The Ethics of Tainted Legacies

What do we do when a beloved comedian known as “America’s Dad” is convicted of sexual assault? Or when we discover that the man who wrote “all men are created equal” also enslaved hundreds of people? Or when priests are exposed as pedophiles? From the popular to the political to the profound, each day brings new revelations that respected people, traditions, and institutions are not what we thought they were. Despite the shock that these disclosures produce, this state of affairs is anything but new. Facing the concrete task of living well when our best moral resources are not only contaminated but also potentially corrupting is an enduring feature of human experience. In this book, Karen V. Guth identifies “tainted legacies” as a pressing contemporary moral problem and ethical challenge. Constructing a typology of responses to compromised thinkers, traditions, and institutions, she demonstrates the relevance of age-old debates in Christian theology for those who confront legacies tarnished by the traumas of slavery, racism, and sexual violence.

The Ethics of Tainted Legacies
Human Flourishing After Traumatic Pasts
**Contents**

*Acknowledgments*  
*Introduction: Tainted Legacies*  
1 Tainted Legacies: Morally Injurious “Remainders” of Traumatic Pasts  
2 Common Responses to Tainted Legacies  
3 “Biblical Birthright” and the #MeToo Movement: Feminist and Womanist Biblical Scholarship on How to Read Cultural Texts of Terror  
4 Heritage *and* Hate: Womanist Ethics and the Confederate Monuments Debate  
5 Inheriting America’s Original Sin: Can Our Alma Maters Make Amends for Slavery?  
6 Individual and Institutional Responses to John Howard Yoder’s Tainted Legacy: Fostering Flourishing from a Traumatic Past  
Conclusion: “Reformation” and Human Flourishing  

*Bibliography*  
*Index*
Acknowledgments

This book analyzes a distinct moral problem not yet theorized in religious or philosophical ethics: tainted legacies. I discuss the problems that compromised thinkers, traditions, and institutions pose in terms of “legacies” in order to emphasize how beholden we are to our heritage. The various social, cultural, political, and economic inheritances we receive – and, in turn, pass on – are formative and indelible. For that reason, I have tried to highlight the nature of legacies as something like family inheritances that, while not wholly determinative, nevertheless make us who we are.

As my personal anecdotes aim to show, even the most treasured inheritances are not without their flaws, but such legacies possess indispensable resources for human flourishing. Despite the tainted nature of many of the cultural, educational, political, and religious traditions that have shaped my life and this work, I have, more often than not, been the beneficiary of the wealth of these legacies. I am grateful for the riches others have bestowed on me and shared to make this project possible.

A number of colleagues read and offered feedback on the manuscript in part or in full. I am deeply grateful to Craig Danielson, Warren Kinghorn, Chuck Mathewes, Shelly Matthews, Ryan Andrew Newson, and Darryl Stephens for their helpful comments and suggestions. I also thank Robin Gill and the two anonymous reviewers commissioned by Cambridge University Press for their constructive feedback. Jim Childress, Chuck Mathewes, and Margaret Morhmann generously offered comments on various grant proposals that helped me develop and hone the project. And
I have drawn inspiration and encouragement in various ways from Rebekah Miles and Ellen Ott Marshall. Thank you all.

Material from several chapters benefited from excellent discussion at academic conferences. The project grew out of a 2015 paper presentation at the Society of Christian Ethics (SCE) annual meeting in Chicago, in which I grappled with the ethics of engaging John Howard Yoder’s tainted legacy. The generous reception that I received from my colleagues there has sustained me in countless ways over the years while working on this project. I regret that I cannot name everyone who offered those initial words of support, interest, critique, and encouragement, but I owe special thanks to Kathryn Blanchard, Marvin Ellison, Jennifer Harvey, Stanley Hauerwas, Aline Kalb, Margaret Mohrmann, Kate Ott, Gerald Schlabach, Darryl Stephens, Cristina Traina, and Raymond Ward. Portions of material from the presentation and subsequent article appear in Chapter 6. Many thanks also to Tom Pearson and the anonymous reviewers at Teaching Theology & Religion for extensive feedback on versions of portions of that chapter, as well as to my colleague in the psychology department at Holy Cross Gregory DiGirolamo for comments on that material and productive discussion of the book’s central ideas.

I also refined portions of Chapters 1 and 6 in light of audience responses at the 2016 session of the Moral Injury and Recovery in Religion, Society, and Culture Group at the annual meeting of the American Academy of Religion (AAR) in San Antonio. I thank the audience there and at the 2017 annual meeting of the SCE in New Orleans, where audience members and anonymous reviewers at the Journal of the Society of Christian Ethics provided helpful suggestions on material that appears in those chapters and the Introduction.

I am also indebted to Elaine James and Simeon Chavel, who provided a welcome opportunity for me, as an ethicist, to present a shorter version of Chapter 3 to an audience of colleagues in biblical studies at the University of Chicago’s conference “Let Me
Hear Your Voice! Women, the Song of Songs, and Public Discourse” in June 2019. I am grateful to all of my fellow participants, but special thanks are due to Elaine for her collegiality and friendship, to Simeon for his insightful comments, and to Chip Dobbs-Allsopp for his gracious response. My Holy Cross colleague and Hebrew Bible scholar Mahri Leonard-Fleckman also provided valuable feedback on early versions of that chapter and Chapter 4.

I would also like to thank the audiences at the 2018 session of the Women and Religion Unit at the AAR annual meeting in Denver and at the 2019 SCE annual meeting in Louisville for engagement with the material in Chapter 4. I am especially thankful to Traci C. West for her challenging questions and to Margaret Morhmann, Ryan Andrew Newson, and Howard Pickett for extended conversation. The anonymous reviewers at the Journal of the Society of Christian Ethics also provided constructive suggestions on an earlier version of the chapter.

I cannot thank Darryl Stephens enough. Darryl generously read large portions of the material and offered critical feedback that helped me frame the manuscript. He also convened and organized, along with Elizabeth Soto Albrecht, a writing consultation at Anabaptist Mennonite Biblical Seminary (AMBS) in March 2019 that brought together a group of female Mennonite scholars to “liberate the politics of Jesus.” As an outsider to the Mennonite tradition, it was an honor to join this remarkable group, and I am particularly thankful for conversation with Malinda Berry, Hilary Scarsella, and AMBS president emerita Sara Wenger Shenk.

The book also benefited from engagement on the part of students and audiences at public lectures and presentations. Many thanks to Beth Sweeney of the Holy Cross English department and (then) director of the Honors Program at the college, whose interest in the project led to an invitation to present some of its ideas to the Honors Colloquium and to teach an Honors Program seminar on the book’s topic. The excellent engagement from the stellar group of students in “The Ethics of Tainted Legacies” not only resulted in
one of my most meaningful teaching experiences to date, but also helped me refine the book’s argument. Special thanks to Caroline Kam, Rose Grosskopf, Elisaveta Mavrodieva, and Abigail Szkutak, whose brilliant insights I cite in the manuscript. I would also like to acknowledge the students in my “Social Ethics” course over the years who have provided valuable responses to my teaching of Yoder’s case that have informed my thinking on these issues. Finally, I am grateful to the Cothran Center for Vocational Reflection at Furman University in Greenville, SC, and its (then) director Eric Cain for their invitation to deliver the Peggy and Ed Good Lecture in 2016, where I presented initial ideas in the conception of this work. I am especially grateful for feedback that I received from my former philosophy professor, the late Jim Edwards.

Other colleagues provided critical forms of assistance with the project along the way. I am grateful to my colleagues in the Religious Studies department at Holy Cross for their support and encouragement. In particular, Tat-siong Benny Liew and Alan Avery-Peck offered constructive comments on the book proposal, and my department chair Mary Doyle Roche and Provost Margaret Freije provided support with funding opportunities. I owe a debt of gratitude to the College of the Holy Cross for a semester research leave that enabled me to dedicate extended time to research and writing of the book, as well as for Ardizzone funds that allowed me to purchase needed materials. Many thanks to Stacy Riseman and the Holy Cross Committee on Faculty Scholarship for a grant that supported publication-related costs, and to my colleague Amanda Luyster of the Holy Cross Visual Arts department for valuable guidance on cover-art resources. I owe the cover-art inspiration to my dear friend Kirbie Crowe: Thank you! Thanks also to Cheryl Ann Lenser for creating an excellent index and to my editor Beatrice Rehl and all of the folks at Cambridge University Press who helped bring the book to publication.

I gratefully acknowledge permission granted on behalf of the Society of Christian Ethics by the Philosophy Documentation

Finally, it is difficult to account for all of the ways my family inheritance has made this work possible. My mother, Cydelle Dukleth Guth, and father, James L. Guth, continue to be a bedrock of support. No one celebrates my academic endeavors more than Mom, and no one proofreads better than Dad. I cannot thank them enough for the riches of their legacies. Thanks also to my brothers and their families, who enrich my life: Brad, Leigh, Alice, and Lydia; Eric, Meghan, Emily, and Austin; Gary, Sarah, Jackson, Benjamin, Eli, and Caroline. The last word of thanks goes to Craig Danielson, interlocutor and editor extraordinaire, whose partnership in life and the life of the mind is indispensable to me.
Watching *The Cosby Show* on Thursday nights was a family ritual in my household. From the opening credits featuring Bill Cosby’s inimitable dance moves to the daily dramas of Cliff, Claire, and the kids, I looked forward to seeing what the Huxtables would be up to each week. What loving affection would transpire between Cliff and Claire? Would Sondra be home from college? What would Denise be wearing? How would Theo get into trouble? Whose business would Vanessa have her nose in now? Most importantly, would we get to hear Rudy call Kenny “Bud”? No matter what happened, *The Cosby Show* guaranteed good, wholesome, family fun.

While I remember vividly that Dr. Huxtable often wore sweatshirts bearing the decals of historically black colleges and universities, I don’t recall being particularly aware that I was watching a show about a black family. When I think about that now, my childhood obliviousness to the blackness of *The Cosby Show* is striking. As a young, white, middle-class girl living in a *de facto* segregated South, the Huxtables were virtually the only black people I knew. I had a few black schoolmates and teachers, but there were no black folks in my neighborhood, no black members at my church, and no black girls on my gymnastics team. Apart from one playdate at an elementary school friend’s apartment, I had never been in a black household – the Huxtables’ brownstone was it for me. Given my social location, the Huxtables’ blackness should have been all too obvious.
Then again, *The Cosby Show* highlighted the Huxtable’s humanity, not their race. Cosby managed at once to produce a show that provided a significant cultural milestone for black Americans, while not appearing to white audiences to be about race at all. For blacks, the Huxtables were a point of pride. For whites, the Huxtables were just the Huxtables. In a racially divided America, Cosby’s ability to transcend race made him “America’s Dad.”

So when allegations of sexual assault against Cosby received renewed publicity in 2014, it was too much for the American family to take. How could our father figure be so nefarious? It did not seem possible that the Bill Cosby who played Cliff Huxtable and who contributed so significantly not only to television and comedy but also to racial justice in the United States could be the Bill Cosby who allegedly drugged and sexually assaulted women. Then, in 2018, came Cosby’s conviction.

Black thinker after black thinker wrestled with the dilemma. His experience of “cognitive dissonance” led *New York Times* film critic Wesley Morris to conclude that, “Cliff Huxtable Was Bill Cosby’s Sickest Joke.” Her “sharp stab of grief” at hearing the allegations left New York University professor Rachel L. Swarns weeping at her

---

1. It is not surprising that *The Cosby Show* would appeal to a young white girl like me. Henry Louis Gates, Jr. argues that *The Cosby Show* was popular (especially among whites) because it depicted a black family that is “just like white people.” In doing so, the show obscured the social, political, and economic injustices black Americans endure. See “TV’s Black World Turns – But Stays Unreal,” *New York Times*, November 12, 1989, www.nytimes.com/1989/11/12/arts/tv-s-black-world-turns-but-stays-unreal.html.


And his disappointment at the disgrace of his comedic hero led an uncharacteristically serious Dave Chappelle to bemoan, “It’s tough to see your heroes fall, let alone be a villain.” The media was replete with reflection by black intellectuals and others trying to make sense of the Cosby conundrum.

While the grief may be especially acute for many black Americans, “America’s Dad” betrayed us all. What are those who grew up on *The Cosby Show* to do? What are we to make of Cosby’s invaluable contributions in light of his heinous violations? Can we still admire him for the good he accomplished, or is such an acknowledgment too risky now? What about the status of his work? Can we continue to enjoy *The Cosby Show* or is it forever defiled? How are we to think about someone whose work is so important yet whose wrongdoing is so inexcusable? It is easy enough to condemn Cosby’s crimes, but we cannot “cancel” his contributions or the formative impact he has had on our lives. It seems impossible to celebrate the riches of Cosby’s corpus without somehow relieving him of his wrongs. The two are inextricable now. Once a paragon of fatherhood, Cosby has abandoned the family, leaving behind a tainted inheritance: what do we do with that legacy now?

**John Howard Yoder: Pacifist Theologian and Perpetrator of Sexual Violence**

In “a different world,” so to speak, scholars in Christian ethics faced a similar quandary. In January 2015, the Mennonite Church USA released an extensive history detailing sexual abuse perpetrated for

---


5 PBS NewsHour, “Dave Chappelle on Comedy in the #MeToo Moment: ‘We’re All Figuring This Out,’” July 6, 2018, [www.pbs.org/newshour/show/dave-chappelle-on-comedy-in-the-metoo-moment-were-all-figuring-this-out](http://www.pbs.org/newshour/show/dave-chappelle-on-comedy-in-the-metoo-moment-were-all-figuring-this-out).
It was bad enough that anyone would inflict the sexual abuse and other wrongdoing described in this document, but Yoder was widely regarded as the most important pacifist theologian in the United States.

After directing the Mennonite Central Committee’s postwar relief effort in France, Yoder devoted his entire scholarly career to advocating pacifism as the central ethical imperative of the Christian tradition. As a “peace church” theologian, he identified the primary mission of the church as a fundamentally political one: to provide an alternative politics based on the politics of Jesus:

When He called His society together Jesus gave its members a new way of life to live. He gave them a new way to deal with offenders – by forgiving them. He gave them a new way to deal with violence – by suffering. He gave them a new way to deal with money – by sharing it. He gave them a new way to deal with problems of leadership – by drawing upon the gift of every member, even the most humble. He gave them a new way to deal with a corrupt society – by building a new order, not smashing the old. He gave them a new pattern of relationships between man and woman, between parent and child, between master and slave, in which was made concrete a radical new vision of what it means to be a human person.

The key feature of this ecclesial politics is pacifism. According to Yoder, Jesus’ ethic of nonresistance dictates that Christian discipleship demands nonviolence. Followers of Jesus are to forgive offenders, not seek retribution; they are to suffer violence, not resist it; and they are to relate to one another in egalitarian ways that


honor the dignity of each member. By living this alternative politics, the church provides a peaceful witness to a violent society, offering a foretaste of the Kingdom of God. Yoder proclaimed this radical reformation vision as normative for all Christians and convinced many believers, including scholars of Christian ethics, to “convert” to pacifism.

It is not surprising, then, that the Mennonite Church USA’s history of Yoder’s sexual violence sent shock waves through the guild of Christian ethics. Although some of Yoder’s abuse had been public knowledge since 1992 when reporter Tom Price’s five-part series appeared in the local newspaper the Elkhart Truth, the common narrative was that Yoder had behaved badly toward a few women but had repented by submitting to the disciplinary process of his church. Apart from several brief news notices, there was not much discussion of Yoder’s violations in the larger field of Christian ethics and no explicit acknowledgment of it in the secondary literature. Even those who were aware of Yoder’s wrongdoing claimed to be unaware of the gravity or extent of his abuses.

By 2015, the sheer scale and severity of Yoder’s sexual abuse were clear. Beginning at least in the 1970s, Yoder violated as many as 100 women by “making suggestive comments, sending sexually explicit correspondence, and surprising women with physical coercion . . . .

---


9 The Indiana–Michigan Mennonite Conference suspended Yoder’s ministerial credentials and initiated a four-year disciplinary process in 1992. Yoder’s local congregation, Prairie Street Mennonite Church, also convened a task force from 1991 to 1992.
Yoder’s activities ranged across a spectrum from sexual harassment in public places, to more rarely, sexual intercourse.” Yoder described one of his practices – “partial/interrupted arousal” or “genital penetration without ejaculation” – as a way of “defanging the beast” or teaching women that “what he called ‘familial intimacy’ was demonstrably safe and not coerced – that is, not rape.” Worse yet, Yoder construed his activities as an experiment in Christian sexual ethics meant to explore nonerotic forms of touch. Yoder often groomed his victims, whom he referred to as “sisters,” by seeking feedback on unpublished memos on marriage and singleness, casting his activities and their own involvement as participation in his cutting-edge theological inquiry. For some, Yoder’s abuses were relatively inconsequential; for others, his violations were traumatic, with devastating consequences for their lives, careers, and loved ones.

Not only did Yoder serially abuse women for decades; he used his status and power as a leading Mennonite figure to facilitate the abuse, to silence those he abused, and to evade censure in his Mennonite and academic communities, not to mention criminal prosecution. Although Yoder demanded secrecy of his “sisters,” his sexual abuse circulated as an open secret among Mennonites. Despite knowledge of Yoder’s violations by the leaders of his

10 Goossen, “Defanging the Beast,” 11.
11 Ibid., 12.
12 The use of “victim” language is fraught. It potentially neglects the agency of those harmed and risks reducing persons to the violations they have suffered. At the same time, the term is important because it validates that one has been wronged. See Traci C. West, Wounds of the Spirit: Black Women, Violence, and Resistance Ethics (New York: New York University Press, 1999), 5, 161; and Margaret Urban Walker, Moral Repair: Reconstructing Moral Relations after Wrongdoing (Cambridge: Cambridge University Press, 2006), 206. While the terms “survivor” or even “victim-survivor” avoid the problem of denying agency, they run the risk of assigning recovery to those who would not claim it for themselves. When possible, I avoid these descriptors altogether, but otherwise I vary my usage of “victim,” “survivor,” and “victim-survivor” to acknowledge their limitations.
13 Goossen, “Defanging the Beast,” 11.
institutions, Yoder used his significant intellectual skills to outwit those who sought to hold him accountable. He often employed his own theological reflection on Matthew 18:15–20 (a passage on binding and loosing) to his advantage, demanding that accusers confront him face to face and one on one. Although Goshen Biblical Seminary and Mennonite Biblical Seminary (which combined to become what is now known as Anabaptist Mennonite Biblical Seminary [AMBS]) eventually forced his resignation in 1984, he continued teaching at the University of Notre Dame until his death in 1997. Moreover, although Yoder served as president of the Society of Christian Ethics (SCE) from 1987 to 1988, he was “never formally disciplined by the broader academic and religious peers with whom he was closely affiliated,” including the SCE.14 In the end, Yoder proved expert not only at articulating a pacifist vision but also at mobilizing it to impose his abuses of power.

Not unlike Morris, Swarns, and Chappelle’s shock at learning that their role model was also a sexual predator, my fellow Christian ethicists and I now confronted the reality that our most celebrated advocate for Christian pacifism was also a serial perpetrator of sexual violence. The gravity and scope of Yoder’s sexual abuse ignited vigorous debate about his theological legacy: How are we to reconcile Yoder’s contributions to peace church theology with his perpetration of sexual violence? Can we still uphold Yoder’s authority as the preeminent pacifist theologian of twentieth-century Christian ethics, or does his failure to live nonviolently undo that authority? What about his work? Should we continue to teach and study his theology? Questions such as these roiled the discipline.

For some, continued use of Yoder’s work was unthinkable; but for most, things were more complicated. A statement from AMBS acknowledged both the wide influence of Yoder’s theology and the

14 Ibid., 18.
magnitude of his abuse. \textsuperscript{15} Herald Press announced that it would continue to publish his work but would include a disclaimer about his violations. \textsuperscript{16} Many academics indicated they would continue teaching and writing about Yoder’s work but only with clear acknowledgment of his abuse. Each constituency sought to acknowledge both Yoder’s influence and infractions.

The women Yoder violated identified a different problem: honoring Yoder’s theology not only risks their re-traumatization but also compounds the original violation with additional harms. For them, the issue is not how to acknowledge both Yoder’s contributions and his violations or how to reconcile a theologian’s pacifist theory with his violent actions, but how to prevent further suffering. Treating Yoder as the authority on Christian pacifism certainly risks re-traumatizing his victims and other survivors of sexual violence, but it also threatens to undermine the credibility of the peace church theological tradition and its associated academic and religious enterprises. Honoring Yoder in this way may also cast doubt on the integrity or possibility of pacifism as a Christian stance. Such mal-formative effects may continue in the lives and practices of individuals, groups, organizations, and institutions that Yoder influenced. No matter how we identify the potential for further harm, it is clear that the problem is complex. As Yoder’s survivors indicate, we are not merely dealing with the original abuse Yoder inflicted (the women he violated, his church, and some of his academic institutions are doing that work) or even the bearing of


this abuse on the status of his authority or his theology, but myriad other injustices.\footnote{Although, as many scholars have more recently concluded, further consideration is warranted as to whether the very categories and methods of Yoder’s theology itself need to be questioned, corrected, or revised.}

Immoral exemplars leave us to grapple with a host of difficult ethical questions. Among these are certainly questions about their status and the value of their work. As Yoder’s survivors remind us, however, these are not the only – or even the most important – issues. There are concerns about survivors to consider. There are concerns about the integrity of our most treasured traditions and institutions to consider. There are concerns about creating a more just world to consider. The problem is much more complex than the immorality of the exemplar.

Yoder’s case is not merely a question of reconciling his work with his wrongdoing, but about how to relate justly to a legacy tied to a traumatic past. This is different ethical territory altogether. \textit{New York Times} religion reporter Mark Oppenheimer put it well: The problem is that Yoder’s “influence, and stained past, live on.”\footnote{Mark Oppenheimer, “A Theologian’s Influence, and Stained Past, Live On,” \textit{New York Times}, October 11, 2013, \url{www.nytimes.com/2013/10/12/us/john-howard-yoders-dark-past-and-influence-lives-on-for-mennonites.html?_r=0}. (Italics mine.)} This situation gives rise to a different set of ethical questions: How are we to handle Yoder’s theological legacy given that his texts – texts that many regard as indispensable to Christian ethics but that certainly have wielded irrevocable formative influence on persons, traditions, and institutions – may exacerbate the trauma he inflicted? How does responding to Yoder’s legacy look different when neither Yoder nor his texts are the center of attention? Is it possible to engage Yoder’s legacy in ways that not only prevent further harm but also promote flourishing for survivors of sexual violence? The task here is to acknowledge the importance of the work and its formative influence – an influence that cannot simply be revoked – without risking the perpetuation of its evil effects.
Far from raising issues concerning only Mennonites or scholars of religious ethics, Yoder’s case replicates countless others across human history, raising difficult questions about how to handle legacies implicated in traumatic pasts. In the fourth century, Augustine and the Donatists argued about whether sacraments performed by apostate priests were still valid and – more to our point of concern – whether these sacraments were efficacious or forever tainted by the priests’ violations. Likewise, scholars have debated for decades about the relationship, if any, between the philosophical contributions of Martin Heidegger, widely recognized as one of the most important phenomenologists of the twentieth century, and his Nazism. Can Heidegger’s philosophical contributions stand untainted by his anti-Semitism or does continuing to engage his work sustain that evil? Medical knowledge derived from Nazi medical experiments raises similar questions. If unethical medical experiments produce useful scientific knowledge, can medical professionals use such knowledge without further traumatizing those who suffered for its production and without “infecting” the entire medical enterprise? Similar issues arise in a variety of academic fields, ranging from Richard Wagner’s influence in classical music to Pablo Picasso’s misogynist genius in modern art.¹⁹ What are we to do with legacies like these, at once influential and injurious? Can we receive the goods of these legacies without perpetuating their evils? These old abuses refuse to be relegated to the past. They linger on, haunting us here and now. In the words of Jorge Luis Borges, “Into this present the Past intrudes.”²⁰ And no period of human history or realm of human inquiry is spared the intrusion.

¹⁹ Thanks to Rose Grosskopf for sharing her work on Wagner with me.
Making the Connections: Cases in Contemporary American Public Life

As the reckoning with Cosby’s legacy indicates, these questions are not merely academic. Citing the predominance of such issues in American public debate, New York Times columnist David Brooks called 2015 the “year of unearthed memories.” As he put it, “Many of the issues we have been dealing with in 2015 revolve around unhealed cultural memories: how to acknowledge past wrongs and move forward into the light.” He identified race relations as the most obvious case, listing discussions about the Confederate flag, Woodrow Wilson’s status at Princeton, and unmarked lynching grounds as examples. More recently, students and other university stakeholders have taken up such issues, challenging their academic institutions to take responsibility for their histories of slavery. Harvard Law School considered whether it should replace its school seal because it shared features with that of a slaveholding donor family. After an initial refusal to change the name of a residential college named for South Carolina senator and slavery supporter John C. Calhoun, Yale University renamed it for distinguished alum Grace Murray Hopper, a groundbreaking computer scientist and rear admiral in the

---

21 As my previous discussion of “classic cases in the humanities, arts, and sciences” indicates, tainted legacies are, of course, not a uniquely American phenomenon. There are many examples in other contexts, as illustrated by the recent toppling of statues of slave traders in the United Kingdom and those of colonial figures like King Leopold II of Belgium in Europe. Tainted legacies involving religious figures who also perpetrated sexual abuse are also widespread, including that of Canadian disability advocate and L’Arche founder Jean Vanier. I focus on the United States because the American tradition of Christian social ethics is my area of expertise, but my work is equally relevant to various international contexts and cases.


United States Navy.\textsuperscript{24} Other universities, like Georgetown, announced efforts to make amends for their extensive institutional history of slavery.\textsuperscript{25}

In the wake of George Floyd’s May 2020 murder by a (now) ex-police officer in Minneapolis, such debates intensified. Across the country (and the world), protestors toppled Confederate monuments and statues of figures like Andrew Jackson and Columbus. Princeton reversed an earlier decision to leave Wilson’s name on its school of public policy.\textsuperscript{26} And towns steeped in Confederate iconography, like Lexington, Virginia, saw the removal of Robert E. Lee’s and Stonewall Jackson’s names from churches, hospitals, hotels, and Boy Scout troops.\textsuperscript{27} This wave of reaction to symbols of the Confederacy and those of figures with legacies tainted by slavery, colonialism, and racism was just the most recent of many, including the wave that followed the white supremacist rally in Charlottesville, Virginia, in August 2017. Of course, even then such controversy was nothing new in Charlottesville, home of the University of Virginia and its famous founder Thomas Jefferson, who both penned the Declaration of Independence’s transcendent claim that “all men are created equal” and enslaved hundreds of people. Cases like these demonstrate that tainted legacies are a problem for town and gown alike.

Nor are traumatic pasts limited to slavery. As with Yoder’s and Cosby’s cases, a number of other recent cases in public life involve


sexual traumas. Allegations of sexual assault against Donald Trump, then the 2016 Republican nominee for United States President, opened the floodgates of sexual survivor reports. Since then, media outlets have provided extensive coverage of major artistic authorities and other prominent men in a variety of fields who have perpetrated or are alleged to have perpetrated sexual violence, including film producer Harvey Weinstein, novelist David Foster Wallace, pop music legend Michael Jackson, and R&B singer R. Kelly. The list is seemingly endless. These #MeToo exposures raise similar questions about whether and how to engage with the legacies of artists, journalists, and other cultural authorities who have made enduring contributions to their fields but whose sexual violations have inflicted egregious harm.

What do we do when the people, traditions, and institutions we look up to turn out not to be who we thought they were? Can we make use of the goods of their legacies without re-traumatizing victims and inflicting further suffering? What do we do with the material objects that both represent these legacies and symbolize deeper structural injustices? Is it possible not only to repair such legacies, but also to enhance the riches they offer?

Despite our current sense of collective shock, this state of affairs is anything but new. The question of what to do with indispensable yet compromised goods is an age-old problem. Facing the concrete task of living well when our best moral resources are not only contaminated but also potentially corrupting is at once an enduring feature of human experience and a pressing ethical challenge for today. Helping us confront this dilemma is the purpose of this book.

**Tainted Legacies as a Distinct Moral Problem**

Before we can do so, however, we need an accurate picture of the problem. As my narratives about Cosby and Yoder reveal, when idols are ignoble, we are shocked and betrayed. Our initial efforts to
reconcile the good with the ghastly often focus on the discrepancy between the moral authority of these persons and their depravity: How could a pacifist theologian perpetrate sexual violence? How could a beloved comedian be a criminal? Questions about the status of their work often follow: Should we continue to engage with it? If so, what effect, if any, should their wrongdoing have on the way we interact with or conceive of their work? I have suggested that framing the questions this way neglects the bigger picture: that tainted thinkers and institutions and their work are part of larger legacies. When the locus of moral concern remains on the status of tainted persons or institutions and their work, much of the ethical picture fades from view.

These responses neglect the ways great thinkers and institutions have already formed those who inherit their legacies; how we continue to benefit from them; and the need to secure justice for survivors and promote future flourishing. My question is neither “how can such a brilliant thinker be such a bad person?” nor “what do we do with compromised goods?” My question is “how do we best engage with legacies that wield irrevocable influence or make invaluable contributions and cause unjust harm?” I am concerned with the ethics of handling such legacies, given their potential to represent the original violation and to perpetuate other wrongs. I want to investigate whether and how it is possible not only to mitigate further harm but also to enact justice through our most celebrated traditions and institutions when their representatives, practices, and resources trade in traumatic pasts. Doing so requires a robust understanding of the problem. What, then, are the common features of tainted legacies?

First, tainted legacies involve incontrovertible goods. A legacy is “a sum of money, or a specified article, given to another by will”; an inheritance, or more relevant to our purposes, “A tangible or intangible thing handed down by a predecessor; a long-lasting effect of an event or process.” Some might argue that if a legacy is

tainted, there is no need to accept it or continue passing it on. Problem solved. One can simply refuse an unwanted inheritance. This solution fails to acknowledge not only that the past is always with us – that we have already been formed by and garnered the goods of these legacies – but also that tainted religious, cultural, political, and educational legacies still possess valuable resources. These goods contribute to human inquiry, reflection, and expression; they habituate persons in certain ways of life; and they contribute to just and prosperous societies. These legacies’ formative work has been and is still going on. We are already in their debt and we need them still. They create the moral environment in which we exist, they are the air our psyches breathe, and they shape our ways of seeing, thinking, and valuing. They structure our behavior, our ways of life, and our modes of organization. We are indebted to them in ways we can easily identify and in ways we cannot fully acknowledge. Legacies do not merely produce heirloom objects that we can receive or reject, but entire frameworks from which we cannot escape and which we still need.

Each legacy considered here presents a problem because the tainted texts, objects, and institutions exert this kind of formative influence and contribute invaluably to intellectual, cultural, political, or educational traditions. I may excise Yoder’s theology from my syllabus, but I cannot erase its impact on peace church theology and Christian ethics; its formative impact on persons, communities, and institutions; or the current and future trajectories it has already set in motion. Similarly, the work of Bill Cosby, Michael Jackson, and Woody Allen wields irrevocable cultural influence and makes valuable contributions to the arts. I can avoid reruns of *The Cosby Show*, but I can neither un-watch them nor rewind the positive impact the show had on me as a child. I may condemn the white supremacist meanings of Confederate monuments, but I cannot cancel the entire political tradition of the United States, which also possesses noble political ideals. And despite their participation in slavery and sexual violence, educational institutions make
innumerable contributions to individual persons’ lives and society, among other public goods, through the education they provide. Despite the stains on these legacies, there are goods here that demand not only recognition but also preservation.

The second feature of tainted legacies is that traumas like sexual violence or slavery taint their goods. Tainted legacies involve figures, traditions, or institutions who have compromised their positive goods by inflicting trauma. Trauma originally referred to a serious physical wound, but psychologists use the term to refer to events that fall outside normal human experience or that produce violations so severe that they cause serious psychological problems. Because of their overwhelming nature, traumatic experiences are difficult to process and the original wound often repeats itself or otherwise “returns.” Psychologists identify experiences such as combat, sexual violence, natural disasters, and systemic racism as those that can result in post-traumatic stress disorder (PTSD), a condition in which such “returns” are common. Such traumas threaten to ruin the positive resources we receive from important figures, traditions, and institutions.

The next feature of tainted legacies is that they inflict what psychologists call “moral injury.” Tainted legacies compound the traumas of slavery or sexual violence with this distinct form of trauma. Moral injury can be either perpetration-based or betrayal-based. That is, an individual suffers moral injury because they themselves violated what was right or witnessed a legitimate authority betraying what is right in a high-stakes situation. I follow the latter definition as articulated by psychiatrist Jonathan Shay, who contends that moral injury is a form of “leadership malpractice.”

With each tainted legacy, we are dealing with legitimate authorities who betray what is right when stakes are high.

Each part of this definition provides clarity and explains why some legacies are tainted and others not. Take “legitimate

authorities.” In each case under consideration here – Yoder, various artists, the United States government, Georgetown University – we are dealing with religious, cultural, political, or educational authorities. Moreover, in each case, this legitimate authority betrays what is right. There are sexual violations, other violations of human dignity, lack of transparency about past abuses, and so on. In each case, the stakes are high, either because of the seriousness of the violations or because the legitimate authority betrays the very values it purports to uphold, or both. Sexual violence perpetrated by a pacifist theologian is especially difficult to abide. Public symbols implicated in slavery and white supremacy are especially fraught in a nation pledging “liberty and justice for all.” Educational institutions selling human persons are all the more heinous because of their religious identities and missions. These elements – the kind of authority, the betrayal of what is right, and the stakes – clarify why some legacies seem more tainted than others. Sexual violations by rock stars are equally serious but rarely disturb as much as those perpetrated by priests. Sexual abuse covered up by the Roman Catholic Church scandalizes more than that of the Penn State football program. Sexual assault perpetrated by Bill Cosby, an entertainer with an explicit moral agenda, is more shocking than that of movie producer Harvey Weinstein. In sum, tainted legacies that involve authorities of high status with an explicit moral agenda who betray the very heart of that agenda perturb us more than those whose authority is less moral in nature, or where the violations are less severe and stakes not as high.

Tainted legacies can be individual or institutional. In fact, the two are rarely separate. Just as moral injury is a useful tool for defining the components of tainted individual legacies, the concept of “institutional betrayal” is helpful for understanding tainted institutional legacies. Psychologists Carly Parnitzke Smith and Jennifer J. Freyd argue that institutional betrayal occurs when “common trusted and powerful institutions (schools, churches, military, government)” act “in ways that visit harm upon those dependent on them for safety
Institutional betrayal is more likely when institutions have strict membership requirements, possess high prestige, and prioritize their reputation over their members’ well-being. Like moral injury, institutional betrayal is a form of what ethicist Margaret Urban Walker calls “normative abandonment.” They are actions that compound original injuries by violating shared rules and communal moral standards, creating mistrust. Institutional betrayal clarifies the heightened stakes when tainted but otherwise reputable institutions fail to meet professed moral commitments.

Finally, tainted legacies involve “remainders” – texts, bodies of work, monuments, buildings, institutional practices, and so on – that serve as reminders of the original trauma and that represent deeper structural injustices. Take Nazi medicine for example. This case is similar to Yoder’s in that those in a trusted profession – medicine – explicitly dedicated to “doing no harm” and promoting human well-being violated the very core of its ethical commitments. It raises the question of what to do with knowledge gained through unethical means or otherwise tied to a traumatic past. As with Yoder’s theology, we have a “remainder” to deal with that cannot be “uncreated” or “unlearned.” Such physical remainders symbolize both the original trauma and the ongoing injustices of tainted legacies.

32 I use “remainder” in a related yet distinct sense from its usage in the moral dilemma literature where it refers to a moral residue, unfulfilled moral obligation, or outstanding moral debt. See Bernard Williams, “Ethical Consistency,” in Problems of the Self (Cambridge: Cambridge University Press, 1973), 166–86. In the context of unaddressed historical injustices like slavery, Walker refers to original failures of repair and continuing (and compounding) failures at remedy as moral “remainders” (Moral Repair, 34–9). I build on both of these ideas by referring to the relevant texts, monuments, and buildings of tainted legacies as “remainders.” They are remainders in two senses: they are actual, physical objects (or practices) left from a traumatic past, and these remains symbolize various “moral remainders.”