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# Review of *Flag Burning: Moral Panic and the Criminalization of Protest**

**by**

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Book: *Flag Burning: Moral Panic and the Criminalization of Protest*
Author: Michael Welch
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Is the American flag "nothing but a piece of cotton with a little bit of paint," or is it a sacred object whose desecration justifies mob action and criminalization by the state? In addressing these opposing views, Michael Welch marshals an arsenal of concepts that do justice to C. W. Mills's faith in the sociological imagination. Consistent with Mills, the story develops along historical, social structural, and biographical lines. The historical analysis is built around, and provides a cogent illustration of, a social constructionist perspective. Stripping away nostalgic myths, we learn that Old Glory did not attract much interest or symbolic protest until the Civil War. (Flag desecration is recognized as an "epiphenomenon" that accompanies wars and other events that promote dissent by some citizens and "compulsory patriotism" by the state.)

In the post-Civil War era, the flag becomes an object of veneration as it is aligned with elements of the American civil religion and propelled by social movements that mount flag protection campaigns. (Americans ought to note that there is nothing inevitable here: Canadians do not have a civil religion, and our flag has so little significance that I cannot recall anyone bothering to burn it.) Early on, flag protection was concerned with its commercial misuse, but this was soon replaced by attempts to

control incendiary dissent. Closer to our era, Roy Rogers and Dale Evans could wear flag shirts while selling dog food on television, but Abbie Hoffman had his ripped off by the police, ironically revealing a Viet Cong flag painted on his back. (At his sentencing, Hoffman exclaimed, "I regret that I have only one shirt to give to my country!") While the veneration of the flag embodied in the civil religion is thought to promote patriotism and solidarity, Welch shows it has a nasty underside as it is sometimes linked to nativism, exclusion, and even episodes of coerced flag kissing.

Subsequent chapters examine flag desecration and flag veneration movements from the 1960s through the Reagan and Bush administrations, the Supreme Court rulings (*Texas v. Johnson; U. S. v. Eichman)* that invalidate flag protection statutes, to moral panic over flag art, flag burning in the Gulf War, and the Supreme Court decisions. So potent is the moral panic of 1989/90, that formal social controls are used against some demonstrators despite the Supreme Court rulings. There is also a vigorous and ongoing campaign for a constitutional amendment to protect the Stars and Stripes. These events **[End page 127]** make compelling reading, and they are rendered more meaningful by an extensive analysis and application of the concept of moral panic.

Moral panic is exemplified in several ways. First, President Bush's role as a moral entrepreneur is examined. Then Welch undertakes a content analysis of all speeches published in the *Congressional Record* between 1989 and 1998. Among other things, the data reveal that the moral panic of 1989/90 engendered such a broad public consensus that this symbolic issue eclipsed every other topic discussed in Congress. Politicians of all stripes dove for cover and were quite willing to abandon the free speech protection of the First Amendment to guard Old Glory. In contrast, content analyses of the media reveal that while they hyped the moral panic in 1989/90, quoted statements (mostly of politicians) about flag protection were slightly more negative than positive ones. With editorials, the media challenged the public and politicians and came out strongly in favor of free speech (86 percent of editorials opposed flag protection; only 5 percent supported it).

This brief summary leaves out an array of other interesting ideas. Thus, Welch talks about the "authoritarian aesthetic" and the ironic nature of social control, where flag desecrators only really

succeed when they are punished and embrace their penalty as a badge of honor. A brief section dealing with ontological considerations shows that it is virtually impossible to come up with a workable definition of flag desecration. For those too busy or too wary for street demonstrations, there is a web site where one can set the flag ablaze electronically. Bringing it all together, the last chapter offers a reasoned defense of dissent.

Overall, this is an interesting and informative book that is clearly written at a level accessible to most undergraduates. By reading it they will learn some history, some law, some sociological theory and methods, and perhaps some idea of how to tie these together. Welch is certainly not value free, but I cannot find any place where his opposition to flag protection statutes mars his analysis. Indeed, he not only shows how precarious free speech is but also reveals that it needs to be constantly affirmed if it is to be maintained.

My only major complaint has to do with the dated formulation of moral panic. Welch draws on Cohen and Goode and Ben Yehuda — the classics — but misses more recent work that is well-represented in the *British Journal of Sociology* and hence readily available by computer search. This work argues that folk devils are now more likely to fight back and that, along with increased access to a wider range of media, moral panics are harder to constitute than they once were. These developments fit well with Welch's position and would allow him to refine his analysis of panics and social control by authorities.

In the same context, I think he overlooks the significance of his findings from his content analysis of the media. From Cohen onwards, most researchers have, in the **[End page 128]** absence of much data about public opinion, used media coverage to establish the existence of moral panic. Welch has evidence of panic by the public and politicians in a context where the media oppose them. The implications of these novel findings should be drawn out.

## ENDNOTE

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