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## Monuments to the Past in a Leveling Wind

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## BOOK NOTICE

### Monuments to the Past in a Leveling Wind

*Benjamin Means*

WRITTEN IN STONE: PUBLIC MONUMENTS IN CHANGING SOCIETIES. By *Sanford Levinson*. Durham: Duke University Press. 1998. Pp. xiii, 144. Cloth, \$39.95; paper, \$13.95.

Early in the twentieth century, the Emperor Franz Joseph sponsored a monument to Hungary's history — a Millennium Monument containing statues of the country's heroes, as well as statues of the proud sponsor and his family (p. 5). When the communists took over in 1919, the statues of Franz Joseph and the rest of the Hapsburgs were dragged out of the Millennium Monument and replaced with more politically correct statuary (p. 8). Counter-revolutionaries, though, retook the country and reinstated the Hapsburg Statues in the Millennium Monument — until a later regime once again reshuffled the millennial display (pp. 9-10). Professor Sanford Levinson<sup>1</sup> recounts the Eastern European “high comedy” of the Millennium Monument to illustrate how those in power use public space to inculcate desired political norms (p. 10).

In *Written in Stone: Public Monuments in Changing Societies*, Professor Levinson's central concern is the effect multiculturalism has on the use of public space (p. 23). Levinson draws many of his examples from the American South, and he considers what is at stake in deciding which statues belong in public parks and what flags should fly over state capitols. The American situation, unlike the Hungarian one, is characterized more by its sheer number of perspectives than by radical shifts from one view to another (p. 24), and so the meaning of public monuments is often hotly debated. Says Levinson:

My particular concern is the following: Do we, as a society, have a duty to the past to continue to give pride of sacred place to monuments to our — and what one means by “our” is perhaps the central question of this book — own “Lost Cause” of the Confederate States of America in spite of altogether persuasive arguments not only that this cause was racist at its core, but also that some of the specific monuments, such as New Orleans's Liberty Monument, leave nothing to the imagination in terms of their racism? [p. 32]

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1. Professor of Law, University of Texas at Austin.

Levinson considers various solutions to the problem posed by public monuments that offend at least some in society, but he resists adopting any proposal wholeheartedly. Although Levinson does not explicitly offer an answer, his book<sup>2</sup> seems to suggest an approach: engaging in careful factual inquiry and, where possible, favoring counterspeech over censorship. Levinson would have us slow down and think carefully about what is at stake in each dispute over cultural meaning, weigh all of the available alternatives, and proceed with caution.

This notice sets forth and analyzes the main lines of Levinson's arguments: that the meaning of public symbols often is indeterminable in a multicultural society, and that generalized solutions are impossible in such a climate of ambiguity. In so doing, I reduce the arguments to a linear progression, though the book itself proceeds in somewhat nonlinear fashion. Levinson allows examples to pile upon each other in a careful accretion of meaning — a technique that I cannot hope to replicate here. The reader's remedy, of course, is to turn to Levinson's book.

### THE CONTESTED MEANING OF PUBLIC SYMBOLS

Public symbols are state-sponsored speech and include, *inter alia*, statues on public land (even if paid for with private money) (pp. 89-90), state flags (pp. 32, 52-53), and the names of public spaces (pp. 17-24). In assessing the symbolic value of a cultural object, Levinson attaches great importance to the space in which that object is situated.<sup>3</sup> The debate over public symbols takes on particular importance in "sacred space" — "public cemeteries, state and national capitol grounds, and other ground that is invested with special meaning within the structure of the civil religion that helps to constitute a given social order." As state speech, public symbols have a norm-shaping function. Even art in the public sphere is employed "to symbolize the public order and to inculcate in its viewers appropriate attitudes toward that order" (p. 39).

The meaning of public symbols is open to debate, however, especially in today's climate of "identity politics."<sup>4</sup> Levinson illustrates the ambiguity of monuments' messages by recounting several recent controversies. When Congress proposed placing a statue of three suffragists in the Capitol Rotunda, some African-American

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2. At 146 pages, pictures included, and with only 27 footnotes, the book actually reads more like an essay.

3. P. 37. Public space can also be "metaphorical" and may include official holidays and songs.

4. P. 26. "It is a notorious truth that the United States is home to an ever-more-fractionated population tempted to engage in what has come to be termed 'identity politics.'" P. 26.

feminists opposed the move because no African-American suffragists were included. They felt excluded by the statue (pp. 28-29). Bitter debates also arose recently regarding a proposed statue of Franklin Delano Roosevelt. Should he have a cigar? Should he be portrayed in his wheelchair? (pp. 29-30). Anti-tobacco groups wanted to remove the cigar, and advocates for the disabled insisted that F.D.R. be portrayed in his wheelchair. In 1997, George Washington's name was removed from a public school in New Orleans; father of the country or not, he had owned slaves. The school is now named after the African-American surgeon, Dr. Charles Richard Drew (p. 24). Curiosity piqued, one wishes that Levinson had provided more information about these controversies and how they were resolved.<sup>5</sup>

Professor Levinson devotes most of his attention to the fate of monuments to the Confederacy, over which battle lines are even more starkly drawn. In defense of southern tradition, Levinson quotes the historian Eugene Genovese: "The northern victory in 1865 silenced a discretely southern interpretation of American history and national identity, and it promoted a contemptuous dismissal of all things southern as nasty, racist, immoral, and intellectually inferior" (p. 34). Genovese believes that the contemporary campaign against Confederate monuments is nothing less than "a cultural and political atrocity . . ." (p. 35). On the other hand, Levinson cites James Forman, who argued in the *Yale Law Journal* that the Confederate flag is irredeemably racist: "When a state government chooses to fly the flag above its capitol's dome, it 'sends a message . . . glorify[ing] and memorializ[ing] slavery, Jim Crow, and subsequent resistance to change'" (p. 93).

Levinson seems resigned to the conclusion that debate over the cultural meaning of public symbols cannot be resolved in any satisfactory way. A Confederate statue inevitably will mean different things to different people. The implicit premise is postmodern — that cultural artifacts have no independent meaning beyond that assigned to them by various groups.<sup>6</sup> Levinson never suggests a method, beyond paying close attention to "context," by which one might find one interpretation better than another.

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5. Although Levinson focuses largely on controversies that involve a dispute over meaning, controversy can also arise where meaning is not in dispute. A public monument might clearly stand for a particular proposition and still spark debate over the desirability of that proposition. For example, in the Millennium Monument, mingling Franz Joseph's statue with statues of assorted national heroes would convey the message that Franz, too, is a great Hungarian.

6. Cf. p. 98 (noting that postmodernists would reject an argument that assigned a definite meaning to Confederate symbols — and seeming to identify with that view). For the canonical work on postmodernism (irony intended), see JEAN-FRANÇOIS LYOTARD, *THE POSTMODERN CONDITION: A REPORT ON KNOWLEDGE* (Geoff Bennington & Brian Massumi trans., 1984).

The relevance to law of Levinson's postmodern view of public monuments becomes clearer in light of the fact that he once described the Constitution as a sort of public monument: "Constitutions, of the written variety especially, are usefully viewed as a means of freezing time by controlling the future through the 'hardness' of language encoded in a monumental document . . ."7 One wonders the extent to which Levinson feels that the multiculturalism bedeviling the interpretation of statues also bedevils the interpretation of statutes.<sup>8</sup> Perhaps it is some indication of his view, though, that Levinson once claimed that "[t]here are as many plausible readings of the United States Constitution as there are versions of Hamlet."<sup>9</sup>

For those who have not yet embraced the idea that meaning is indeterminate, the absence of explicit arguments for postmodernism may be disappointing. On the other hand, Levinson has provided fascinating examples of the difficulties in assigning meaning. Rather than spend an afternoon dusting off old Supreme Court Reporters, Levinson offers a constitutional meta-theorist's<sup>10</sup> guided tour of our public parks and monuments. To the extent Levinson shows that disputes over the meaning of public monuments are insoluble, he strengthens the case for his broader argument about legal interpretation.

The lingering problem that confronts Levinson is that a government decisionmaker must still have some means of deciding what to

7. Sanford Levinson, *Law as Literature*, 60 TEXAS L. REV. 373, 376 (1982).

8. Multiculturalism, in Levinson's view, makes the postmodern problem visible. Meaning may be unstable and yet appear solid to one cultural group. Competing cultural perspectives break down the apparent uniformity, revealing a deeper-seated fragmentation of meaning.

9. Levinson, *supra* note 7, at 391. For criticism of Levinson and an argument that meaning can be ascertained from context, see Gerald Graff, "Keep off the Grass," "Drop Dead," and Other Indeterminacies: A Response to Sanford Levinson, 60 TEXAS L. REV. 405 (1982). In an article similar to *Written in Stone*, Levinson actually once conceded that context can provide enough clues to assign meaning. See Sanford Levinson, *They Whisper: Reflections on Flags, Monuments, State Holidays, and the Construction of Social Meaning in a Multicultural Society*, 70 CHI.-KENT L. REV. 1079, 1102 (1995) ("[T]heoretical polysemy is really quite different from the actual circumstances of a specific context. 'Meet me at the bank' is fatally ambiguous unless we know whether the speaker is interested in money or swimming. Once we do know that, then, as a matter of pragmatics, most of us would be fairly confident about the likely meaning of the otherwise 'indeterminate.'"). Like Captain Ahab, though, Levinson lets this last apple of possibility drop, cindered, to the earth and returns to the white whale of postmodernism, renouncing all hope of finding meaning. See, e.g., p. 98 ("It is hard to see how anyone who has been touched (some would say 'infected') by one or another variety of postmodernist theory can be entirely comfortable endorsing [the equal protection] argument."). For the cindered apple reference, see HERMAN MELVILLE, *MOBY DICK* 534 (The Modern Library 1926) (1851). Captain Ahab does not afford a perfect comparison, however, since Ahab's mission was to find Moby Dick — which some have read as Ahab's search for meaning. Levinson's quest is to show that the quarry (meaning) remains ever elusive.

10. See generally Sanford Levinson, *The Audience for Constitutional Meta-Theory (or, Why, And To Whom, Do I Write The Things I Do?)*, 63 U. COLO. L. REV. 389 (1992).

do with public symbols. If even the most idiosyncratic interpretations are "valid" at some level, the resulting cacophony will not prove helpful in guiding state decisionmaking.

### NEUTRALITY

States could just give up entirely the project of endorsing certain ideas over others and act only to make sure all views are heard. Levinson identifies this approach with Professor Owen Fiss.<sup>11</sup> Studied neutrality would be the proper limit of state speech, leaving advocacy to private groups. Such a restriction on government speech is not entirely unprecedented — the Establishment Clause of the First Amendment has been interpreted to preclude states from endorsing religion.<sup>12</sup>

Application of a neutrality requirement beyond the Establishment Clause context is unrealistic in Levinson's view, though, because the government is already an active participant in speech in many aspects of our lives. The curriculum taught in public schools is perhaps the most obvious example (pp. 84-85). Providing equal time for responses to every view endorsed by government could lead to ridiculous consequences. Would the government have to advocate cigarette smoking as well as condemn it?

Levinson might also have noted that neutrality presupposes a baseline. Neutrality might require obliterating all traces of past governmental favoritism, or it might apply only to future government speech. If neutrality has retroactive effect, then states would be forced to busy themselves in some combination of retraction of old messages and addition of new ones, resulting in incoherence, an all-things-to-all-people neutrality. If neutrality is instead an approach to adopt and not a result to achieve, then the neutrality thesis would run into the objection that is often lodged against the neoclassical free market: those who have more "inputs" at the beginning will always do better, even if the process itself is fair. As to "inputs," in Southern cities like Savannah, Georgia, it is almost impossible to swing a dead cat without hitting a Confederate monument.

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11. Pp. 78-79. This may somewhat overstate Fiss's position, though. Fiss would have the state intervene to "enrich public debate," which is not necessarily equivalent to merely increasing the number of voices heard. See Owen M. Fiss, *Why the State?*, 100 HARV. L. REV. 781, 786 (1987). The word "enrich" suggests room for normative evaluation. Fiss seems to recognize a difference between quantity and quality when he acknowledges the danger that the state might "restrict or impoverish . . . public debate." *Id.* at 787 (emphasis added). In any event, the neutrality thesis is worth considering in the strong form in which Levinson presents it, whether or not it accurately conveys Owen Fiss's view of the matter.

12. See, e.g., *Mueller v. Allen*, 463 U.S. 388 (1983).

## EQUAL PROTECTION

Confederate monuments and flags might also be attacked as state-sponsored racism that violates the equal protection guaranteed by the Fourteenth Amendment.<sup>13</sup> The Fourteenth Amendment approach requires attributing a racist purpose to the state symbols. Levinson admits that advocates of this view can marshal powerful evidence in some cases. For example, under Governor George Wallace, Alabama raised the Confederate flag on April 25, 1963, just in time to greet Attorney General Robert F. Kennedy, who was visiting to discuss the integration of the University of Alabama (p. 91). The flag flew over the state capitol for the next thirty years (p. 91).

Even though racists first rallied behind the Confederate flag, one might argue that contemporary motives are what matter and that it is acceptable for government to honor the will of the majority (pp. 95, 100). Levinson notes that in *NAACP v. Hunt*, the Eleventh Circuit upheld Alabama's right to fly the Confederate flag, stating that "[although] it is unfortunate that the State of Alabama chooses to utilize its property in a manner that offends a large proportion of its population, . . . that is a political matter which is not within our province to decide."<sup>14</sup> The court rejected the NAACP's equal protection argument, because it was not convinced that Alabama had a "racially discriminatory" motivation and because "there is no unequal application of the state policy; all citizens are exposed to the flag."<sup>15</sup>

Levinson seems skeptical of the NAACP's legal claim for a different reason. His main objection is that the equal protection argument assumes that one can know what a cultural symbol means. "How does anyone, let alone a culture, come to terms with the inevitably mixed meanings of the symbols around which we organize our lives?" (p. 97). Even if it were possible to assign meaning, Levinson questions whether we should have confidence enough in our conclusions to make them legally binding (p. 97). In sum, Levinson feels that legal arguments are plausible but that courts and constitutions "are quite limited in their actual power when what is at stake is the politics of cultural meaning" (p. 104).

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13. P. 92. Levinson does not specify a specific constitutional argument within the Fourteenth Amendment context, but I assume that equal protection is what he has in mind.

14. Pp. 91-92 (quoting 891 F.2d 1555, 1566 (11th Cir. 1990)).

15. *Hunt*, 891 F.2d at 1562.

PAYING ATTENTION TO CONTEXT:  
MORE NUANCED APPROACHES

In the last section of his book, Professor Levinson asks what “political decency” demands (pp. 111-29). Surprisingly, he disposes of the Confederate flag controversy quickly:

I think the answer is easy. Although . . . I would not have the courts prohibit a state [from flying the Confederate flag] . . . that does not in the least entail my support . . . . Even if one can believe that the Confederate flag symbolizes something other than the brutal regime of chattel slavery, it seems insensitive, to put it mildly, for a state to persist in adopting . . . something that so easily, and legitimately, can be given a thoroughly negative meaning. [p. 112]

It is not entirely clear what Levinson means by “legitimately,” because he has not offered a means of distinguishing valid and invalid interpretations of a cultural object. This seems less an argument than an appeal to the reader’s sensibilities. Perhaps Levinson is adopting “Justice Stewart’s famous statement about the possibility of developing a general definition of pornography . . . ‘I know it when I see it’” (p. 75). It may be, as Levinson hints, “that generalizations get us nowhere . . .” (p. 75).

One is tempted to conclude that Levinson’s “political decency” objection to the Confederate flag stems entirely from the amount of offense actually taken by African Americans (and whites). Although nonracist interpretations are conceivable, it is a slap in the face for the majority to fly the flag despite the hurt caused to those who take a different view of the flag. From this perspective, the validity of competing interpretations would not much matter. Levinson must mean more than that, though, because he contends that “[m]onuments present altogether more difficult issues” (p. 113). He quotes the director of the Amistad Research Center, who argues that racist monuments should be preserved as “a symbol of ‘racism’s shame’ and a reminder, especially to youngsters ‘of the courage of the whole civil rights movement’” (p. 113). Yet, equal offense is probably taken to both means of presenting cultural symbols, and the Confederate flag might also be interpreted as a symbol of racism’s shame. Perhaps the difference is location — a statue in a public parks arguably does not convey as strong a message of official endorsement as a flag over the state capitol.

Professor Levinson adopts a more searching inquiry with regard to the Confederate memorial in Austin, Texas and demonstrates, by example, careful, fact-specific analysis. The memorial, he explains, was built in 1903 as a tribute to the Confederate war dead and stands in front of the Texas state capitol. “On a pedestal stand seven-foot statues of an artilleryman, an infantryman, a cavalryman, and a sailor, representing the four branches of the Confederate armed forces. Rising from the center of the pedestal is

a seven-and-one-half-feet-tall statue of Jefferson Davis” (p. 53). Carved on the base is a list of Confederate states and the following inscription:

DIED FOR STATE RIGHTS  
GUARANTEED UNDER THE CONSTITUTION

THE PEOPLE OF THE SOUTH, ANIMATED BY THE SPIRIT OF 1776, TO PRESERVE THEIR RIGHTS, WITHDREW FROM THE FEDERAL COMPACT IN 1861. THE NORTH RESORTED TO COERCION. THE SOUTH, AGAINST OVERWHELMING NUMBERS AND RESOURCES, FOUGHT UNTIL EXHAUSTED. [p. 55]

As a matter of political theory, Levinson believes that the Constitution might be interpreted to permit secession, although this “is a bit like trying to analyze dispassionately whether our own parents really should have married one another . . .” (p. 59). For Levinson, the context of the argument is as important as its content. “Along with discussion of the high theory of sovereignty . . . one must attend to the reality of . . . chattel slavery . . .” (p. 60). “Whatever one’s views on the theoretical merits of secession and self-determination, they must always be tempered by recognition of the particular context within which a secessionist argument is being made, whether in South Carolina in 1861 or in Bosnia in 1995” (p. 61). Levinson does not believe that one must conclude that the Confederate soldiers, “like medieval suicides,” should be denied the equivalent of a sacred burial. But then what to do?

Levinson outlines various possible approaches. At one extreme, Austin might get rid of the monument (p. 122). Such all-out “cultural warfare” on the Confederacy seems wrongheaded to Levinson, in part because most of the soldiers who died were following a misguided sense of loyalty and not acting out of rabid racism (p. 122). Levinson is quick to note that he would not support any kind of memorial to the SS soldiers buried in Bitburg, and he hopes that they do not rest in peace (p. 123). The basis for his distinction “is that SS members were not ordinary citizen-soldiers . . .” (p. 123). One wonders how Levinson would feel about memorials to “ordinary” German soldiers who, like the Confederate soldiers, were arguably only following orders out of misplaced loyalty. Would Levinson also wish them an eternity on the rotisserie spits of Hell? The reasonableness of Levinson’s conclusion seems to depend in part on one’s affinity with his personal sensibilities.

At the other extreme, Austin might do nothing at all.<sup>16</sup> Austin could also erect a sign saying that the City takes no position, or a sign disavowing any association with the memorial (a noisy withdrawal of sorts) (p. 114). Really using the sign for all it is worth, Austin might declare:

Although these views represent a plausible constitutional theory, it is essential to recognize that what precipitated secession was the desire to maintain an immoral regime of racially-based chattel slavery. The failure of the white South to recognize the claim to equality and self-determination of black slaves thus invalidates the appeal to the principles of the Declaration of Independence that might, in another context, have justified secession . . . [p. 114]

The City might also “sandblast” the original inscription and leave the monument either blank or with a new inscription (p. 121). Additional monuments might be built to stand alongside the original, (pp. 114-21), or the monument might be placed in a museum (p. 121).

Placing the monument in a museum would help put it in historical context, but the same problems of presentation would exist (p. 121). The museum director would have to decide whether to let the monument speak for itself, or whether to attach additional explanation. The monument might take on different meaning in the midst of a display of Confederate firearms and swords than it would in the context of an exhibit about the evils of slavery. However carefully displayed, the monument could still stand for racism. As Levinson puts it, “historicization is itself obviously a complex phenomenon, for one always wonders whether the message is that ‘this was once, but can — ought — never be again’ or, instead ‘this was once and can, with imaginative effort and physical courage, be repeated in our own lifetime’” (p. 123).

#### COUNTERSPEECH AND ITS PROBLEMS

For Levinson, adding monuments seems the best solution: “If forced to choose, I would opt for a set of monuments, of sufficient grandeur and placed in the heart of the Capitol grounds, commemorating different aspects of the African American experience” (p. 127). The monuments would not ignore the horrors of slavery, but they would be more than expressions of victimhood (pp. 127-28). Levinson envisions including, for example, a statue of former Congresswoman Barbara Jordan (p. 128). He shows genuine enthusiasm for historian Patricia Nelson Limerick’s vision of “‘a different kind of memorial — one in which no point of view dominates,’ in which many monuments to all sorts of people would

16. P. 114. Whatever its merits, Levinson believes this is the only proposal Austin will actually follow. P. 123.

contend for recognition" (p. 128). Levinson regards as "delicious" Limerick's further idea for "Managed Contention Site[s]," where "heated verbal disagreements over history would be encouraged" (pp. 128-29).

Professor Levinson seems to endorse the idea of counterspeech elsewhere in his book. The Liberty Monument in New Orleans, for example, now contains a plaque "IN HONOR OF THOSE AMERICANS ON BOTH SIDES OF THE CONFLICT WHO DIED IN THE BATTLE OF LIBERTY PLACE. A CONFLICT OF THE PAST THAT SHOULD TEACH US LESSONS FOR THE FUTURE'" (p. 50). The Monument, built in 1891, formerly contained a paean to white supremacy, and, as of 1974, another plaque explaining that "'the sentiments expressed [in the first plaque] are contrary to the philosophy and beliefs of present-day New Orleans'" (p. 48). Levinson wonders whether the point-counterpoint approach was preferable to the calculated emptiness of the new inscription. The earlier version "at least educated the careful reader in the ideological stakes behind the ascription of meaning to the Liberty Monument" (p. 52).

Levinson acknowledges that state sponsorship of monuments imbues them with legitimacy that may make responses difficult. In addition, he points out that counterspeech may not live up to its name. Adding monuments to include certain groups, for example, might be more supplemental than challenging (pp. 25-26). The end result could be a bizarre amalgamation of cultural heroes (p. 26). This is reminiscent of the spread of Greek religion, in the course of which the conquering Greeks swept up local deities into a dysfunctional Olympic family.

Nonetheless, Levinson clearly prefers such responses to more sweeping legal restrictions. One could argue, though, that robust debate is difficult to achieve as a practical matter, and that it will too often proceed without the dignity that should mark enlightened discourse. As to practicality, even if made to engage in a debate, statues do not lend themselves to a marketplace of ideas. Statues can, after all, only turn a deaf ear to criticism. The market metaphor is also problematic in that the losing side cannot gracefully quit the field or change its tune. Moreover, space and aesthetic considerations might constrain the vigor of a debate carried on through public monuments. On the other hand, Levinson's point is that the meaning of monuments is not after all written in stone, but is subject to interpretation and reinterpretation. Changing the context in which a monument is situated may alter its meaning.

To engage public monuments in politicized debate at all, though, may be to thwart the timelessness to which they aspire. "All monuments are efforts, in their own way, to stop time" (p. 7). Quoting

Nietzsche, Levinson points out that monuments embody “‘a belief in the coherence and continuity of what is great in all ages . . . a protest against the change of generations and against transitoriness’” (p. 7). As to the possibility of permanence, Levinson contends that “[h]istory . . . moves relentlessly to mock any such beliefs” (p. 7) — a sentiment echoed in Yeats’s poem “Nineteen Hundred and Nineteen”: “Come let us mock at the great/ That had such burdens on the mind/ And toiled so hard and late/ To leave some monument behind,/ Nor thought of the leveling wind.”<sup>17</sup> Perhaps a pluralist society cannot afford sacred cows, but we should still question whether the inevitability of change justifies contemptuous treatment of the monuments of another age.

The superintendent of the Little Bighorn Battlefield has plans for the battle’s 120th anniversary that seem a perfect example of the lack of dignity that might attend debate involving public monuments. According to Levinson, the commemoration:

Would include the Indians riding on horses to the gravesite where the two hundred U.S. soldiers are buried and “counting coup” by hitting with a stick the stone obelisk marking the grave. According to the *Times*, “Counting coup was a battle tradition in which warriors proved their skill and courage by striking an enemy with a special stick and returning safely to the tribe.” As to this, [one commentator] asks, “What would people say if cavalry re-enactors went to Wounded Knee and touched the monument [to the Sioux dead] with sabers?” [pp. 29-30]

Levinson does not say whether he approves of “counting coup” as a way of contesting the meaning of the Little Bighorn memorial.<sup>18</sup>

To the extent counterspeech is considered a kinder, gentler alternative to censorship, it is worth noting that its effect can be equally destructive. The mere existence of counterspeech in the sacred public space — regardless of the cogency of the arguments — does the damage. We become the historical force, the leveling wind, that mocks the monuments of another era. We should fight against the misconceptions and evils of other times and places, but we should also be careful not to “traffic in mockery.”<sup>19</sup>

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17. WILLIAM BUTLER YEATS, *Nineteen Hundred and Nineteen*, in *THE COLLECTED POEMS OF W.B. YEATS* 206, 209 (Richard J. Finneran ed., rev. 2d ed. 1996); see also Percy Bysshe Shelley, *Ozymandias*, in *THE COMPLETE POEMS OF PERCY BYSSHE SHELLEY* 589 (Modern Library 1994) (presenting a similarly dim view of the possibility of achieving immortal glory through the construction of public monuments).

18. Levinson’s unwillingness to take sides is apparently a conscious decision. See Levinson, *supra* note 10, at 392 (“[M]ost of what I write [does not] take[] a recognizable position on any of the most contentious constitutional issues of the day . . .”).

19. YEATS, *supra* note 17, at 210.

## CONCLUSION

Levinson has written a fascinating reflection on the transmission of cultural meaning through the use of public space. His book is both thought provoking and well written, although one sometimes wishes for a more thorough exposition of particular lines of analysis. Given his emphasis on the importance of context, it is occasionally frustrating not to have more concrete information about the examples central to the book. Nonetheless, Levinson succeeds in immersing the reader in the difficult questions posed by monuments in a multicultural society — and their intractability.