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Down with this sort of thing: why no public statue should stand forever

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ABSTRACT

No statue raised in a public place should stand there indefinitely. Any such monument should have a set date when it is due to be replaced. I make three arguments to support this principle of non-permanence for public commemorative art. First, the opportunity cost of permanent statues is too high. States have a duty, grounded in their need for legitimacy, to support and cultivate democratic values. Public art is a powerful tool that is being drastically under-employed because existing statues are already taking up so many prominent sites. Second, permanence undermines stability by unnecessarily raising the stakes of change and so exacerbating predictable tensions between social groups who ought to be able to respect one another as honourable civic partners. My proposal reduces the significance of replacing a monument by making removals a commonplace event. Third, we ought to do away with permanent statues as a means of increasing democratic control for both current and future generations over public spaces. Each generation inherits a more cluttered civic landscape which makes it progressively more difficult to shape it in accordance with their needs, preferences, and cultural vocabulary. Taken together, these arguments tip the balance of reasons decisively against the status quo.

KEYWORDS Statues; monuments; legitimacy; stability; democratic control

Introduction

In February 2021, the Mayor of London, Sadiq Khan, announced the formation of a 'landmark' commission on diversity in the public realm to review such things as statues, street names, building names, and memorials. In a press release, Khan's office explicitly stated that the commission 'is not being established to preside over the removal of statues.'¹ Rather, the focus has very clearly been placed on commissioning new statues and artworks. This appears to be a savvy political move on Khan's part because it bypasses controversial and divisive arguments about whether particular statues should

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be taken down. In this paper I also argue that we should sidestep those debates, but in a different way and for different reasons. The position I am going to defend is that the state should not be in the business of erecting permanent statues in the first place. No statue raised in a public place should stand there indefinitely. By default, there ought to be a set date when all such artworks are due to be taken down and replaced. If all public statues are time-limited in this sense, then the emphasis of debate about them must change from whether to take them down to whether to keep them up. This would, I think, constitute a profound and positive shift in how we approach the state's use of art in public spaces.

I shall make three arguments to support this claim. First, the opportunity cost of permanent statues is simply too high. Drawing on Corey Brettschneider's work on state speech, I will show that states have a duty, grounded in their need for legitimacy, to support and cultivate democratic values. One way in which they can do this is to use art to affirm their commitment to these values and to encourage citizens to do likewise. Although it may be possible to discharge this duty in other ways, displaying statues and other substantial commemorative artworks in public spaces is a powerful tool that is being drastically underemployed because so many of the most prominent sites are already taken by statues that have become a kind of civic wallpaper.

Second, adapting John Rawls's ideas about stability, I argue that states have a duty to nurture and protect their citizens' sense of justice. The existing institutional bias towards permanence should be overturned because it raises the stakes of change and so unnecessarily exacerbates predictable tensions about cultural and political symbols between social groups who are generally reasonable, and so ought to be able to respect one another as honourable civic partners and cooperate accordingly. By contrast, the principle I defend reduces the significance of replacing a monument by making removals a commonplace and expected event. And, because it ensures that democratic decisions must periodically be made about what statues occupy which spaces, it always offers another opportunity to engage constructively within the system. Indeed, we can hope that a more continuous process will facilitate greater levels of familiarity and, perhaps, understanding amongst rival activist groups.

Third, I show that we ought to do away with permanent statues as a means of increasing democratic control over public spaces. Each generation inherits a more cluttered civic landscape which makes it progressively more difficult to shape it in accordance with their needs, challenges, preferences, and cultural vocabulary. We should do this both for the sake of present generations and future generations. Our public spaces will be their public spaces and we should construct them in such a way as to facilitate, rather than frustrate, their ability to use them as they see fit.

One point to emphasise about these arguments is that none of them are intended to be individually decisive. Although they all appeal to values that states *must* see realised to some appropriate threshold, public monuments are only one way, albeit a highly visible and potentially effective way, to promote them. However, I hope to demonstrate that taken together they amount to a strong case against the status quo. I will start by explaining the idea of time limits for statues in more detail and exploring the effect it could have on our approach to commemorations. [Sections 3, 4, and 5](#) flesh out my three arguments, and [Section 6](#) addresses some objections that might be raised against them.

Time limits for statues

At present, the default model for statues is permanence. They are simply erected and that is that. This is not to say, of course, that statues are never taken down or moved, but this happens only in exceptional circumstances. The expectation is that they will stand where they are for at least the foreseeable future. Even in the case of London's famous Fourth Plinth, there is constant speculation about if, and when, it will receive a permanent occupant. By contrast, the position I defend is that any statue that stands in a public space must have a date set for its removal. In the absence of a democratically-taken decision to renew its term, this 'sunset clause' will be activated and it will automatically be removed. This would establish a new presumption; that no monument should stand indefinitely.

In this paper I will focus predominantly on statues, which is to say three-dimensional representations of actual human beings. I will speak mostly of statues for the simple reason that it is statues, such as the one of Edward Colston that was toppled in Bristol and dumped unceremoniously in the harbour in June 2020, that have attracted the most controversy in recent years and spring most readily to mind when we consider the role and responsibility of the state with respect to art that is displayed in public. The arguments I make, however, are intended to have a broader scope. I believe that they extend to cover other kinds of monuments that serve to celebrate individuals, events, or ideals, such as some sculptures of inanimate objects, murals, or abstract art.² I will focus my attention on such monuments when they constitute state speech. I will have more to say about this in the next section, but commemorative art is attributable as state speech when it stands on public land or in public buildings, or has been partially or wholly-funded by the state. When this is the case it is reasonable for anyone who encounters a monument to 'read' it as an exercise in communication on behalf of the state.

Although the position I have set out to defend may seem an extreme one, it does offer a degree of flexibility that allows me to

head off some objections at the start. Considering these objections will also help to establish what a principle of non-permanence would, and would not, entail. First, it does not rule out long terms. We may be very happy with the marriage of certain statues and certain locations. Take the copy of Michelangelo's David that stands in the Piazza della Signoria (as the original did) in Florence.³ There are strong historical, cultural, and economic reasons for keeping it there. It is unlikely that Florentines will wish to replace it anytime soon. In such circumstances it might be appropriate to set a long-term limit of say, ten, twenty, or even thirty years. Of course, limits that are too long will fall foul of the arguments I make here, but it does not seem impossible to find an appropriate balance that acknowledges special circumstances like these while still ensuring that each generation gets to decide how best to use their public spaces.

Second, a principle of non-permanence does not prohibit renewing a statue's term. Artworks like the Memorial to the Murdered Jews of Europe in Berlin or the statue of Martin Luther King Jr. in Washington D.C. clearly aim to communicate enduring messages. The residents of Berlin and Washington are entitled to decide that they should remain where they are for another term.⁴ Note, however, the change in emphasis that would be precipitated by requiring that this decision should actually be made. To come to that conclusion, the decision-makers would have to be convinced of several points.⁵ For one thing, they would need to believe that the monuments have retained their expressive power and would not have a greater effect in some new location, where they would find a different audience and the possibility that an unfamiliar setting might add a fresh element to the experience of encountering them. For another, they would have to be satisfied that that no new artwork could have a bigger impact by offering a novel perspective on the existing message, or by using the space to communicate another message entirely.

Third, statues that are removed from one place may be erected somewhere else. Indeed, it might happen that a statue is moved to a more prestigious location and so receive more exposure than it enjoyed in its original home. I am not arguing, therefore, that all statues must be retired, no matter what merit they might have. However, establishing this pressure to earn their keep will mean that most statues will likely end up in critical spaces like museums or statue parks when their terms expire. They can then serve a new role as artefacts that educate people about the attitudes and aspirations of the time when they were commissioned and displayed.

Finally, I will say nothing about statues that stand on private land. Statues such as the notorious one of Cecil Rhodes that looks down imperiously over Oxford's High Street raise a number of important questions. Although they overlap in interesting ways with my topic here, my concern shall be on the

duties of the state with regard to statues and other monuments over which it holds direct authority, and the arguments I offer in the sections that follow all revolve around special features of the relationship that the state has with its citizens.

Legitimacy, democratic persuasion, and the opportunity cost of dead public spaces

One question that is sometimes neglected in debates about the ethics of preserving or removing particular statues is whether the state should be erecting monuments in the first place, rather than, for instance, planting a few nice trees or commissioning primarily aesthetic artworks that steer clear of contentious political issues. The answer must start from the thought that the state has a role to play in the public discourse that goes beyond merely regulating and facilitating it. In this section, I draw on Corey Brettschneider's argument that the state has a responsibility to engage in what he calls 'democratic persuasion' to promote its legitimating values of freedom and equality. One way that a state can engage in democratic persuasion is to use statues to carry its message.⁶ Filling up our public spaces with permanent statues creates a very large opportunity cost because it drastically limits what we can do with them. This problem is compounded by the fact that the return we get from almost all public art diminishes as people become accustomed to it and memories of salient background details begin to fade away.

Brettschneider starts from a concern about an apparent 'paradox of rights', in which the power of the state is deployed to protect the rights of some citizens to express hateful and anti-egalitarian viewpoints which reject the principles on which those rights stand, and thereby threaten the rights of other citizens to participate in their communities as full political equals. He worries that this paradox creates a tension that undermines the legitimacy of a state, which is to say its moral permission to control and utilise coercive force in a given territory. If some citizens are not only free to attack democratic values, but do so under the protection of the state which ultimately stands behind their right to freedom of expression, then it may sow confusion about the moral foundation of the state's claim to authority. Further, there is a risk that the state will actually be seen by some of its citizens as complicit in the wrongs enacted and caused by hateful speech.

For these reasons, Brettschneider concludes that it is not sufficient for legitimacy that a state is able to provide citizens – over whom the state intends to exercise its awesome power – with a suitable justification for its right to hold and employ coercive force. On his view, the state must be crystal clear about the values and principles that underpin its moral claims, determine its laws and policies, and guide its actions and interventions. Therefore,

it must be more active in promulgating its foundational principles: 'citizens should know, not just what their rights are or how they limit the coercive power of the state, but also the reasons for those rights and limits' (Brettschneider, 2010, p. 1008).

Indeed, Brettschneider argues that it is only by utilising its *expressive* capacity that the state can discharge another duty that underpins its claim to legitimacy. It owes it to those citizens who are targeted by hateful speech to defend their standing in the community, and so it must find a way of combatting hateful ideologies in a permissible manner. Banning them outright would prevent individuals from deciding for themselves what to believe, which is something that free and equal citizens are entitled to do, but criticising such viewpoints, and affirming the values they reject, ensures both that they do not pass unchallenged, and that it is clear to everyone that even though the state facilitates the right to express noxious views, it does not tacitly condone the content of those views.

Johannes Schulz offers a complementary idea when he writes about the significance of 'assurance' in political communities. One problem he identifies with tainted commemorations is that they can alienate citizens by undermining their self-respect, which he explains as believing that one is entitled to be recognised and treated as a full political equal in one's society. Schulz (2019, p. 173) notes that what he calls 'a society's commemorative infrastructure' can be used to assure everyone of the state's commitment to safeguarding their moral standing by, for instance, celebrating individuals who are well known for resisting injustice.⁷ He goes on to argue that this is particularly important where a society has (as almost all do) a legacy of past injustice to overcome: '[i]n a society tainted by past injustice, it may often be necessary to (re)-shape the commemorative infrastructure in ways that allow it to act as a source of self-respect' (Schulz, 2019, p. 173).⁸ Plausibly, a state will lack moral legitimacy if it fails to provide sufficient assurance to its citizenry.

It is important to be clear that my claim in this section is not that the state *must* establish a conveyor belt of public art in order to fulfil its expressive responsibilities. As Brettschneider suggests, there are a range of possible ways in which it might discharge them. Nonetheless, it seems reasonable to think that erecting statues honouring individuals who are identified with appropriate values is at least a moderately effective way of engaging citizens in the kind of dialogue that is required for democratic persuasion. If this is right, then the state would be making things harder for itself if it failed to exploit the potential of public art.

This point is supported by the limits that Brettschneider places on state speech. He argues for two such limits. The first is a 'means-based' limit which "requires that the state not pursue the transformation of citizens' views through any method that violates fundamental rights such as freedom of expression, conscience, or association" (Brettschneider, 2010, p. 1010).⁹ The

second limit is a 'substance-based' one, which restricts the content of state speech on the grounds that the state should 'use its expressive capacity to challenge only those beliefs that violate the ideal of free and equal citizenship. In particular, the state should not seek to transform all inegalitarian beliefs, but only those that challenge the ideal of free and equal citizenship' (2010, p. 1011). Since these limits have the effect of reducing the range of options available to the state to make its case, the opportunity cost presented by permanent monuments is one that we should take seriously.

Every statue that currently stands is taking up a space that could be used to erect something else, and that means that it is blocking the state from engaging in a fresh act of communication with the public.¹⁰ Indeed, blocking it doing such simple things as redressing the appalling ratio of male-to-female representation in official monuments. This opportunity cost is exacerbated by two factors that generally cause the return we get from monuments to decrease over time. First, memories of individuals and events tends to fade. The streets of any major capital are littered with effectively anonymous bronze men astride generic bronze horses. Almost nobody knows who they are anymore, and almost nobody cares. Take as an example the statue of George Canning that resides in Parliament Square outside the Palace of Westminster in London, and has done since it was moved there in 1867.¹¹ Canning is chiefly remembered now for having held (up until Liz Truss resigned in 2022) the dubious honour of the shortest term in office of any British Prime Minister – only 119 days – which ended with his death on the 8th August 1827. By many measures he was an accomplished man, but it is hard to believe that many passers-by know much (if anything) about him, or associate him strongly with any particular value or cause that the state is bound to promote. His statue occupies a prime location across from the British parliament, where the erection of a new statue would generate considerable interest and media coverage. All of which begs the question: is Canning really earning his keep?

Second, even if the meaning and significance of a monument is clear to an observer, its effect on them will still lose potency over time. As familiar songs wash over us, so to do familiar sights and sounds. This is true even of something as shocking and horrifying as James Drake's sculpture of police attack dogs jumping menacingly out at walkers from both sides of a path in Kelly Ingram Park, which is situated in the Birmingham Civil Rights District in Alabama. Could it possibly have the same impact the hundredth time as it does the first? This is not to say that we can never rediscover the value of something we have come to take for granted or learn to appreciate new facets of it that we may previously have missed. This takes considerable effort, though, and as such it is neither realistic nor reasonable for the state to expect that enough citizens will continue to extend that effort to justify maintaining even the most powerful artworks in the same place, forever.

Another reason why we should be concerned with the opportunity cost of permanent statues is because the problems faced by future generations will likely be different to our own. Although we can, alas, be fairly confident that they too will struggle to realise the promise of democratic ideals, we cannot predict with any certainty precisely what challenges they will face. Just as many members of past generations would have struggled to understand the depth and urgency of, say, racial injustice, we may be blind to issues whose time will come after us. Putting in place a more flexible approach to public art now will facilitate future people as they use their public spaces to articulate the values of freedom and equality in relation to their own unique context.

The final point I wish to make in this section has to do with the opportunity cost of statues that have, rightly or wrongly, become controversial. Even if the intention behind the original commission was consistent with the aims of democratic persuasion, if public attention has zeroed in on a problematic aspect of the subject's life, then the message that the state sends by maintaining it in situ may be ambiguous.¹² As an example, we might take another, rather more well-known, statue in London's Parliament Square, that of Winston Churchill. Churchill is a complicated historical figure. Alongside his staunch resistance to the Nazis, a full accounting of his legacy would also have to weigh such things as the bombing of Dresden, his stated beliefs about race, and his treatment of oppressed peoples within the British Empire in places like Ireland and India. An act of communication is only successful when the listener picks up the actual message that the speaker was trying to convey. The more salience accrues to the problematic features of the subject of commemoration, the less justified the state is in assuming that its attempt to communicate stands a reasonable chance of success.

For the sake of argument, imagine that new academic work conclusively proves that all of the charges against Churchill are actually the result of some fiendishly brilliant Nazi plot to discredit him, but it is too late. The Nazi propagandists have won a pyrrhic victory from beyond the grave. Substantial sections of the British public are now convinced that Churchill was an incorrigible racist and imperialist. There may be some reason to preserve his statue as a way of defending his reputation which has, in this example, been unfairly tarnished. However, this seems like a task that is better suited to historians and is, in any case, less central to the mission of the state than democratic persuasion. At some point, its responsibilities would thus seem to support moving on from what has now become an unsuccessful attempt at communication to try something new.

For all of these reasons, the opportunity cost of permanent statues, it seems to me, is simply too high. If the state has a duty to use its voice to speak out in favour of democratic values, then it has a duty to do so *effectively*. This is better facilitated by a less constrictive approach. As [Section 5](#) will discuss in more detail, ongoing debate about how best to use our public

spaces will also serve to engage the community in constructive political dialogue on a more regular basis. In the next section, though, I want to consider how permanence has the opposite effect and detracts from the stability of political communities.

Stakes and stability

Khan is right to worry that confrontation over symbols from the past is a recipe for rancour when it brings to the fore deep disagreements between competing views of the world in a winner-takes-all context. In this section I consider how the default system of permanency predictably, and unnecessarily, raises the stakes of competition between the adherents of competing political and cultural traditions over who is, and is not, an appropriate subject for commemoration. Further, by frustrating aspirations for reform it pushes those pursuing change to consider stepping outside the bounds of the law. In such circumstances, it becomes progressively more difficult for everyone involved to view their opponents as prospective partners for cooperation, and increases the chances that they will instead come to view politics as a zero-sum battle between their comprehensive doctrines. Drawing on the Rawlsian notion of stability, I show that widespread possession of a robust disposition to show restraint in one's political dealings is an important resource that states have a duty to cultivate and should be loathe to squander. Taking these points together, we can construct another argument for reversing our approach to statues. As with the previous argument, it is not definitive on its own, but adds more weight to my overall conclusion that no public statue should stand forever.¹³

One of Rawls's chief concerns is, famously, the challenge posed by what he called the 'brute fact of reasonable pluralism'.¹⁴ Even under optimal conditions, people will come to think very differently about deep ethical questions.¹⁵ The difficulty arises because their answers must inevitably spawn principled disagreements about what our societies should strive to achieve and how they should be run. How can we maintain a just political society composed of citizens who espouse competing views about such important topics?

For Rawls, the key lies in ensuring that most of them have what he describes as an effective sense of justice.¹⁶ A person with a sense of justice acknowledges the brute fact of reasonable pluralism and embraces the principle that others are her political equals. In practice it means that she will play fair in pursuing her personal and political goals by refraining from exploiting any political advantage she might happen to have to bypass the demands of due process and simply impose her particular conception of the good on everyone else. To possess an effective sense of justice, then, is to be committed to abiding by a common set of rules that can be appropriately

justified to everyone else who is also willing to be bound by such an arrangement.

It is crucial to see how Rawlsian stability differs from a *modus vivendi*. He is not aspiring to a kind of managed steady state which prioritises order and predictability at almost all costs and plays rival groups against each other as a pragmatic means of achieving them. Rather, Rawlsian stability is anchored in citizens' overarching commitment to justice. He thinks that this warrants trust and can breed the kind of confidence in one another that would allow us to cope with reasonable disagreements – even deep ones – and resolve them amicably.

Of course, Rawls was theorising about principles of justice, and his conception of stability is, first and foremost, an exercise in ideal theory.¹⁷ However, the idea that communities that function well do so in part because they promote widespread possession of an effective sense of justice is helpful in diagnosing, and responding to, problems facing us in the actual world.¹⁸ A commitment to this kind of restraint is a real resource in pluralistic communities, and when it is lacking we can see how politics risks degenerating into precisely the kind of majoritarian, winner-takes-all struggle that he feared.

How can goodwill between citizens collapse in this way? Rawls identifies two major impediments to maintaining an effective sense of justice. The first is that there are always temptations to make an exception of yourself and to violate the shared system of rules to pursue your own conception of the good. The second threat starts from the knowledge that such temptations are out there. We might be confident in our own ability to resist them, but how sure can we be that others will be so steadfast? If this doubt takes hold, it undermines the assumption of reciprocity that underpins social cooperation because if you are convinced that I will not play by the rules, then why should you? My claim here is that a default policy of permanence raises the stakes of decisions about statues in ways that tend to nurture exactly this doubt.

In a culture where statues are expected to stand forever, a decision to take one down would likely be understood as an expressive act in itself. As Joanna Burch-Brown notes, '[r]emoving a monument or renaming a building is a historical moment in itself, which can make a lasting impression in public memory and become part of both written and oral records of events' (2022, p. 813). From the point of view of the subject of the statue and those who identify with them, this impression will not be a good one. Having your monument taken down under these circumstances is a bad day for one's reputation. In fact, it is likely to be even worse. As Burch-Brown (2022, p. 811) says, '[r]emoving honours from human rights violators is one of the few forms of corrective justice available when a rights violator is dead'.¹⁹ Whatever a state may wish to convey by removing a particular statue, we can predict with a high degree of confidence that many people will *feel* it as a formal and

enduring rebuke to their collective identity and come to understand this event as a defeat for their worldview and, on that basis, a success for the various comprehensive doctrines they associate with those people who supported the decision.

Of course, it does not follow that the adherents of any rival comprehensive doctrines have, in fact, traded their commitment to justice for political advantage and so it does not follow that Rawls's second threat to stability must arise. Even so, it is all too easy to see how that conclusion might prove to be psychologically compelling for groups who feel under threat, or worry that their status is in decline. For that reason, it cannot be dismissed.

One might wonder whether we owe much consideration to individuals who identify strongly with tainted commemorations. Indeed, it might give us cause to be concerned that they hold conceptions of the good that contain elements which are incompatible with recognising their fellow citizens as free and equal, and so are not reasonable in a Rawlsian sense. However, there are two points to make here. First, some controversies may be genuinely hard cases to decide.²⁰ It is at least possible that disputes may arise about statues on which reasonable people might take different views. Second, there is no compelling reason to think that reasonableness must be an all-or-nothing affair. We ought to allow for the possibility that people may be generally reasonable, in the sense described above of being willing to abide by fair terms of cooperation, and yet mistaken in some of their views.²¹ Even though they may well be culpable for those mistakes – as they would be if they failed to expend sufficient effort considering the relevant arguments for taking down a particular monument – their general disposition to adhere to a fair system of rules still sets them apart.²²

A system designed around a presumption of longevity also generates another destabilising dynamic because it is ill-equipped to deal with legitimate demands for change and naturally sets a very high bar for those who are trying to instigate it. For instance, the dramatic toppling of Colston's statue in Bristol was preceded by decades of controversy. Reflecting on the effect of the bicentennial of the abolition of slavery in the UK, the historian Madge Dresser wrote that: '[s]ince the late 1990s, when Colston's involvement in the slave trade became more widely known . . . his statue has become a symbolic lightning rod for highly charged attitudes about race, history and public memory,' (2009, p. 225).²³ Indeed, it is noteworthy that more recent efforts to install a contextualising plaque on the plinth of the statue were stymied at local government level in 2018.²⁴ Approaching the issue from this perspective, it is not outlandish for activists to wonder if resistance to change is simply the result of bureaucratic inertia, or if there is something more sinister going on. Might those in power simply be unwilling to ship hits to the prestige of *their* cultural icons and so to their comprehensive doctrines? When the stakes are high, the idea that particular politicians and parties are

using their positions to play defence for their side, rather than focusing on doing their duty to all citizens, will seem more plausible.

This also serves to illustrate an obvious, but consequential, point about political struggle – when the pursuit of change within a system is consistently thwarted, activists are driven to consider how they might further their cause by stepping outside of it. At the lower end, their options start with classic examples of peaceful civil disobedience such as the symbolic breaking of minor laws unrelated to the issue at hand to draw attention to the strength of their convictions. Moving up the scale, they might do something more direct to show their rejection of the commemoration, perhaps by vandalising it in some way. As Chong-Ming Lim (2020, pp. 207–214) argues, defacing a statue is attractive for a number of reasons. It does not require the mobilisation of large numbers of people, it leaves a striking message that remains after the protesters have left, and it is less likely to come with heavy costs because they do not have to present themselves to the authorities for punishment. Finally, protesters may simply do what is necessary to achieve their goal by removing the statue from its plinth, as eventually happened in Bristol.²⁵

Even if such action is ultimately justified, as it no doubt sometimes is, it is important to see how civil (or uncivil) disobedience turbocharges Rawls's worry about the corrosive effect of coming to fear that your fellow citizens are taking advantage of your commitment to justice.²⁶ The law is the settled and familiar framework within which disputes of all kinds are *meant* to be fairly and transparently resolved. It claims total authority and makes no provision for individuals to decide to suspend their obligation to obey it. From the perspective of anyone who is not persuaded that remedial action is required to deal with tainted commemorations, it will appear that a group of their fellow citizens are placing their judgment, and thus themselves, above the law, and thus above the supposedly binding terms of the shared political arrangement. The departure from the law establishes a potential fault-line between those citizens who defer to the existing rules and those who have shown that they are prepared to break them. Consciousness of that division may cause lasting unease amongst the former group, even if everyone believes that everyone else started out with a sincere commitment to justice.

If all statues were typically taken down after a set period of time, then a number of things would change. First, the removal of a statue at the end of its term would be a commonplace event. It would not carry the weight of a final judgment about the character of its subject and so would not lend itself so easily to an interpretation that it is a state repudiation of any associated cultural or political traditions.²⁷ Arguably, this describes our relationship to banknotes and stamps which also serve commemorative functions in many countries but typically attract very little controversy.²⁸ Second, because these decisions will roll around on a regular basis, there will always be another opportunity to work within the system to reverse a decision or to commission

some new commemoration that appropriately advances the project of democratic persuasion. This would provide a more constructive focal point for grievances to be addressed inside the formal political process. Indeed, it might have the effect of tempering some of the hostility that can emerge between members of rival political groups by forcing them to deal with one another periodically in an institutional setting. Familiarity may breed contempt, but it can also nurture understanding and sympathy. Although this is not the only thing we might do to promote stability, as I have understood it here, changing our assumptions about the permanence of statues is more conducive to the realisation of the state's duty to support people in seeing each other as potential partners who possess an effective sense of justice.

Democratic control

The final argument I will offer for the claim that all public statues should be time-limited revolves around the idea of democratic control. The concern is that treating statues as permanent fixtures of the landscape significantly narrows the scope for communities to make and remake their civic spaces in accordance with their needs. This is something that affects those of us who are alive now, but as the decisions that we make will affect future generations, we also owe it to them to put in place a system that facilitates, rather than frustrates, their interest in exercising control over their shared environment. The structure of the argument should be familiar by now. I am appealing to a value that we have reason to promote beyond a minimum acceptable threshold. Although it seems to me that each of these arguments has considerable weight on its own, together they tip the balance of reasons decisively away from our current approach to statues.

Section 3 argued that states have a duty to promote democratic values and that public art is a good way to discharge it. However, vital questions remain about precisely how a policy of democratic persuasion should be carried out. For instance, how should we decide what artform and subject matter are appropriate for a particular location? More importantly, *who* should have the final say in determining such matters? It would be odd if the answers we gave to these questions were not related to the values that are to be promoted. For that reason there is clearly a presumption that they should be taken democratically, though not by simple majority rule as we shall see. But is there more that we can say in favour of this position? In this section I consider two reasons for increasing the range and frequency of democratic decision-making over public art that parallel familiar reasons we have for prizing individual autonomy. First, if communities have a say in what art is commissioned and displayed then the art that adorns their public spaces will be more likely to benefit them. If the point of democratic persuasion is to engage people's imaginations and to get them thinking, then it is of

paramount importance to incorporate their perspective. Second, autonomy matters in its own right, and it is good when creatures who have the capacity to determine what happens in their own lives are able to exercise it. Before I expand on these arguments, there is an important wrinkle to consider.

Democratic control is closely related to political legitimacy. A substantial degree of it is required in order for the state to meet the challenge posed by the principle of political equality.²⁹ A measure of popular control is only a necessary condition for legitimacy, however. History furnishes us with many examples of democratically-taken decisions that violate the underlying principles of freedom and equality that ultimately support citizens' claims to co-sovereignty. Any decision-making procedures must, therefore, be consistent with safeguarding the standing of all persons as free and equal.³⁰ Space prevents me from delving too deeply into the specifics of how a principle of local democratic control for public monuments will have to be qualified, but it is worth briefly sketching three points. First, although priority should be given to local levels of government, national government should still exercise some oversight to ensure that the overall effect of this mode of state speech is sufficiently varied and representative. It should also intervene if communities select inappropriate subjects for commemoration that call basic democratic values into question instead of strengthening them. Second, geographical proximity is only one way that a person's interests can be directly affected by decisions about what is, or is not, commemorated on a particular site. Earlier I broached the example of the Memorial to the Murdered Jews of Europe. Clearly it is not just the residents of Berlin who have a stake in what happens to it. In a case such as this, provision would have to be made to extend the constituency of decision-makers around appropriate victims' and relatives' representative groups. Finally, we may wish to create a formal requirement for input from experts such as artists, historians, or even philosophers, who might have worthwhile contributions to make to various stages of the process.

Effective public art that speaks to people will have to account for its audience in a number of ways. It should start by selecting subjects that address those people's concrete political needs. What are the forms of discrimination and disenfranchisement that members of the relevant community face, or, conversely, are implicated in perpetuating, in the course of their day-to-day lives? One obvious way of ensuring that these questions are adequately asked and answered is to include the audience in the decision-making process from the outset.

The impact of an artwork will also depend on its relationship with its audience's knowledge base. Art that assumes familiarity with niche historical figures such as George Canning will fail to say much of anything at all to most people. On the other hand, art that makes use of the connections and associations that they carry around inside their heads will be more accessible,

and likely more memorable. Of course, public art can be used to raise the profile of remarkable individuals who have been sadly neglected. This can be an extremely valuable function. However, I would suggest that if it does not find a way to bring out their contemporary significance then it risks continuing, rather than remedying, their irrelevance.

Effectiveness will also be increased when public art builds on its audience's aesthetic preferences and traditions. Here is one example of what I mean. Northern Ireland and Mexico have well-established artistic cultures based around murals.³¹ Perhaps the most famous example of this form is Diego Rivera's sweeping depiction of Mexican history that covers the walls of the National Palace in Mexico City. In places where this is the familiar visual language it makes sense to use it. A statue might struggle to have the same effect because it would not have the same resonance for those communities. Once more, it is hard to imagine how we could better achieve the goal of plugging public art into its audience's preferences than by ensuring that they are included amongst the decision-makers.

The second reason for promoting democratic control follows from the thought that as individuals we have a fundamental interest in making our lives our own. We can do this when we are able to ensure that it is our beliefs, our values, and, ultimately, our actions that set their course and shape their development. This thought was encapsulated by John Stuart Mill when he said that an individual's 'own mode of laying out his existence is best, not because it is best in itself but because it is his own,' (1974, p. 133).

One thing that the pandemic has brought home to many people is just how large their local area looms in their lives. This interest in autonomy surely extends to exercising some influence over our material and social surroundings as well. This interest is frustrated by a system that freezes decisions from the past in place, enforcing them on generations who had no say in making them. This problem is compounded over time as more and more potential homes for public art are filled. Future generations will have even less space available to them to commemorate *their* heroes and address *their* problems.

Helen Frowe (2019, p. 6) takes a different view, arguing that even though the decision to raise a monument was made by past generations, 'the decision to keep the statue – to continue to display it in the centre of the town square, or at the entrance to the public park or town hall – is made by the current generation'. But this is not quite right. Along with the statues, current generations have inherited the idea that once erected, statues should stand where they are in perpetuity. Frowe fails to see the gravitational pull of the default option. The question of whether some particular statue should continue to be displayed in its present location will often not come up. Frowe may be appealing to the notion of tacit consent here, but as John Simmons (1979, p. 80) points out, tacit consent can only be assumed when we can be confident that everyone has a clear understanding that their silence will be

taken as consent. In the case of statues, I would suggest that it will simply not occur to many people that this is a decision that is theirs to make at all. A further problem emerges because, as we noted above, even when it does occur to some citizens do take it upon themselves to demand change, the level of activity required to get a statue removed is typically very burdensome. If the cost of signalling disagreement is too high then tacit consent cannot be assumed.

A more flexible approach to statues and other forms of state-funded art would offer current and future citizens regular opportunities to take ownership of their public spaces. This could have a number of benefits, including building a greater sense of community, encouraging people to get involved in local politics, and providing periodic invitations for everyone to reflect more deeply on the kinds of foundational democratic values that it is appropriate for the state to promote.

Objections

Before concluding, I wish to briefly consider three objections that could be raised against my central claim, which is that the state ought to set time limits for all public monuments. The first objection is that this might prove to be ruinously costly for states, and it can be dealt with swiftly. In conditions of moderate scarcity, we will always be forced to choose between competing considerations. I have not attempted to argue that commissioning new artworks should take precedence over other goals that the state is obliged to pursue. Replacing statues is clearly less important than many of them. When resources are really stretched, the right thing to do may be to renew an existing statue's term and channel the funding to a more pressing need. However, most of the time it will be possible to support a range of public policies, and I am inclined to think that values such as legitimacy, stability, and democratic control suggest that our commemorative infrastructure ought to be higher up the list of political priorities than is currently the case.

The second worry is often expressed about arguments that seek to show that commemorations of morally compromised individuals should be taken down, and claims that doing so will cause large chunks of history to slip from our consciousness and be lost forever.³² A slightly more plausible spin on this concern is that the absence of these statues will deprive us of a valuable aide for learning about history and a spur to confront the legacy of its more unsavoury chapters. I confess that this position has always struck me as a rather weak one. Frowe (2019, pp. 4–5) is surely right to wonder why its proponents never advocate for statues that depict Hitler. Further, it seems to assume that the casual observer can glean a great deal of knowledge from a passing encounter with a lump of metal, including the kind of critical perspective that, in other contexts, we treat as a genuine scholarly achievement.

Even if there are useful lessons that can be deduced from existing statues, such as the causes and individuals that past people believed to be worthy of esteem and emulation, it is not clear why we should expect passers-by to fix on them rather than on the original intentions of the artist to convey how admirable and consequential the subject was.³³ It is like expecting shoppers to develop a critique of capitalism from walking up and down a high street.

How we should teach history, and then how should we use it to inform social policy are, obviously, very difficult questions. It is simply not plausible that a good answer to either one will not only require the continuing presence of monuments that present people guilty of serious moral wrongs in heroic, larger-than-life poses on our streets, but be able to show that this is sufficiently important to outweigh our obligations to their victims (Frowe, 2019). More to the point, ensuring that there are more opportunities for the state to engage in direct acts of communication with its citizens would mean that there are more opportunities to enliven history for them in a way that unambiguously and unmistakably promotes democratic values.

The final objection I wish to address is that my proposal would unhelpfully limit the state's expressive power. Perhaps additional meaning is created when someone ties their colours to the mast in a permanent way. It is certainly true that committing irrevocably to something in public is generally understood as good evidence that the speaker currently enjoys a very high level of confidence in whatever it is and does not expect to change her mind. However, it does not seem to me that much is gained by such performative displays of surety in the case of public statues. Democratic states are already typically committed to the fundamental values outlined earlier. This will be readily apparent in the broad sweep of public art since much of it will comprise attempts at democratic persuasion, and monuments that serve other purposes will still have to be at least consistent with those values. Even memorials that specifically enjoin us to remember certain individuals or events are subject to the problems raised in [Section 3](#). The medium is not the message, and will eventually need to be changed if the content of that message is to live on.

Conclusion

My aim in this paper has been to show that states have strong reasons to upend their current approach to statues. Permanent monuments have a high opportunity cost, incentivise instability, and narrow the scope of democratic control over public spaces for current and future generations. Setting time limits on statues, on the other hand, would offer many more chances for the state to proclaim its values, lower the stakes of change, and create more opportunities for constructive dialogue and collective autonomy. One final thought is that it would also force us to give up a

very peculiar form of hubris. We have often been wrong about the heroes we chose to venerate in the past. One lesson we ought to learn from that experience is that we should remain open to the possibility that our best judgment now may be similarly superseded in the future. There is no compelling reason to set it in stone.

Notes

1. <https://www.london.gov.uk/press-releases/mayoral/mayor-announces-mem-bers-of-landmark-commission>
2. I will not discuss the names of buildings, streets, squares, parks, etc ... Placenames serve additional administrative and social functions that would be disrupted by renaming, and so raise a host of considerations that I cannot adequately explore here.
3. I thank Mike Begon for this example.
4. We might wonder whether there is something inappropriate about applying a principle of non-permanence to memorials commemorating events as terrible as the holocaust. Esther Shalev-Gerz and Jochen Gerz's *Monument against Fascism* provides an example of a relevant 'counter-memorial' that deliberately uses impermanence to make a powerful statement about the limits of memorials and the responsibilities of individuals to resist injustice. See Shapshay (2021, pp. 154–156). Anticipating the next paragraph, we might also add that even if we do not commit to ensuring that particular monuments will not stand in a particular place forever, there are other ways that we can ensure that the message they are designed to embody does endure. I thank Kristin Voigt for the example and for helpful discussion on this point.
5. I do not mean to suggest that the relevant constituency will be defined in purely geographical terms. See [Section 5](#) where I discuss this in more detail.
6. I am not claiming that democratic persuasion has been the typical motivation behind most statues erected by the state or on state land. Frowe (2019) is right that statues have normally been constructed to honour individuals or groups. This can coincide with the goal of democratic persuasion, but it may serve other purposes as well.
7. Schulz (2019, pp. 173–174) argues that this applies both to those who come from groups that are traditionally under and overrepresented since unjust social hierarchies ultimately destabilise everyone's claim to moral status by grounding it in arbitrary characteristics.
8. For an account of why a sense of inferior political status matters see Hosein (2018, pp. 5–6).
9. The means-based limit plays an important role for Brettschneider because it blunts the force of libertarian worries about the state overstepping its bounds and foisting comprehensive views on its citizens under the guise of civic education. As he says, the means-based limit 'suggests that the state should not use coercion to prohibit expression. Such threats would attempt to deny the ability of persons to decide for themselves what kinds of policy beliefs to hold. This denial would fail to respect the entitlement of those persons to develop their capacities as democratic citizens' (2010, p. 1011). By setting limits on the modes of expression open to the state we can ensure that when the state speaks it does not drown out all other voices. For further discussion of the

means-based limit see Fox (2016). I thank an anonymous reviewer for pressing this point.

10. It is worth noting that states can, and should, create new public spaces in a variety of ways. However, in terms of the impact that a new statue would have, brand new public spaces will often compare unfavourably to our existing stock. This is because the features that make many public spaces significant or resonant in a political culture are not easy to replicate. For instance, some public spaces have been the site of historical events, or are situated near to important institutions. I thank an anonymous referee for raising this point.
11. The statue was originally unveiled in 1832 just down the road on the grounds of Westminster Abbey.
12. For a helpful discussion of some of the reasons against honouring immoral artists, even if the intention is only to celebrate particular achievements that are genuine accomplishments, see Archer and Matheson (2019).
13. I will not pursue the idea here, but the state could also promote stability in its expressive role. For instance, it could celebrate individuals who displayed attitudes of respect and restraint towards their political opponents or commemorate moments of genuine cooperation between members of competing comprehensive doctrines. If this is right, then the arguments advanced in the last section would suggest that the opportunity cost of permanent statues is even greater than it may first appear.
14. "This is the fact of profound and irreconcilable differences in citizens' reasonable comprehensive religious and philosophical conceptions of the world, and in their views of the moral and aesthetic values to be sought in human life" (Rawls, 2001, p. 3).
15. To explain this, he identified a range of 'burdens of judgment' such as that evidence is often complex and conflicting, the boundaries between concepts can be vague, and we all come to the table with different life experiences that influence our thinking. See Rawls (2001, pp. 35–36) for the full range.
16. See Rawls (1999, p. 41).
17. For Rawls, one set of principles of justice is more stable than another if the sense of justice that would be engendered by growing up and living under the expression of those principles is stronger and more resilient.
18. I say more about how we might adapt and deploy the Rawlsian notion of stability in Fox (2023), and Fox & Saunders (2019).
19. There may, of course, be times when such corrective justice is required and so this would then be precisely the message that the state ought to be communicating. However, it is not desirable for this to be presumed to be the case in most, or even many, removals.
20. See note 15 above.
21. I will not pursue this further here, but on the idea that reasonable people may sometimes behave unreasonably see Quong (2004).
22. Indeed, we should be especially wary of dismissing citizens like these lest we make it easier for genuinely unreasonable actors to appeal to them.
23. Speaking to the point made in the previous paragraph, she goes on to note that the 'statue has been defaced, and his name reviled, yet he still inspires loyalty and pride amongst many Bristolians. His birthday remains, at the time of writing, the occasion for civic ritual, and flowers are still laid on his tomb' (Dresser, 2009, p. 225).

24. <https://www.bristolpost.co.uk/news/bristol-news/how-city-failed-remove-edward-4211771>
25. The top of the scale would be full-scale rioting. For a recent discussion of the permissibility of political rioting see Pasternak (2019). Although I will not explore the question here, there are some interesting parallels to be drawn between direct action to topple particular statues and rioting that can be construed as a deliberately political act. For instance, Pasternak (2019, p. 393) notes that riots are a ‘familiar phenomenon in democratic societies marred by severe social and racial inequalities that the disadvantaged and oppressed are rendered “invisible” in the public sphere – their voices and interests absent from the political discussion and from major media outlets. By using extraordinary tactics of violence and defiance, rioters resist such marginalisation and gain public presence’. For a helpful discussion of the ways in which violence may sometimes be consistent with civil disobedience see Brownlee (2004, pp. 349–350).
26. On uncivil disobedience, see: Delmas (2018, esp. Ch.2), Lai (2019), and Scheuerman (2022).
27. See Frowe (2019, pp. 15–17) on repudiation.
28. I thank Jessica Begon for suggesting the comparison.
29. The basis of political equality has been discussed in great detail in the literature, but see, for example, Rawls (1999, pp. 441–449), Christiano (1996, esp. Ch.2), and Carter (2011).
30. There will be further outcome constraints too, such as that states do not perpetrate what David Estlund (2008, p. 161) calls ‘primary bads’.
31. In the case of Northern Ireland, murals have long been associated with the sectarian conflict. However, they are starting to emerge from under that shadow, and there are now many examples of non-sectarian murals such as the aspirational ‘Progress Mural’ in Belfast, and others celebrating topics as diverse as the history of linen workers, the Titanic, and the footballer George Best.
32. Perhaps more could be made of the idea that a principle of non-permanence for statues and other monuments is objectionable because it treats the significance of the loss of something that already exists too lightly. However, I do not have space to explore this thought properly here. For an illuminating discussion and defence of certain principles associated with ‘small-c’ conservatism, see Cohen (2004). I thank Jan Kandiyali for introducing me to this paper.
33. See Lim (2020, pp. 200–206) for a helpful discussion of the shortcomings of counter-commemorations and contextualisation.

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