



Thinking About Historical Legacies: Looking for Just Principles and Processes

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Introduction

In the past several years there has been a significant re-assessment of the legacies of well-known historical actors, initially sparked by activism on university campuses, but more recently in the news media and academic literature. As the head of the Rhodes Trust, one of many institutions with a complicated historical legacy, I have been grappling with these issues.

I have been looking at the different ways in which we think about the legacies of historical characters that have come under this new scrutiny, as well as the associated artefacts (building names, statues, paintings) that accompany them. These legacies include not only those publicly debated over the last two years, such as John C. Calhoun, Woodrow Wilson, and Cecil Rhodes, but also newer conversations about the legacies of Thomas Jefferson, and even Mahatma Gandhi and Nelson Mandela. If these related debates become a broader movement of re-assessment and restorative action, they will require guiding systematic principles and intentional processes to ensure coherence, consistency and fairness across disparate cases. The scale of potential efforts is daunting: New York City's new commission on art, monuments and markers has listed hundreds of subjects to address.¹

¹ *Mayoral Advisory Commission on City Art, Monuments, and Markers: A Report to the City of New York* (New York: Mayoral Advisory Commission, 2018).

There is, of course, nothing new in the idea of morally assessing past leaders, which is the ordinary work of historians and journalists. What is different in the current debate is the call for the removal or relocation of artefacts, as well as the renaming of buildings and landmarks, that are seen to honour historical characters that have been judged negatively by contemporary standards. This note deals partly with iconography—the physical “stuff” of history—but this is only one part of a broader process of conversation, mutual understanding, recognition and acknowledgement, and potentially reconciliation around historical wrongs.

At the moment, much of the institutional reaction has been prompted by pressure from different student and alumni groups, as well as external commentators, and responses have been implemented in an *ad hoc* way. Pressured decisions made without reference to articulated principles and deliberate processes will be unsatisfactory to participants and are likely to be overturned by subsequent debates (think of the recent Calhoun College decisions at Yale).² More fundamentally, *ad hoc* decisions deny us the learnings of rigorous historical investigation and

<https://www1.nyc.gov/assets/monuments/downloads/pdf/mac-monuments-report.pdf>

² *Report of the Committee to Establish Principles on Renaming* (New Haven: Yale University, 2016), 4-5.

https://president.yale.edu/sites/default/files/files/CEPR_FINAL_12-2-16.pdf

thoughtful discussion of complex pasts. Hastily convened kangaroo courts to tidy up embarrassing connections to the past provide no meaningful relief to institutions or justice to stakeholders. In short, poor processes will fail to yield mutual understanding or reconciliation.

Done right, legacy investigations are not cosmetic reactions to pressure, but thoughtful community solutions seen in the context of promoting restorative justice, improving understanding, and building relationships between different identity groups. How we address these issues matters: dynamics of structural inequality, such as the historical trans-Atlantic slave trade, have ongoing impacts on opportunities and outcomes today and continue to affect relationships between people in our communities. Substantive engagement with iconography need not—indeed ought not—occur in a vacuum. Addressing symbols and names is often merely one component of a fuller process of recognition and engagement with the unjust past. Nonetheless, it is the component I focus on here.

Looking at how we think about historical individuals may help tease out our moral intuitions on how we should treat these legacies and associated artefacts of history more systematically. To be clear, this paper does not look at the underlying moral arguments against racism, slavery, misogyny, and other ethical shortcomings of past actors, which are well enumerated, but rather at how we ought to assess and ultimately regard historical individuals and their portraits, statues, and other vestiges of their time. Consequently, this assessment is an attempt to ascertain systematic principles and processes for assessing, and then acting, on legacies. The approach is to glean out ethical patterns from a web of individual cases. The question is whether this inductive approach based on moral intuitions can

lead to useful pragmatic philosophical principles. It does not suggest that there is consensus in these assessments but rather seeks to understand the mechanisms of judgments being applied and then to evaluate them.

The decisions we make today should not be seen as one-offs, but as part of an ongoing process that will be contested and potentially revisited in the future in the light of evolving contemporary assessments. We sometimes act as if the present embodies the absolute moral high ground, without remembering that we are just as temporally situated as those more distant characters we now judge. Just as we find fault in moral reasoning of the past, future generations will likely see shortcomings in our principles and arguments. A modest epistemic humility about the limits of our own moral knowledge should also play a role in this debate.

There are three related elements to explore. First, we need to examine the **moral mechanisms and principles** that seem to be at play when we evaluate historical legacies. By identifying the principles that undergird our judgments about the ethics of memorialization in particular cases, we can think more clearly about which figures might qualify for action, and which do not. Second, we need a clearer picture of which **concrete mitigating actions** can help realise the normative principles established in Part I. After the appropriate agents have arrived at a decision regarding historical legacies and artefacts, which kinds of actions can be fruitful in addressing the past in ways that increase understanding, promote recognition, and encourage reconciliation? Third, the discussion would benefit from a clear assessment of **decision-making processes**. This is the challenging question of *who gets to decide* in these difficult cases, and what decision-making structures and

principles should guide them as they search for answers. There are good arguments for community involvement at many scales, but the question of who makes the final decisions is a difficult one.

We begin with the first step: evaluative principles.

Part I: Evaluating Legacies

Much of human history has involved the oppression and violence by some powerful groups over other less powerful groups along the dividing lines of national, ethnic, religious, gender, gender identity, class, and other identities. Most of the historical characters in whose legacies we are interested are powerful members of powerful groups. These individuals frequently justified their behaviour by reference to beliefs and values that run counter to those we hold today. Nearly all historical characters' values and behaviours are at odds with current moral beliefs –even the behaviours those of historical characters we revere. If we are being systematic (and certainly moral reasoning requires treating likes alike), that means evaluating the legacies and artefacts associated with all of these important historical characters on the same basis (a project that could encompass every place name, street name, building name, room name, portrait, and statue!).³

Systematic (comprehensive, consistent, fair) appraisal is important. Many beloved historical characters expressed views about indigenous people or people of colour that are repugnant to us today. Frederick Douglass, for example, has been cited as demeaning

³ This does not imply that each discrete evaluation needs to employ the same value set in assessing actors. It is natural that these will vary in different locations and institutional contexts, just as their stakeholders do.

Native Americans.⁴ Poet Walt Whitman, despite traditional assumptions about his attitudes regarding race, embracing racist concepts such as ethnological science and supporting pro-segregation policies.⁵ Finally, growing awareness about some of Mahatma Gandhi's racist attitudes have led to backlash across the world, resulting in the recent removal of his statue at a university campus in Ghana.⁶ It is worth keeping our heroes in mind as we evaluate our anti-heroes because it helps us to understand how we make moral judgments.

There are those who advocate absolutist perspectives on both sides of this question. Some will argue that every physical vestige of individuals whose values or acts we find at any moral fault should be effaced or removed. Others will argue that history is history and that every artefact left behind should be studied, not altered. But given the scale of historical artefacts associated with contested individuals, it seems essential that we develop principles to parse history and make pragmatic decisions about individual legacies.

Of course, the systematic principles and processes identified here via an inductive assembly of individual cases are not morally neutral. They involve normative assumptions about the importance of particular values and aims, such as justice and community. I cannot address these contested issues

⁴ *Report of the Committee to Establish Principles on Renaming* (New Haven: Yale University, 2016), 19-20.

https://president.yale.edu/sites/default/files/files/CEPR_FINAL_12-2-16.pdf

⁵ J.R. LeMaster and Donald D. Kummings, *Walt Whitman: An Encyclopedia* (New York: Garland Publishing, 1998).

⁶ Jason Burke, "Racist' Gandhi statue banished from Ghana university campus," *The Guardian*, last modified 6 Oct 2016.

<https://www.theguardian.com/world/2016/oct/06/ghana-academics-petition-removal-mahatma-gandhi-statue-african-heroes>.

here at a fundamental level, nor do I aspire to close off debate about them. Part of what adjudicating difficult legacies involves is a thoughtful consideration of the central values of a community and their implications for assessing historical injustices. While my own views are shaped by ideals of inclusive community and restorative justice, my aim here is simply to make explicit some of the values and norms that are implicit in the way we currently discuss complex legacies. My hope is that making these principles and values explicit will lead to greater clarity and consistency in our approach.

So, what principles, frameworks or moral mechanisms do we use to make these evaluative decisions? A number emerge from how many people have evaluated specific historical actors:

Thinking vs. Acting: Most historical characters had beliefs that reflect different values from those we hold today. Expressing the belief that slavery is appropriate is different from owning slaves. But wrong thought can encourage actual harm, and the role of the historical individual in promoting bad ideas may matter, relative to passive morally defective beliefs. How much moral weight should we assign to the distinction between thinking or saying on the one hand, and acting on the other?

Ongoing Harm or Benefit: Simply put, in most assessments, it seems to matter how long ago the characters lived and when their offending beliefs and behaviours occurred. Although we can name Roman generals who invaded Britain in 43 AD, few people summon moral outrage about these events and about the ancient Britons who were oppressed and to whom violence was done. There are no movements to remove or contextualise the surviving artefacts of this conquest. Part of the

underlying mechanism here is that it is difficult to identify those harmed, as well as the particular descendants of affected, oppressed, or wronged groups. In addition, both the harm experienced by the victims, and the benefit derived from the perpetrators, is not ongoing. Where we can identify victims and where harm (or unfair benefit) is ongoing or has lasting effects, such as those affected by Nazi actions, our judgments are sharper.

Contemporary Values Context: We appear to assess more harshly those actors whose values or behaviours were more out of step with prevailing values of their historical period. This idea of concurrent moral contestability means we appear likely to judge a slave owner in 1600 as less morally culpable than one who owned slaves after abolitionist arguments began to be commonly circulated. This is what we mean when we say, “he was a man of his times,” even when we think those beliefs are wrong. This term is often used inappropriately as a blanket way to excuse past actors, but it has some moral content in our everyday judgments. This notion is at work, again, when we judge the figures of the Nazi regime in Germany, which had views on race and ethnicity at odds with the prevailing moral standard of the day in other countries (coupled of course with the scale and nature of the crimes).

It should be said that the prevailing values context is normally that of the powerful, and typically omits the values framework of the oppressed social groups themselves—but it still seems to be at play in our judgments. We look, for example, at the violence between Dark Ages Picts and Angles in Britain with interest rather than judgment partly because we assume (perhaps incorrectly) that they both shared a common value system whereby those violent

behaviours were legitimate.⁷ In another example, we might feel differently about the raising of a Confederate flag over a statehouse than we do about the same flag that may be chiselled in a 150-year-old building, since raising the flag is a current act of affirmation of those values, not an historic artefact of a different time.

Absolute Scale and Type of Harm:

Perhaps uncontroversially, absolute scale of harm matters, as does the nature of the acts. We put genocide and enslavement in a different category than perpetuation of inequitable economic systems, for example, though the latter may affect more people. But there is lots of room for disagreement amongst different values sets here. Is racism different and morally worse than other kinds of oppression based on ethnicity or religion? Where in the list do we place sexism or misogyny? Homo- or transphobia? Are intersectionally bad values redundant, additive, or multiplicative in our assessments? We will get different answers depending on what frameworks (deontological, consequentialist, virtuosic, etc.) we employ.

Moral Balancing: Humans appear to apply a kind of moral calculus in assessing historical legacies in which bad acts are balanced with good ones. This behaviour is hardly surprising, but it is ethically strange—as if morally repugnant behaviour can be partly “washed” or absolved with good acts. This phenomenon is applicable to assessments of Mahatma Gandhi, who has become controversial for his beliefs on race (he defended racial segregation on trains in South Africa) and caste, as well as his behaviour with under-aged women—but who helped lead a nation

to independence against a colonial oppressor.⁸ Or with Thomas Jefferson, who owned and had sexual relations with enslaved people, but played a key role in shaping the universalistic values and aspirational ideals of a new democracy that made human equality its cornerstone.⁹ There is a related question we can ask: how do we assess one-off unambiguously good acts of questionable characters? Does the ill of other life acts irretrievably poison even good acts?

The Yale University Committee to Establish Principles on Renaming report (CEPR) labelled this idea as the “principal legacy” of the historical individual in question. They argue that Frederick Douglass’s principal legacy wasn’t his negative views about indigenous Americans, but rather his work as an abolitionist and fighter for civil rights. Similarly, Walt Whitman’s views on race were less his principal legacy than his work as a poet and writer. Under this idea, we separate the smaller immoral acts of great individuals from their larger morally productive works. The idea of moral balancing or principal legacy seems to assume a kind of utilitarian calculus, or perhaps a virtue ethical evaluation of character over time, that may be philosophically contestable—but also appears to be very human.

Level of Association: It is easier to disassociate via renaming or other action

⁷ “Dark Age Scotland,” *British Broadcasting Corporation*, last modified 19 September 2014, http://www.bbc.co.uk/history/scottishhistory/darkages/intro_darkages.shtml

⁸ Nimisha Jaiswal, “On Gandhi’s death anniversary, not everyone is grieving,” *Public Radio International*, last modified 30 January 2016, <https://www.pri.org/stories/2016-01-30/gandhi-s-death-anniversary-not-everyone-grieving>.

⁹ Annette Gordon-Reed, “Sally Hemings, Thomas Jefferson and the Ways We Talk About Our Past,” *The New York Times*, last modified 24 August 2017, <https://www.nytimes.com/2017/08/24/books/review/sally-hemings-thomas-jefferson-annette-gordon-reed.html>.

from individuals whose association with the institution in question was smaller than those who were founders or fundamental in the shaping of the institution. For example, Woodrow Wilson, who had a major impact in shaping Princeton University, is more difficult to disassociate with than John C. Calhoun at Yale, who was a successful and famous graduate, but not a leader of the institution. The Nobel Prize Committee, whose grantor was arms inventor and dealer Alfred Nobel, would find it difficult and perhaps even dishonest to rename itself. Similar arguments could be made for Elihu Yale, who was a governor of the East India Company that engaged in the slave trade.¹⁰

Hierarchy of Evaluative Principles

If these are some of the intuitive moral principles we apply in evaluating individual cases, is there an order or hierarchy in which we apply them? Do we first judge the type of offense, such as a belief or act, then weigh the absolute scale of moral failure, then assess our ability to identify victims and ongoing harm or benefit, then judge whether the views or acts were concurrently morally contested in their historical context, and then finally appraise the whole person with a lens of moral balancing or relative legacy? Presumably the order matters here.

As an example, twelve US presidents owned enslaved people. Do we assess Thomas Jefferson, and artefacts like the Jefferson monument, differently from James Polk or Andrew Johnson? If we do, is it due to the context of contemporary values? Probably not: although Jefferson was from an earlier era, it was one in which abolition

movements were already making moral arguments against slavery and Jefferson was certainly aware of these. Or is it because of some form of moral weighing that assigns Jefferson greater importance for his role in the Declaration of Independence and the development of the US Constitution?

See Exhibit 1 for a draft decision tree addressing a possible ordering of these principles to evaluate real cases. Please note that this is only one possible construction of a decision tree. It is meant to move the discussion on systematic frameworks for evaluation and action forward, not to suggest a single approach. Each decision group will want to develop a framework that reflects the relevant community values and views on ordering of remedies and restorative processes.

Part II: Taking Action: Tools for Navigating Legacies

If we can solve the question of what principles we use to assess legacies, there is a wide range of tools to recognise and address artefacts that can be employed after weighing arguments about particular historical leaders. Again, given the scale of places, buildings, landmarks, and other names associated with historical actors, we likely need a hierarchy or framework for deciding which, if any, tools to employ. Here is an initial list for consideration:

- Contextualising/Placarding is an approach that leaves artefacts of historical characters in place, but explains or contextualises their role in offensive acts or values. There is a difference between honouring versus recognising/acknowledging: some historical artefacts offend more than others, especially those that seem to convey a sense of honour rather than those that merely acknowledge association.

¹⁰ Report of the Committee to Establish Principles on Renaming (New Haven: Yale University, 2019), pp 7.
https://president.yale.edu/sites/default/files/files/files/CEPR_FINAL_12-2-16.pdf

Thinking About Historical Legacies

- Balancing is an approach that brings into the physical or electronic space the faces and voices of others, including those from the oppressed or wronged groups. It can be combined with contextualizing.
- Re-locating is the idea of creating historical sculpture parks or moving objects to a museum setting.
- Re-shaping or editing is an approach taken with a number of artefacts in Europe, where the original monument is left in place but altered. For example, a line etched through an offensive phrase, but with the original language still visible. Destroying or removing points to the question of revisability or reversibility. Do permanent changes require more moral certainty or better community processes than temporary ones?
- Re-naming: We need to explore how *level of association* of the historical actor with the institution in question affects the employment of these options. If Wilson did not lead or endow a school named after him, does that make it easier to decide to re-name the school? Contrast this with the Nobel Prizes or Rhodes Scholarships, where it can be argued that re-naming is a disingenuous attempt to hide a fundamental truth, a way of rainbow-washing the past, while still taking the prestige and money.
- Reparations and/or restorative justice processes are community undertakings to recognise historical harm and to take restorative actions, which can range from commissioning public art to memorialise the wrongs to actual reparation payments.

Which of these makes sense is context-specific and clearly related to the nature and conclusions of the evaluation and of the decision-making process. These remedies can be combined with the

community evaluation principles of the last section to create a single decision rubric to evaluate larger sets of legacies and artefacts, as is shown in Exhibit 1.

In Rhodes House, we have employed a number of these ideas. We have reduced the number of images of Cecil Rhodes to a single public portrait; this makes clear the historical association of the Trust with Rhodes's gift that set up the Rhodes Scholarships, but not in a way that shows inappropriate respect to all of that historical person's views. We have balanced the other portraiture in the main hall by adding Rhodes Scholars who are women and people of colour, and who have been activists in opposition to colonialism and imperialism. All the portraits are contextualised with an explanatory guide. Several rooms named for historical characters have been re-named, with placards describing the relevant naming histories. We have altered the social processes of the scholarship, including the toast given at formal events. We have funded new Rhodes Scholarships in Africa and other regions, and established a sister scholarship with the Nelson Mandela Foundation, the Mandela Rhodes Scholarships. And the Trust has invited a dialog on the legacy of Rhodes and his contemporaries with the Rhodes Scholar community and others in Oxford.

Part III: Decision-making Processes

One of the most difficult questions in this whole business of assessing historical legacies is *who decides* on which legacies are addressed and what actions are taken. Again, if we can see this process in the broader light of frameworks of restorative justice, the process is just as important as the outcome. Here are a few questions:

- Who decides? Whose values prevail when assessing the nature and scale of wrong acts?

Community processes make sense, but how do we trade off the benefits of local/municipal engagement relative to national and regional processes with common principles?

- Should questions of this nature be put to a vote of those associated with the institution? Should alumni of institutions be included in the vote?
- What weight or respect do we give to *past* members of the institutions, including those that made naming or portrait or statue decisions? Do their beliefs and values matter? I have found it interesting that we often consider the historical individual in question and our current beliefs, but seldom consider the context and values of those who made the naming or honouring decision (usually in the intervening period). Does the deliberative process they underwent have any weight in our decision-making?
- Do current members of groups most clearly historically oppressed have their votes or input weighed more heavily, as some have suggested? Should any differential weighting be affected by the type of institution in which decisions are taking place?
- Is membership in an identity group sufficient to participate, or is lived or remembered experience required to qualify the participants or judges? Or does it require additional evidence and moral arguments? What counts as 'evidence' in these cases? Could parallels in

the court system help us answer these questions?

- Does documented *harm* have to be demonstrated to initiate a process, or just wrong action thought? What counts as harm, and how is it determined?
- Does delaying a decision perpetuate the original wrong, as has sometimes been claimed? Is this on the scale of the original moral failure?
- Are these decisions to be made *ad hoc*, offending object by offending object, or should we have some sort of Truth Commission that evaluates historical legacies on consistent principles, as has been done in many post-conflict countries? If so, who would be appropriate members of the Truth Commission? Again, who decides who the members are?
- Does the *purpose* of the institution facing a legacy question matter? For example, might the purpose of a learning institution lead to different decisions than that faced by a municipality?

I do not know if these questions could lead to a common approach to judgement processes with sufficient effort. But we do know that many of the decisions taken on artefacts of contested individuals in the last two years have employed hastily convened panels without thorough consideration of appropriate principles of process design.

And again, in judging the past with our current values, we often act as if we have some uniquely correct moral vantage point that is not only superior to the past, but also to the future. If we

thought a clearer moral framework would be in place tomorrow, surely we would wait to judge. Is there a role for *moral modesty or humility* in all of this judging? If so, should there be a prudential principle against irreversible decisions?

Closing Thoughts

Historical legacies and associated artefacts of those individuals are part of every institution. With a new, often urgent, attention on re-examining those legacies through a lens of current value sets, institutions need systematic and pragmatic principles for evaluating past actors. This evaluative process must involve relevant communities in a broader framework of restorative intent, and specific actions must be taken in concert with those processes.

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About the Author

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Decision Tree
For
Contested Histories in Public Spaces

What is a decision tree?

A decision tree is a management tool that helps guide decision-making processes by means of a series of questions that gradually form a logical tree-like schema, allowing one to visualize potential courses of action and the consequences of these actions.

Decision trees are frequently used in strategic planning processes but can be applied to a wide range of contexts in the public, private and independent sectors, especially in situations with a complex number of variables.

How do you use the contested histories decision tree?

The decision tree presented below is designed to help identify a range of potential responses to controversial statues, memorials, plaques, street names, or other forms of commemoration of disputed figures or events in public spaces. It is one of a family of potential trees, each reflecting the moral evaluation framework and desired remedies of the relevant community and decision body.

To use the decision tree, simply select a contested object and systemically follow the sequence of questions. There is no single right answer, and the outcome will depend on the perspectives and information the user brings to the process.

Range of Remedies

The decision tree includes a series of proposed “remedies,” from minor additive features such as plaques, to the creation of counter-structures that redefine the context, to the erasure or names or removal of artefacts. As an example, here is an abbreviated version of the remedies, the rest of which can be found in the box of definitions in the decision tree below:

- Placarding: leaves the artefact in place, but provides additional information, in the form of plaques or inscriptions that recognize the complicating or offensive actions.
- Balancing: brings into the physical or digital space the voices/images of others that recontextualize the artefact. This can include counter monuments, exhibitions, and/or compensation or restorative justice.
- Relocation: removes the object to a less prominent location, to a place where it can be recontextualized, or to a museum or archive where it can be preserved and studied.
- Elimination or destruction: some objects may be deemed so offensive that destruction is the appropriate remedy (though this should pass a hard test of epistemic humility given irreversibility).

Exhibit 1 – Draft Decision Tree

Artefacts and Contested Characters: Dealing with Difficult Historical Legacies

