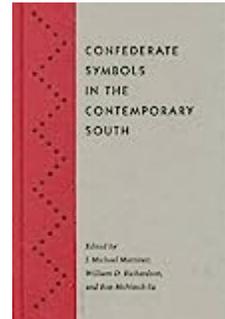




**J. Michael Martinez McNinch-Su, William D. Richardson, eds. Ron.** *Confederate Symbols in the Contemporary South*. Gainesville: University Press of Florida, 2000. xv + 351 pp. \$24.95 (paper), ISBN 978-0-8130-2100-3; \$59.95 (cloth), ISBN 978-0-8130-1758-7.



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## Lawyers and Political Scientists Examine Confederate Symbols

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Earlier this year the South Carolina legislature voted to remove the Confederate battle flag from a place of honor atop the state capitol building where it had flown since 1962. Black South Carolinians had objected to officially-sanctioned use of the battle flag on grounds that it was an offensive symbol of the state's racist past, while the business community had voiced concerns that persistent political conflict over the prominent position of the flag would harm the state's tourist industry. In a compromise that has sparked continued controversy, the battle flag now flies in a somewhat less prominent position beside a Confederate monument on the capitol grounds.

If the editors of *Confederate Symbols in the Contemporary South* are correct, South Carolina's concession on the battle flag's location will satisfy neither "traditionalists" who support the use of pro-Confederate symbols nor "reconstructionists" who wish to see them removed from the Southern landscape (p. 4). In the introduction to their edited volume of essays, J. Michael Martinez and William D. Richardson argue that the flag issue and other

modern disputes over Confederate symbolism are not amenable to compromise because they pit racially conservative Old South perspectives against racially liberal New South points of view (p.4). While not all the authors of the eleven essays in this collection would accept their editors' explanation for the potency of Confederate symbols one hundred thirty-five years after the end of the Civil War, they would agree that the symbols themselves remain controversial.

Because of its topical subject matter and the journalistic approach adopted by several contributors, a number of academic presses rejected *Confederate Symbols in the Contemporary South* before the University Press of Florida finally agreed to publish it (p. viii). As a result, some of the information and many of the references in the essays are dated. Nevertheless, the central question of the book, stated in the introduction (p. 3), remains important: "Why are Confederate flags and monuments open to competing interpretations that trigger intense political controversy?"

Martinez and Richardson contend that the malleability of Confederate symbols provides much of the answer;

in other words, not everyone agrees on just what these symbols mean. But for many Southerners, both traditionalists and reconstructionists, there is no ambiguity at all about the meaning of Confederate symbols. In spite of the determinedly moderate tone set by co-editors Martinez, Richardson, and Ron McNinch-Su, there is significant tension in this book between contributors whose unambiguous interpretations of Confederate symbols come from competing ends of the political spectrum. This book provides interesting essays on Confederate symbolism without offering definitive conclusions. Indeed, there is an inconsistency of tone between the book's chapters that may turn off many readers.

Part I on "The Southern Tradition" demonstrates the inconsistent nature of this collection. It begins with two essays written from a traditionalist perspective that prove to be the weakest chapters in the book and ends with a much stronger third essay written from a reconstructionist point of view. In the first chapter, Robert C. Jeffrey, a professor of government at Wofford College in Spartanburg, South Carolina, discusses "Southern Political Thought and the Southern Political Tradition." Jeffrey examines the political legacy of states' rights thinkers such as George Fitzhugh and John C. Calhoun (pp. 34-37), in the process relying heavily on Eugene Genovese's Marxist critique of Northern capitalism to make a case for the virtues of Southern agrarianism (pp. 39-45).

The "traditional values" of the South's agrarian past appeal to Jeffrey, who romanticizes the South while admitting that an aversion to the "amoral" aspects of modern capitalism does not provide much of a guide to "what measures an appeal to the Southern tradition might recommend" (p. 44). Jeffrey sees great merit in the South's supposed attachment to local community (p. 35). He abhors the centralization of political authority in Washington, D.C. and decries what he sees as modern judicial activism in the application of the Fourteenth Amendment to the states (p. 39). He attempts to link Southern thought to "natural law" and "the natural rights teaching of the Declaration" of Independence that he says includes "the right of families and small communities to govern themselves" (p. 45). But Jeffrey does not address the role Confederate symbols played in the development of the South's agrarian mythology or what the often politically oppressive and racist historical results of Southern self-government have been.

In Chapter Two, "Southern Minorities, Popular Culture, and the Old South," George Schedler, a professor of philosophy at Southern Illinois University, Carbon-

dale, tries to rebut what he sees as unwarranted national stereotypes about the South, namely that its people are inclined to violence and racial conservatism (p. 49). Schedler's rebuttal is based on three arguments: a claim that the South has historically been much more diverse than many non-Southerners have chosen to admit; an assertion that the black roots of modern rock and roll provide a nonracist explanation for Southern attachment to arguably racist Confederate symbols; and an allegation that empirical studies linking Southern identity to racism are wrong because they do not take the diversity of the South into account.

In presenting his arguments, however, Schedler consistently exaggerates his evidence. He overestimates the historical ability of black sharecroppers to challenge white authority, for example; he overstates the political influence of the South's tiny Jewish population; and he overreaches in attributing the popularity of Confederate symbols to regional pride in rock and roll's Southern roots. While Schedler is undoubtedly correct that not all of Southern experience has been racist, in this essay he is far from disproving that violence and racism are significant aspects of Southern culture.

By contrast, political scientists Robert P. Steed and Laurence W. Moreland (both of the Citadel in Charleston, South Carolina), find in Chapter 3 that racism has lurked beneath the surface of Southern politics for decades. In "Southern Politics in Perspective," Steed and Moreland argue that the South's shift in allegiance from the Democratic to the Republican Party during the last fifty years has not represented an actual ideological change but has resulted from the Republicans' co-optation of traditional Southern symbolism. Latter-day Southern Republicans appeal to the same religious and racial conservatism that for so many years kept the former Confederate states solidly in the Democratic column.

Modern Republican rhetoric on issues such as welfare reform and affirmative action presents a less blatant brand of racism to be sure than that espoused by the old white Democratic Party in the days of Jim Crow (p. 76). According to Steed and Moreland, however, the Republican Party has essentially replaced the Democratic Party "as the defender of many of the region's traditional orientations and practices" (p. 77), including its racial politics. For example, Republican legislators in South Carolina have supported flying the Confederate battle flag atop the capitol building, while the state's Democratic Party in allegiance with black South Carolinians is largely opposed (p. 77).

Part II of *Confederate Symbols* more closely examines flags and monuments. In “The Confederate Battle Flag in Historical Perspective,” John M. Coski, a historian at the Museum of the Confederacy in Richmond, Virginia, explains the flag’s origins and chronicles its uses in the South and other regions. Calling the battle flag “the symbolic repository for all the opinions and feelings that surround the Confederacy” (p. 89), Coski contends that the flag has always represented more than battlefield valor alone. “Precisely because the flag was the flag of the armies,” he writes, “and because its armies were the Confederacy’s greatest glory, by 1863 the battle flag had become the de facto symbol of the nation and the cause (pp. 96-97).”

During the late nineteenth century, the Confederate battle flag was an accepted symbol of the South’s Lost Cause (p. 102). In the first half of the twentieth century, it became more generally associated with “Dixie” and with what white Americans often thought was a benign Southern regionalism (p. 108-109). Postwar America, however, saw an increasing association of the Confederate battle flag with “malignant racism” through its use at Ku Klux Klan events and its adoption by the 1948 States’ Rights or “Dixiecrat” Party (p. 109). Following the Supreme Court’s *Brown v. Board of Education* ruling in 1954, white Southerners began to display the flag as an explicit anti-civil rights symbol (pp. 113-114).

In this chapter Coski takes pains to point out the disingenuousness of those who would argue that the Confederate battle flag does nothing more than innocently honor Southern heroes. Pre-World War II acceptance of the flag as an apparently benign symbol of the South had, Coski argues, “relied on the survival of an explicitly white supremacist order in the South and its toleration by the rest of the nation. Once that order began to crumble and the toleration ended, so, too, did the flag’s exemption from racial controversy (p. 117).”

According to Coski, the symbolic meaning of the Confederate battle flag cannot reasonably be separated from its history as an emblem of racial segregation. “After the fight over civil rights was joined,” he writes, “the flag became at times a belligerent symbol of an order under attack from the federal government” (p. 117). While Coski agrees that racism is not the flag’s sole meaning, he maintains that “it is naïve and logically indefensible for anyone to conclude that because he or she does not regard the flag as a racist symbol, others are wrong to regard it so” (p. 118).

For all the controversy generated by continued dis-

play of the Confederate battle flag throughout the South, the presence of thousands of Confederate monuments on the Southern landscape presents an equally perplexing dilemma. Granite and bronze memorials, no matter how offensive to modern sensibilities, are not easy to remove or relocate. In Chapter 5, co-editor J Michael Martinez, a lawyer and political science instructor at Kennesaw State University in Kennesaw, Georgia, and Robert M. Harris, a political science graduate student at Georgia State University in Atlanta, provide a summary of recent scholarship on Confederate monuments. They remind readers that during the late nineteenth century, the vast majority of Southern monuments were commissioned by Ladies’ Memorial Associations (LMAs) and placed in Southern cemeteries (pp. 135-138). After 1900, the LMAs were supplanted by the United Daughters of the Confederacy (UDC), an organization that sited its monuments in town squares and on courthouse lawns and favored heroic statues of soldiers over funereal motifs. Following the First World War, the authors continue, Southern legislators appropriated money to add descriptive historical markers to the Confederate landscape.

As social scientists, Martinez and Harris cannot resist creating an artificial typology of monuments that they use to differentiate historical markers (type 1) from cemetery memorials (type 2) and UDC monuments (type 3). Martinez and Harris state that type 1 monuments are less controversial than the others, that type 2 and type 3 monuments cause more offense because they incorporate well-known symbols of the Lost Cause, and that type 3 monuments provoke the most conflict because of their prominent locations.

This typology is of limited value in analyzing memorials that fall into more than one category, however, or in determining why a particular monument in a specific context might be controversial. In 1995, for example, public opposition scuttled a type 1 monument to Union soldiers proposed for Bentonville, North Carolina, refuting the authors’ claim that historical markers are “theoretically unbiased” (p. 169) and do not generate much controversy. In reality, historical markers are as biased as any other monument; although they often lack the symbols that might draw attention to that fact.

Part III, “Legal Challenges to Confederate Symbols,” moves from the courthouse lawn to the courtroom itself. In Chapter 6, “Driving Dixie Down: Removing the Confederate Flag from Southern State Capitols,” lawyer James Forman, Jr., in an article that originally appeared as a 1991 Yale Law Review note, takes issue with the

Eleventh Circuit's 1990 ruling in *NAACP v. Hunt*, a case challenging Alabama's right to fly the battle flag over its state capitol. The court found that there was no federal mandate to remove the flag just because it offended some citizens.

Forman maintains that the court should have based its reasoning less on the flag's present effect on black Alabamians, which the court found to be minor, than on the original intent of flying it over the capitol. Alabama Gov. George Wallace raised the flag in 1963 in direct defiance of federal civil rights orders and, Forman argues, with a clear discriminatory intent that violated the Equal Protection Clause of the Fourteenth Amendment. In addition, Forman equates Alabama's flying of the flag with racist speech. He proposes a theory of speech that would forbid racist government speech under the same First Amendment rule that allows prosecutions of people who shout "Fire!" in a crowded theater. To Forman, a Georgia native, flying the Confederate battle flag in an official capacity is not a matter of offending a few overly sensitive black citizens; it is an incendiary act that calls for federal regulation. (In 1993, after this article was first published, Alabama removed the battle flag from its state capitol and placed it beside a Confederate monument on the capitol grounds.)

Co-editor Martinez takes a different approach in Chapter 7, "Confederate Symbols, the Courts, and the Political Question Doctrine," an article that appeared in *Southeastern Political Review* in 1997. Martinez argues that judges have correctly deferred to the political process on the flag question, preferring to let state legislatures decide whether to continue to display a symbol that many citizens find objectionable. Martinez agrees that it is unfortunate that some Southern states have chosen to fly the Confederate battle flag, but he sees the flag as a political problem with a political solution. "Accordingly," he writes, "plaintiffs' time, money, and energy probably would be better spent lobbying state legislatures for redress rather than continuing to use a judicial forum (p. 235)." (As noted above, political pressure this year caused South Carolina politicians to remove the flag from the capitol dome and as in Alabama place it near a Confederate monument.)

The final section of this book examines "Political Challenges to Confederate Symbols." In Chapter 8, co-editor Martinez explores "Traditionalist Perspectives on Confederate Symbols." After briefly reviewing the appropriation of the battle flag by modern racist hate groups, Martinez urges heritage preservation organizations in

the South to come to terms with the fact that extremists and racists have largely "taken over" the meaning of Confederate symbols. Neo-Nazi groups in particular have adopted the battle flag and made "the Confederate-symbols-as-history argument" much more difficult to sustain than in years past. "Without an understanding and acknowledgment of the many uses of Confederate symbols," Martinez warns, "all traditionalists risk being labeled racists, whether or not the designation is accurate (p. 272)."

In Chapter Nine, two Georgia political scientists, Robert Holmes and M. Christine Cagle look at "The Great Debate: White Support for and Black Opposition to the Confederate Battle Flag." While this chapter is disorganized and is already outdated by developments in South Carolina, it does lay out the basic opposition between whites who see the flag as a symbol of Southern heritage and blacks who regard the flag as "synonymous with oppression, slavery, segregation, and white supremacy (p. 281)." Holmes and Cagle correctly point out that for most whites the flag is a more ambiguous symbol than it is for most blacks. Whites can see it as a benign symbol of white Southern heritage, as a tribute to white Confederate heroism, as an emblem of states' rights, or as a racist banner (p. 282). Holmes and Cagle argue that the ineffectiveness of political opposition to the Confederate flag in Georgia, where it is incorporated into the state flag, has resulted from the ambiguity with which white Georgians view the symbol.

Co-editors McNinch-Su, Richardson, and Martinez continue the examination of Georgia state politics in Chapter 10, "Traditionalists versus Reconstructionists: The Case of the Georgia State Flag, Part One." Georgia's legislature incorporated the Confederate battle flag into the state's banner in 1956 in defiance of federal desegregation plans. Given the timing of the change, the reason for the legislature's action is not seriously disputed. "The unanswered question," according to the authors, "is whether the decision to change the flag transformed the new design into a symbol of racism, a symbol of state defiance to orders propounded by the federal courts absent racism, or a combination of the two (p. 305)." Attempts to remove the Confederate battle flag from the Georgia state flag failed in the 1990s, largely because citizens of the state were so uncertain of the flag's meaning.

The final chapter of the book is much less equivocal in its view of Georgia politics. In Chapter 11, "Confederate Symbols, Southern Identity, and Racial Attitudes: The Case of the Georgia State Flag, Part Two," Georgia politi-

cal scientists Beth Reingold and Richard S. Wike test the empirical validity of the heritage defense of the Confederate battle flag—that is, the claim of white Southerners that the flag benignly honors their ancestors. The authors write, “Contrary to the Southern heritage defense, our findings regarding white public opinion on the flag highlight the continuing importance of race in Southern politics (p. 332).”

Using data from a 1994 Georgia state opinion poll that sought to measure factors related to Southern identity, they find “that the flag issue is primarily about racial conflict and accommodation (p. 330).” While younger Georgians might have a vague sense of Southern ethnicity that they connect generally with the Confederate battle flag, for most white Georgians their “Southern identity is closely associated with [conservative] racial attitudes” (p. 331) that are symbolized by the flag. To Reingold and Wike, their study confirms the 1949 analysis by V. O. Key

in *Southern Politics in State and Nation* that politics in the South is the politics of race.

*Confederate Symbols in the Contemporary South* ends with a chapter that is almost diametrically opposed to the two chapters that began the book. It is hard to say how a thoughtful reader will react to this diverse collection of essays, or indeed whether many readers will stick with the book to its final pages. The editors have aimed for balance in discussing a subject that does not lend itself to moderate analysis. This book is not likely to change the minds of people who have settled opinions about the meaning of Confederate symbols. The editors may be satisfied if their efforts simply promote intelligent debate about the role of symbols in today’s South.

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