

# Response: A Good and Virtuous Nature May Recoil:<sup>\*</sup> On Consorting with Evil to Do Good

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## ABSTRACT

*David Luban asks how ethical people in government should respond when an unethical regime comes to power, noting that Hannah Arendt argued that to stay in such a regime supports it. I take the position that attempting to distinguish between ethical and unethical regimes can be problematic because even regimes deemed moral commonly commit evil. Thus, I argue that it is ethically permissible to serve in a regime that commits evil if certain conditions are met—if the good that one seeks to do is urgent enough, if one will not lose one’s moral clarity so as to confuse mitigating evil with affirmatively committing a moderate amount of it, and if one does not engage in both the bad and good acts of the regime under the belief that the latter can cancel out the former.*

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\* William Shakespeare, *Macbeth*, act 4, sc. 3.

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## INTRODUCTION

An Iroquois professor once told me that his nation referred to the United States' first president George Washington as "Conotocaurius," which translates to "town destroyer."<sup>1</sup> Washington, giving orders to his major general about a military campaign against the Iroquois, explained that "[t]he immediate objects are the total destruction and devastation of their settlements and the capture of as many prisoners of every age and sex as possible."<sup>2</sup> He ordered that Iroquois towns "not be merely overrun but destroyed."<sup>3</sup>

The professor went on to say that among the Iroquois, "Conotocaurius" morphed from the charactonym of the man who first held the position of American president to the title associated with the role itself, just as Julius Caesar's surname became the title of Rome's subsequent rulers. Thus, our nation has had Town Destroyer Roosevelt, Town Destroyer Coolidge, and Town Destroyer Nixon. "And usually," the professor added, "they live up to the title—the only question is whether the towns they destroy end up being in this nation or a foreign one."<sup>4</sup>

It is in the context of this remark that I reflect on the question David Luban asks: "When a regime comes to power that does awful things, or tries to, or threatens to, how should decent people in the government respond?"<sup>5</sup> He notes that Hannah Arendt argued that "whether you like it or not, staying in the [unethical] regime supports it."<sup>6</sup> Yet the Iroquois professor's etymological lesson raises the question of if, in the American context, regimes *ever* come to power that do not do, try to do, or threaten to do awful things. If, as the Iroquois professor suggested, *all* US regimes are led by "wrongdoers"—to use Luban's term—then has it ever been possible, in the past two and a half centuries, for a "decent person" to participate in national government without being complicit? Is it plausible that, in the next quarter millennium, such a person might get the opportunity?

Arendt famously saw evil as banal. I see it, much like my Iroquois professor, as also ubiquitous. Thus, I take the position that attempting to distinguish between ethical and unethical regimes can be problematic because even regimes deemed moral commonly commit atrocity. However, I argue that it is ethically permissible to serve in any regime if certain conditions are met—if the good that one seeks to do is urgent enough, if one will not lose one's moral clarity so as to confuse mitigating evil with affirmatively committing a moderate amount of it, and,

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1. Anonymous professor, class discussion, summer 2013.

2. COLIN G. CALLOWAY, *THE INDIAN WORLD OF GEORGE WASHINGTON: THE FIRST PRESIDENT, THE FIRST AMERICANS, AND THE BIRTH OF THE NATION* 575 (2018).

3. *Id.*

4. Anonymous professor, class discussion, summer 2013.

5. David Luban, *Complicity & Lesser Evils*, 34 *Geo. J. Legal Ethics* [Insert page number when we have printer proofs] (2021).

6. *Id.* at [Insert page number when we have printer proofs].

if one does not engage in both the bad and good acts of the regime under the belief that the latter cancel out the former.

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There is far from consensus on what makes an individual or a regime good or bad. To the Iroquois who named him, Washington was a wrongdoer. He, like the Nazis, was genocidal. Indeed, America's ethnic cleansing *inspired* Hitler.<sup>7</sup> Yet, many Americans—at least many white, non-indigenous Americans—who condemn the Nazis honor him. The moral and psychological states of those who served in his regime are largely not considered darkly fascinating the way Bernhard Lösener's are.

Lösener justified joining the Nazi party by telling himself that its positive qualities outweighed its malicious ones. Luban quotes Lösener's claim that, "[i]f I may say so, I joined the Party not *because* of its Antisemitism, but – if I may put it this way – *despite* its Antisemitism, because I reassured myself with Hitler's promises that he would bring an end to the fighting and cure unemployment."<sup>8</sup> To some, such a rationale seems preposterous. But what strikes *me* about Lösener's remark is how uncannily it is echoes mainstream American discourse—or, rather, how chillingly mainstream American discourse echoes it:

In 2020, we do not celebrate Washington or Jefferson as slaveholders. We celebrate Washington as a general who led our struggle for independence and who was the first president. Somebody who had the clout and support to seize power for life but instead set the extraordinary example of giving up power after two terms in office and peacefully transferring it to a successor . . .<sup>9</sup> [I]f the standard becomes that we cannot honor those who did good because they also had flaws, then there's no way to establish any sort of shared history, especially as standards keep changing: Every few years, we'll have to start purging the past.<sup>10</sup>

When even bigotry and gross human rights violations don't disqualify a regime from being seen as exemplary, then a commitment to work only in "good" regimes becomes meaningless.

On the other hand, even if we accept that Washington was a wrongdoer in whose regime a decent person, Arendt would argue, should not have served, we may yet be unconvinced by the Iroquois' designation of *all* American presidents

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7. See CARROLL P. KAKEL III, A POST-EXCEPTIONALIST PERSPECTIVE ON EARLY AMERICAN HISTORY: AMERICAN WESTS, GLOBAL WESTS, AND INDIAN WARS 94 (2019).

8. Luban, *supra* note 5, at [Insert page number when we have printer proofs].

9. Of course, Washington did not cede the power he held over his slaves. And when one slave, Ona Judge, escaped from him, he hunted her in vain obsessively. Erica Armstrong Dunbar, *George Washington, Slave Catcher*, N. Y. TIMES (Feb. 16, 2015), <https://www.nytimes.com/2015/02/16/opinion/george-washington-slave-catcher.html> [<https://perma.cc/ZN8J-GHPH>].

10. Philip Klein, *Now, they're coming for George Washington and Thomas Jefferson*, WASH. EXAM'R (June 19, 2020), <https://www.washingtonexaminer.com/opinion/now-theyre-coming-for-george-washington-and-thomas-jefferson> [<https://perma.cc/3PK4-BR2Q>]. I note here that the author confuses history and hagiography.

as town destroyers with whom affiliation might be collusive and contaminating. *There were good and bad regimes, one might think. Sit out serving in a bad one, and a good one will come along.*

But consider this situation:

A minority group is viewed as racially inferior—even subhuman; its religion, demonized by much of the Christian majority. Members of the group are suffering desperate conditions and starving in the place where they have been relocated. And when one day, the downtrodden community decides to engage in an armed uprising despite odds so long that losing will prove to be as pyrrhic as predictable, survivors are confined in a concentration camp or put directly to death.<sup>11</sup>

I am talking about the Jews in the Warsaw ghetto under Führer Hitler. I am also talking about the Dakota on Minnesota reservation land . . . under President Lincoln.<sup>12</sup>

In 2015, the American Political Science Association’s Presidents & Executive Politics survey ranked Lincoln the best of all the nation’s presidents.<sup>13</sup> But if the *best* president was guilty of the above scenario, even the dubious might begin to wonder if the Iroquois are right—if American presidents are, indeed, all town destroyers. And if even Lincoln, deemed to be the best president, committed atrocities, then the question becomes can an ethical person *ever* work for *anyone*?

To that, I say, yes, if . . .

## I. IF ONE HAS AN URGENT ENOUGH REASON

“[A]n end to the fighting,” “[a] cure [for] unemployment,”<sup>14</sup> national independence, and the peaceful transfer of power might not be good enough reasons to work in regimes that perpetrate slavery and genocide. So how should history judge someone who joined the 1860s Republican party in spite of Native American genocide—and negrophobia<sup>15</sup>—in the hope of ending

11. *Holocaust Encyclopedia: Ghettos*, UNITED STATES HOLOCAUST MEMORIAL MUSEUM, <https://encyclopedia.ushmm.org/content/en/article/ghettos> [<https://perma.cc/HBY6-87MF>] (last visited June 15, 2021); Pohl, Dieter, *The Holocaust and the concentration camps*, in NAZI GERMANY: THE NEW HISTORIES 156–57 (Jane Caplan & Nikolaus Wachsmann eds., 2009); *The U.S.-Dakota War of 1862: Causes of the War*, Minn. Hist. Soc’y, <https://www.usdakotawar.org/history/war/causes-war> [<https://perma.cc/6E3S-735W>] (last visited June 15, 2021).

12. THROUGH DAKOTA EYES: NARRATIVE ACCOUNTS OF THE MINNESOTA INDIAN WAR OF 1862, 19–20 (GARY CLAYTON ANDERSON & ALAN ROLAND WOOLWORTH eds., 1988).

13. Brandon Rottinghaus & Justin Vaughn, *New ranking of U.S. presidents puts Lincoln at No. 1, Obama at 18; Kennedy judged most overrated*, Wash. Post (Feb. 16, 2015), <https://www.washingtonpost.com/news/monkey-cage/wp/2015/02/16/new-ranking-of-u-s-presidents-puts-lincoln-1-obama-18-kennedy-judged-most-over-rated/> [<https://perma.cc/NXW3-N5DE>].

14. Luban, *supra* note 5, at 17.

15. In one of his debates with Stephen Douglas, Lincoln declared:

. . . I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and black races . . . I am not nor ever have been in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races

slavery?<sup>16</sup> When a regime intends to mitigate an atrocity as bad as the one it is perpetrating, then the moral question becomes uniquely complicated.

What if a civil-war era Lösener's comment read per my edit below?

If I may say so, I joined the Party not *because* of its anti-Indian sentiments, but —if I may put it this way—*despite* its anti-Indian practices, because I reassured myself with Lincoln's promises that he would resist the expansion of slavery.

Is such a person, like Don Quixote in *Man from La Mancha*, “march[ing] into Hell for a heavenly cause”<sup>17</sup>—or damning herself to Hell, marching into it down a road paved with good intentions? Though Arendt might argue that it would be unethical to work in Lincoln's regime, I argue the individual is potentially the former.

One can imagine someone who stood for complete justice for Native Americans joining Lincoln's administration in the correct perception that, when it came to the abolitionist movement, as Jekyll sang in the musical *Jekyll and Hyde*, “This is the moment/This is the time/When the momentum and the moment/Are in rhyme!”<sup>18</sup> Such a person might assert that to fail to intervene in an atrocity is to aid and abet it—even when the reason for being a bystander is not wishing to join an evil regime. Our hypothetical person might pose a hypothetical of his own, asking whether if you're in a canoe with space for only one

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which I believe will forever forbid the two races from living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be a position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race.

ABRAHAM LINCOLN, THE LINCOLN-DOUGLAS DEBATES 131 (RODNEY O. DAVIS & DOUGLAS L. WILSON eds., 2014) (1858).

16. I pause here to remind that there is no Manichean dichotomy between Native American genocide and African American slavery: Native Americans were enslaved in America, too, and slaves did not simply die in slavery—they died *of* slavery. Though people of African descent were not targeted for extermination, they were treated as disposable. As Jennifer L. Morgan explains, “The demands slaveowners directed against black women and men increased alongside their understanding that access to the slave trade meant expendable and easily replaced workers.” JENNIFER L. MORGAN, *LABORING WOMEN: REPRODUCTION AND GENDER IN NEW WORLD SLAVERY* 140 (2004). Furthermore, as former slave Thomas Johns later recalled when describing the practice of using lethal violence to force slaves to have sexual relations, “Course even if it did damage de sale of a slave to whip him [for refusing to have sex], dey done it, 'cause dey figured, kill a nigger, breed another . . .” NED SUBLETTE & CONSTANCE SUBLETTE, *AMERICAN SLAVE COAST: A HISTORY OF THE SLAVE-BREEDING INDUSTRY* 33 (2016). Indeed, slavery killed its victims with genocidal efficiency. The infant mortality rate was four times higher among slaves than whites. HERBERT C. COVEY, *AFRICAN AMERICAN SLAVE MEDICINE* 8 (2007). Survivors lived to face being overworked, tortured, assaulted, medically experimented upon, mutilated, and punitively amputated and castrated—all of which, of course, can kill.

17. JOE DARION & MITCH LEIGH, *THE IMPOSSIBLE DREAM (THE QUEST) FROM MAN OF LA MANCHA* (Andrew Scott, Inc. & Helena Music Corp., 1965).

18. Leslie Bricusse and Frank Wildhorn, *This is the Moment* from *Jekyll and Hyde* (Stage & Screen Music, Ltd., Cherry Lane Music Pub. Co., Inc., Les Etoiles De La Musique, & Scaramanga Music, Inc. 1990).

other, and you see two people drowning, you should refuse to save either because you can't save both.

A person who joined Lincoln's regime in the aforementioned state of mind could, potentially, be a moral actor because working in an evil regime can potentially be justified if one is doing so not to commit evil but to otherwise avoid being a *bystander* to evil. Potentially, because there are more conditions to be met.

## II. IF BEING PART OF THE REGIME WON'T LEAD ONE TO CONFUSE MITIGATING EVIL WITH PERPETRATING MODERATE EVIL

In the wake of the Dakotas' uprising—the Dakota War of 1862—Lincoln presided over the largest mass execution in American history—the hanging of thirty-eight Dakotas.<sup>19</sup> Yet, he also stopped the execution from being exponentially larger: the military commission had wanted to hang 303 men—a minority, for alleged war crimes, and the vast majority for battlefield killings egregiously treated as quasi-murders.<sup>20</sup> The trials were so grossly unfair as to, in the words of legal scholar Carol Chomsky, “guarantee an unjust outcome.”<sup>21</sup> Among a litany of ridiculous details, some trials only lasted five minutes, and the defendants often did not speak English—the language in which the trials were conducted.<sup>22</sup>

Major General John Pope telegraphed news of the sentencings to Lincoln who responded by asking for the court records.<sup>23</sup> In a message to the Senate, Lincoln explained that he was animated not foremost by justice but by a ghoulish pragmatism—he aimed to settle on a more moderate number of executions so as “to not act with so much clemency as to encourage another outbreak on the one hand, nor with so much severity as to be real cruelty on the other.”<sup>24</sup>

Lincoln tried to apply qualitative ethical standards to his cravenly quantitative goal. He explained, “I caused a careful examination of the records of trials to be made, in view of first ordering the execution of such as had been proved guilty of violating females.”<sup>25</sup>

If Lincoln's concerns were purely moral, and he felt that those found guilty of sexual assault, and only sexual assault, should be punishable by death, then he would have ordered those men hanged, disregarding how many or few of their

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19. *The U.S.-Dakota War of 1862: Hanging of the 38*, MINN. HIST. SOC'Y, <https://www.usdakotawar.org/glossary/hanging-38> [<https://perma.cc/LEM3-EJBL>] (last visited June 15, 2021).

20. Abraham Lincoln, *Message to the Senate Responding to the Resolution Regarding Indian Barbarities in the State of Minnesota*, THE AM. PRESIDENCY PROJECT, <https://www.presidency.ucsb.edu/documents/message-the-senate-responding-the-resolution-regarding-indian-barbarities-the-state> [<https://perma.cc/SN4R-2499>] (last visited June 15, 2021); Carol Chomsky, *The United States-Dakota War Trials: A Study in Military Injustice*, 43 STAN. L. REV. 13, 28 (1990).

21. Chomsky, *supra* note 20, at 15.

22. *Id.* at 47, 53.

23. Lincoln, *supra* note 20.

24. *Id.*

25. *Id.*

number that would have been. However, “[c]ontrary to my expectations, only two of this class were found.”<sup>26</sup>

And that simply wasn’t enough to sate him.

“I then directed a further examination, and a classification of all who were proven to have participated in *massacres*, as distinguished from participation in *battles*,” he explained.<sup>27</sup> It seems this was not because he thought these men should justly be put to death—or else he would have planned to order the executions of both them and those convicted of sexual assault to begin with—but because he had to rustle up more executions. The second examination brought the total to forty.

The figure “forty” carried almost numerological weight in the nineteenth century. It was the number of acres freed slave families were promised as reparations in Special Field Order No. 15, the order that inspired the phrase “forty acres and a mule,” an order approved by Lincoln and overturned by his successor, Town Destroyer Andrew Johnson.<sup>28</sup> It was also the number of lashes many antebellum laws prescribed for slaves who committed crimes such as traveling without a pass or visiting slaves who were property of a different owner without permission.<sup>29</sup>

Perhaps Lincoln thought of how God sent rain upon the earth for forty days and forty nights to wash the land clean of sin;<sup>30</sup> of how the Israelite spies scouted Canaan, the land they planned to seize in conquest from its indigenous people, for forty days.<sup>31</sup> For whatever reason, though Lincoln had felt that two executions were too few and 303 too many, like a macabre Goldilocks, he deemed forty to be “just right.”

The commission recommended that one of the condemned men have his sentence commuted to a ten-year prison term;<sup>32</sup> a general telegraphed that he had come to doubt another’s guilt.<sup>33</sup> Ultimately, thirty-eight men were hanged.

Lincoln seemed to believe there was a sweet spot, a certain distance into the darkness that one could venture without becoming a monster. One thinks here of Macbeth’s sigh, “I am in blood stepped in so far that should I wade no more, Returning were as tedious as go o’er.”<sup>34</sup> Lincoln did not want to get to that point. He tried to calculate just how deep into blood he could wade, how far he could go before the gore rose to his stovepipe hat.

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26. *Id.*

27. *Id.*

28. *The African Americans: Many Rivers to Cross* (PBS Television Broadcast Nov. 26, 2013); Henry Louis Gates, Jr., *The Truth Behind ‘40 Acres and a Mule’*, PBS, <https://www.pbs.org/wnet/african-americans-many-rivers-to-cross/history/the-truth-behind-40-acres-and-a-mule/> [<https://perma.cc/WJZ8-FG37>] (last visited June 15, 2021).

29. 1 CHARLES ELLIOTT, *SINFULNESS OF AMERICAN SLAVERY* 186, 191, 219 (1851).

30. *Genesis* 6:9–9:17.

31. *Numbers* 13:1–33.

32. Lincoln, *supra* note 20.

33. Chomsky, *supra* note 20, at 34.

34. WILLIAM SHAKESPEARE, *MACBETH*, act 3, sc. 4.

But such a calculation is not mitigation. Luban warns that “mitigation is often the flip side of perpetration: to implement an evil policy, but try to make it less bad, is still implementing an evil policy.”<sup>35</sup> At first it seems that that is what Lincoln did—after all, one could argue that killing thirty-eight people is *actually* better than killing 303; in doing so, Lincoln saved 265 lives. But Lincoln did not have to kill *anyone*. He did not engage in “the flip side” of perpetration—he perpetrated more than he was obliged (even if less than he could have). That is different than *actually* mitigating evil à la Lösener by combatting it to the fullest extent possible. The reason Lincoln must be held to have perpetrated evil while Lösener succeeded in mitigating it, even though Lösener wrote the Nurember Laws which still caused incalculable suffering, is because Lincoln had more power and could have actually *stopped* the executions, whereas as Lösener only had power enough *to* mitigate.

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### III. IF ONE DOES NOT ENGAGE IN BOTH THE BAD AND GOOD ACTS OF THE REGIME UNDER THE BELIEF THAT THE LATTER CAN CANCEL THE FORMER

What then does it mean to be decent? What does it take to remain so?

In the ancient world many civilizations incorporated an oath of innocence called a Dick.<sup>36</sup> The Egyptians believed that after death, they would have to be able to truthfully swear Dicks to be vindicated under divine judgment.<sup>37</sup> And in the Bible, Job swears a Dick when arguing to God that he does not deserve his suffering.<sup>38</sup>

The oath is of innocence, not of goodness—it is uttered in the form of negative confession.<sup>39</sup> Promisors are justified by what they have *not* done, by the sins they have not committed. In ancient Egyptian religion, along with swearing the Dick,<sup>40</sup> the heart of the decedent was weighed in a scale, the idea being that sin had a measurable physical heaviness. One’s sinfulness was not weighed against one’s goodness, however, but against the feather of Maat. (Maat—a word perhaps more closely translated as “dharma” than as any English word—was the Egyptian name of the concepts of justice and morality and the goddess who embodied them). To pass the test, the heart had to be sinless enough to be lighter than the feather. If it was not, the demon Ammut ate the heart, which annihilated the decedent’s very existence.<sup>41</sup>

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35. Luban, *supra* note 5.

36. EDWARD L. GREENSTEIN, *JOB: A NEW TRANSLATION* 121 (2019).

37. JOHN H. TAYLOR, *JOURNEY THROUGH THE AFTERLIFE: ANCIENT EGYPTIAN BOOK OF THE DEAD* 206–09 (2010).

38. Greenstein, *supra* note 36.

39. *Id.*

40. *Id.*; Taylor, *supra* note 37.

41. 1 *ENCYCLOPEDIA OF AFRICAN RELIGIONS* 399 (MOLEFI KETE ASANTE & AMA MAZAMA eds., 2009).



In the political realm, sins are often weighed against good deeds—if *I perpetrate this much, it's all right as long as I do that much to counterbalance it; my Party is anti-Semitic, but that's acceptable, because it's going to fight unemployment; I destroyed forty Iroquois towns<sup>42</sup> and had 317 people enslaved at my death,<sup>43</sup> but I achieved national independence and ceded my power peacefully.*

But what is the weight of a soul, let alone three hundred seventeen of them? The Koran teaches that to kill one person is to kill the whole world<sup>44</sup>—what of destroying forty villages? The swearing of a Dick and weighing of the heart against the feather of Maat exemplify the idea that sins cannot be weighed against moral acts, only against the moral standard itself. Such an ethos restrains the perpetration of evil by holding that such action is *always* anathema even when the actor also does good.

Luban gives four conditions under which an ethical official should not serve in an unethical regime—lack of ability to do good, that quitting would encourage others to do so, one's judgment being vulnerable to corruption, and one's tenure amounting to complicity by consorting.

My note suggests three further conditions—one of them being that one must not serve in a regime, even to do good, if it would require one to do evil acts *even if one is also able to perform good ones*. In other words, ethical people could work in Lincoln's regime to participate in abolitionist efforts and to make policies of Native American genocide less bad, but if they were called upon to affirmatively contribute to Native American genocide, then they would be under an ethical obligation to resign. Acts of good do not counterbalance acts of evil. Thus, decent people ought not to join a regime or stay in one, if, at not just life's end but day's end, they cannot swear a Dick—if their hearts would no longer be lighter than a feather.

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Given the awfulness of the “best” president's regime, waiting to serve in a presidential administration until one that refrains from threatening, attempting, or doing dreadful things comes along might mean waiting forever in a dystopia where “[t]he best lack all conviction, while the worst/Are full of passionate intensity.”<sup>45</sup> Indeed, because there has never been a truly morally blameless presidential regime in America, waiting to serve in only “good” presidential regimes likely means never serving in *any* presidential regime. But this conclusion would prevent good people from accomplishing good things as participants in such regimes, and mitigating their evil. A better solution would be to take for granted the norm of town destroying, at least among American leaders. Then instead of waiting—or fantasizing—that a “decent” regime might come along, we ought to

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42. Calloway, *supra* note 2, at 255.

43. ROBERT F. DALZELL & LEE BALDWIN DALZELL, *GEORGE WASHINGTON'S MOUNT VERNON: AT HOME IN REVOLUTIONARY AMERICA* 130 (1998).

44. *Al Maida* 5:32.

45. W. B. Yeats, *The Second Coming*, POETS, <https://poets.org/poem/second-coming> [<https://perma.cc/MZS6-LZ8F>] (last visited June 15, 2021).

navigate the realm in which we actually live to determine when it might be strategic to, in Christian parlance, be in the world (of politics) but not of it. Good people should not wait, but rather should, under the right conditions, participate in politics and try to do the most good as possible.

Luban and Arendt's question of whether to work for bad regimes can prime us to categorize regimes as "good" and "bad," but this can blind us to the bad things purportedly good regimes do. If we wait around too long for good regimes, then moral vision risks becoming hallucination—like a dehydrated wanderer experiencing delusions of an aquifer-fed oasis, we might grow desperate enough to conjure up heroism where it is not present. African American dancer, choreographer, and company founder Bill T. Jones said when creating "Fondly Do We Hope. . . Fervently Do We Pray," a dance-theater piece commissioned in honor of Lincoln's bicentennial, that Lincoln was "the only white man I was allowed to love unconditionally."<sup>46</sup> In that patriotic longing to be allowed to love one of the men—and maybe, one day, one of the women—who have led the country, to permit ourselves to cherish at least one of our nation's avatars, we can start to overlook things: a village bombing here, a genocide there . . .<sup>47</sup> It is important to be honest with ourselves that "good" regimes have never been morally blameless, because otherwise we engage in what is essentially holocaust denial.

One might say it is overly idealistic to hold moral standards so high that many—perhaps no—previous American regime clears them. But is it so much to ask that, in a society that purports to be civilized, our leaders—let alone our heroes—refrain from destroying towns? For "civilization" to have any meaning at all, must that not be the minimum?

Decent people must demand such regimes. Even while we serve in inferior ones.

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46. *American Masters: Bill T. Jones: A Good Man* (PBS Television Broadcast Nov. 10, 2011), <https://www.pbs.org/wnet/americanmasters/bill-t-jones-a-good-man-about-the-documentary-film/1863/> [<https://perma.cc/F4V6-RXA3>] (last visited June 15, 2021).

47. Similarly, Lin-Manuel Miranda, creator of the musical *Hamilton*, said, "Our cast looks like America looks now, and that's certainly intentional . . . It's a way of pulling you into the story and allowing you to leave whatever cultural baggage you have about the founding fathers at the door." Michael Paulson, '*Hamilton*' *Heads to Broadway in a Hip-Hop Retelling*, N.Y. Times, Jan. 12, 2015, at 1. That "baggage," for many, is condemnation of the founding fathers' human rights atrocities such as committing genocide, owning slaves, and creating a country in which slavery was legal.