding of how societies end up in such darkness and how brief is our period of history in which slavery was not in many places a norm. Twelve U.S. Presidents owned slaves of which five were founding fathers. Shakespeare had Marc Antony eulogize Caesar saying: "The evil that men do lives after them, the good is oft interred in their bones." Protests seem bent on a course to ensure that memories of George Washington and Thomas Jefferson are cancelled from history because of their associations with slavery.

"Those who cannot remember the past are condemned to repeat it," said George Santayana. And so, are we allowing history to stop, as Orwell suggested? Look at the publicity from a unanimous San Francisco school board decision, July 2019, to destroy a mural of *The Life of George Washington*, the decision then reversed, 4 to 3, voting instead to spend \$600,000 to cover the mural. All

agreed that the mural was “racist.” But, the murals were painted by a Russian Communist whose subversive goal was to expose a violent U.S. history. Those who wished the mural destroyed, said that “children shouldn’t be subjected daily to the violent scenes. (A scene showed a settler stepping over a dead Indian’s body.) But, a groundswell of support opposed the destruction, among them artists and politicians on both sides. Actor Danny Glover who had attended the school wanted them to remain on view: they were for me, he said, “a reminder of the horrors of human bondage and the mistreatment of native peoples, even by the father of our country.”

The fact that presentism has spread from the Civil War era to George Washington, Thomas Jefferson and to even Charles Darwin is revealing of at least two supporting political and philosophical trends: Group Rights and Critical Race Law. To understand the headwinds facing retention of any monument now deemed racist, by the new definition, one must understand the far-ranging ramifications of both theories.

Such ramifications are demonstrated by this shortened reading of an Oberlin College student exchange, on a blog called Oberlin Micro aggressions, between two students, a boy and a girl. The blogsite---enlisting victims---states that it serves “students who have been marginalized.” The exchange began regarding a talk scheduled for Latino Heritage Month, that conflicted with an Oberlin soccer game.

“Hey, that talk looks pretty great,” the white, male student wrote to a Hispanic student, “but on the off chance you aren’t going, or would rather play futbol instead, the club team wants to go!!”

The Latino Girl was offended by the email and decided to publicly air the encounter and the subsequent exchange in the community at large, advertising her status as an aggrieved party. “Ok, she says #1. Thanks for you thinking that the talk is “pretty great”. I appreciate (sic) your white male validation. I see that it isn’t interesting enough for you to actually take your ass to the talk. #2. Who said it was ok for you to say futbol? It’s Latino Heritage Month, your telling people not to come to the talk, but want to use our language? Trick NO! White students appropriating the Spanish language, dropping it in when convenient, never ok.”

Boy: I’m sorry that I detracted from your event. Do you really think people who were going to go to the talk changed their mind because of my email? I don’t think so, and that was not my aim at all . . .” He went on to explain that his father was from Costa Rica, and that he found her remarks offensive.

Girl: We need to talk about tokenizing brown friends and POCs. (People of Color) Etc. Etc.

The authors (Campbell & Manning) explain: In an honor culture, “Honorable people are sensitive to insult, and so they would understand that micro aggressions, even if

unintentional, are severe offenses that demand a serious response. But honor cultures value unilateral aggression and disparage appeals for help. Public complaints that advertise or even exaggerate one's own victimization and need for sympathy would be anathema to a person of honor." A duel perhaps?

"Members of a dignity culture, on the other hand, would see no shame in appealing to third parties, but they would not approve of such appeals for minor and merely verbal offenses.

By way of contrast, the "victimhood culture" is characterized by concern with status and sensitivity-to-slight, combined with a heavy reliance on third parties. Self-designated victims are intolerant of insults, even if unintentional, and react by bringing them to the attention of authorities or to the public at large. Domination is the main form of deviance, and victimization is a way of attracting sympathy. Strength or inner worth is not emphasized, instead the aggrieved emphasize their oppression and social marginalization . . . the moral status of the victim, at its nadir in honor cultures, has risen to new heights. *The Atlantic Magazine* (source of the Oberlin article) reports: "(an) important insight is that: "There is no end to conflict in a victimhood culture. Compromise brings more demands." And as sociologists Bradley Campbell and Jason Manning explain: Over-stratification offenses occur whenever anyone rises above or falls below others in status . . . as progress is made toward a more equal and humane society, it takes a

smaller and smaller offense to trigger a high level of outrage. The goalposts shift, allowing participants to maintain a constant level of anger and constant level of perceived victimization.”

Importantly, why does scrubbing uncomfortable history from public view, find public and legal support? What theories allow restrictions of political speech under the title of “hate speech?” Why do safe spaces, and protests that restrict access to and destroy private property find support? Why are police, both black and white, targeted, driven from office amid cheers from mobs? We are now engaged in a political and social war that accepts that the ends justify the means.

Research reported in *Scientific American* by Scott Lillienfield, found that academic study of micro aggressions raised more questions than answers. In fact, subtle insults, often inadvertent, are highly subjective since the same statement may offend person A but not person B. And if a concept is entirely subjective, it is exceedingly difficult to study it scientifically, let alone subject it to rigorous tests.

If the root causes of today’s protests and riots ranged from slavery, to social injustice and to police brutality, the legal foundation can be found in Critical Race Law and theories of Group Rights. These philosophical and legal theories accept and promote behavior we recognize as virtue signaling, self-proclaimed victimhood, histrionic suffering from micro aggressions and grievous accusations of

appropriating features of another culture. Here are citations from two law schools.

First a paragraph from 1999, by Jeffrey J Pyle, sourced from The Boston College Law Review: "In recent years, critical race theory ("CRT") has come to occupy a conspicuous place in American law schools.' The theory holds that despite the great victories of the civil rights movement, liberal legal thought has consistently failed African Americans and other minorities. Critical race theorists attack the very foundations of the liberal legal order, including equality theory,' legal reasoning, Enlightenment rationalism' and neutral principles of constitutional law.' These liberal values, they allege, have no enduring basis in principle, but are mere social constructs calculated to legitimate white supremacy. The rule of law, per critical race theorists, is a false promise of principled government, and they have lost patience with false promises.' For them, the practice of law is just another front in the fight to achieve racial "liberation." The "race-crits," as they call themselves," identify less with the egalitarian integrationists who led the nonviolent civil rights movement than with the black nationalists of the late 1960s who demanded "black power."

Mr. Pyle goes on to say that: "Liberal principles are so ingrained in political and legal discourse in the United States that they are hardly mentioned anymore, but they have structured and moderated political and legal debate for two centuries and are likely to do so long into the

future.” He concludes that traditional liberalism and the “rule of law” is under attack including . . . basic principles embodied in the higher law of constitutions under a system that aspires to the rule "of laws, and not of men."

And this (condensed) confirmation from the UCLA Law School: “Critical Race Theory (CRT) was developed out of legal scholarship. (See Derrick Bell, 1970’s Harvard Law) It provides a critical analysis of race and racism from an interdisciplinary legal point of view that can be used by different branches of learning.” The analytic lens that CRT uses to examine existing power structures, states that racism is engrained in the fabric and system of the American society . . . CRT also rejects the traditions of liberalism and meritocracy. Legal discourse says that the law is neutral and colorblind, however, CRT challenges this legal “truth” by examining liberalism and meritocracy as a vehicle for self-interest, power, and privilege. CRT also recognizes that liberalism and meritocracy are often stories heard from those with wealth, power, and privilege. (For CRT) these stories paint a false picture of meritocracy; everyone who works hard can attain wealth, power, and privilege while ignoring the systemic inequalities that institutional racism provides. Critical Race Theory argues in favor of hate-speech codes which criminalize bigoted expression, and group rights doctrines which would allow victims of historic racism to sue whites as a group for reparations.’ The harmful precedents such measures would establish is of little concern to the race-crits—their goal is minority advancement at all costs.” (The full UCLA quote is much longer.)

We should also explain Group Rights, but we do not have time to do this thoroughly. It is, itself, a topic for a Quest paper. A group right is a right possessed by a group in the capacity of the group rather than by its members severally. It contrasts with a right held by a single person as an individual. An example of a commonly asserted group right is the right of a nation or a people to be self-determining. If there is such a right, it is a right possessed and exercised by a nation or a people as a group. . . Other rights that are now frequently asserted as group rights include the right of a cultural group that its culture should be respected and perhaps publicly supported; the right of a linguistic group that its language should be usable and provided for in the public domain; and the right of a religious group that it should be free to engage in collective expressions of its faith and that its sacred sites and symbols should not be desecrated. The group, qua group, holds the rights and duties.

Differentiate this from the group-differentiated individual right of members of an ethnic group to fish in certain waters---illegal to others.

To confuse the matter further, group rights should not be confused with rights that people possess in virtue of being members of groups---rights possessed by members of universities (using the library) are individual rights.

Those who are skeptical of the very idea of group rights do not deny that groups come in different forms or that some

exhibit a high degree of unity . . . They simply deny that there is reason to ascribe to groups, however unified and however significant, the moral standing that they must possess if they are to be independent right-holders. Those who are critical of group rights are concerned that group rights accrue to groups that have involuntary memberships; such groups are often distinguished by their race, ethnicity, culture, or language. They worry about oppression of the individual within that group. People do not choose to be members of these “ascriptive” groups, nor can they easily leave them . . . If they find the group's authority oppressive or its way of life intolerable, they cannot simply opt out, since their membership of the group is treated by others as a “given” to which normal rights of entry and exit do not apply. One might ask if being 1/32nd Native American qualifies for group entitlements, or being 1/32 Caucasian is “too-white?”

And at last to return to Confederate Monuments, my conclusion is that while there is a valid argument that there are too many, it is also true that they represent a valuable historical moment from which to view and to teach a broader history. With monuments more fully positioned in historical perspective, both adherents and critics should benefit from their presence and both would lose by their destruction. Change does not stop; it is a constant.

We will do well to heed the warning from Ecclesiastes 1:9 King James Version, “The thing that hath been, it is that

which shall be; and that which is done is that which shall be done: and there is no new thing under the sun.”

The price of freedom is eternal vigilance, and for this societal illness, the cure must not be worse than the disease. Slavery may return again in different forms, a constant feature being that slaves do not enjoy freedom of speech or thought.

To close with a quote from George Santayans: “We must welcome the future, remembering that soon it will be the past; and we must respect the past, remembering that it was once all that was humanly possible.”

Statue Wars

<https://www.theguardian.com/cities/2018/sep/26/statue-wars-what-should-we-do-with-troublesome-monuments>

Charlottesville riot hastens removal of Confederate monuments throughout the US <https://www.theartnewspaper.com/news/charlottesville-riot-hastens-removal-of-confederate-monuments-throughout-the-us>

Charlottesville’s Confederate statues still stand 2017

<https://www.washingtonpost.com/history/2019/08/10/charlottesvilles-confederate-statues-still-stand-still-symbolize-racist-past/>

The progressive case for keeping Confederate statues standing: We shouldn't cart away reminders to our white supremacist **history** <https://www.nydailynews.com/opinion/progressive-case-keeping-confederate-statues-standing-article-1.3429164>

<http://righteousmind.com/where-microaggressions-really-come-from/>

Where microaggressions really come from: A sociological account

Atlantic Magazine: <https://www.theatlantic.com/politics/archive/2015/09/the-rise-of-victimhood-culture/404794/>

The rise of victimhood culture

The Stanford Encyclopedia of Philosophy : Group Rights

<https://plato.stanford.edu/entries/rights-group/#SceAboGroRig>

Boston College Law Review

Race, Equality and the Rule of Law: Critical Race Theory's Attack on the Promises of Liberalism

Jeffrey J. Pyle <https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=2124&context=bclr>

Critical Race Theory CRT: Wikipedia with Bibliography

https://en.wikipedia.org/wiki/Critical_race_theory

Oberlin Microaggressions:

<https://obiemicroaggressions.tumblr.com/>

Pseudoscience of microaggressions https://www.nas.org/academic-questions/30/1/the_pseudo_science_of_microaggressions