

ple rebel against their circumstances when they begin to see the possibility of something better, and that this happens not when their circumstances are most dire, but when they have begun to improve. So it is very plausible that those who lived near the Rhine in the early sixties saw its filth as one of the unfortunate but inevitable consequences of civilization.

These points may go some way toward explaining and justifying negative media coverage of pollution even in the face of improving conditions. Pollution may still be excessive, even if there is less today than twenty years ago. We may appreciate its risks more now than when they were greater. And we may hold different values because of previous successes in pollution control, which lead us to demand further improvements in the environment. There is nothing obviously irrational about this process. In covering such issues, journalists can be registering dissatisfaction with a state of affairs despite its improvement over some previous state. They may be reflecting social values, engendering them, or both, but this need not indicate a failure to see "reality" as it is. For the reality at issue here includes people's values and expectations.

Of course the question remains: are journalists partly responsible for increased awareness of pollution and changing values among the public, or are they simply responding to popular trends? No doubt more research in this area can shed some light on this question, but like other chicken-and-egg questions it remains largely unanswerable. Common sense suggests that both factors play a part: journalists, as members of the larger society, respond to social trends (although perhaps more quickly than the typical citizen); at the same time they act as catalysts, speeding up those trends.

Conclusion

The mere fact that negative news coverage of an issue increases while the objective indicators of "negativity" (pollution or other damage) remain the same or even improve in itself indicates no defect in the media's treatment. Deciding what is newsworthy and what the "reality" is that news reporting ought to capture is intrinsically difficult and controversial, and reporters must grapple with these questions every day. We can blame reporters and editors if they simply wrap themselves in First Amendment justifications, as though the social consequences of their decisions were of no importance. But as they try to decide the exact scope and limits of "the news that's fit to print," they are entitled to be Cassandras as well as Pollyannas; other charges must be brought against their nattering beyond that of negativism.

— Judith Lichtenberg and Douglas MacLean

This article was condensed and adapted from "The Role of the Media in Risk Communication," in Roger Kasper and Pieter Jan Stallen, eds., *Communicating Risks to the Public: International Perspectives* (Dordrecht: D. Reidel, forthcoming). The sources cited are: Hans Mathias Kepplinger and Rainer Mathes, "Artificial Horizons" (unpublished paper, 1987); Allan Mazur, *The Dynamics of Technical Controversy* (Washington, D.C.: Communications Press, 1981); *Report of the Public's Right to Information Task Force of the President's Commission on the Accident at Three Mile Island* (Washington, D.C.: U.S. Government Printing Office, 1979); Amos Tversky and Daniel Kahneman, "Prospect Theory: An Analysis of Decisions Under Risk," *Econometrica* 47 (1979); Kahneman and Tversky, "The Framing of Decisions and the Psychology of Choice," *Science* 211 (1981); and Elisabeth Noelle-Neumann and Wolfgang Donsbach, "Selective Exposure to Newspaper Content," presented at the International Communication Association Conference, May 21-25, 1987, Montreal.

Mandatory AIDS Testing

Well after *Brown v. Board of Education*, Jackson, Mississippi, maintained racially segregated public swimming pools, claiming that only through segregation could violence and social chaos be avoided there. The federal courts saw through this stratagem, noting that it was a variant of the heckler's veto, thinly masking racial animus. But did Jackson integrate its pools? No. The city council voted instead to close them all. This time out, the courts were not so wise.

In 1971, the Supreme Court upheld the constitutionality of the pool closings. The Court was snookered by the surface similarity of the policy's treatment of blacks and whites — neither could, after all, use the

swimming pools. The practice appeared to treat similar cases similarly. And indeed the pool-closing statute did not refer in any way to blacks. However, shallow formalism aside, the pool closing was an even more inequitable treatment of blacks than was the original policy of segregation. Segregation merely perpetuated social custom, but the closings were a social ritual that elevated pervasive custom to the level of a sacred value. For the white city council's action told blacks that whites view them as so disgusting and polluting that white social solidarity will be maintained even if to do so requires of whites the loss of comfort, joy, and the pleasures of the season. Happiness is as nothing when

social identity is challenged. The Court could not see that the point of the legislative act of closing the swimming pools was to stigmatize blacks, even though the act made no mention of them.

Similarly, I will argue here that the significance of mandatory AIDS-antibody testing is the degradation of gays and the reconsecration of heterosexual supremacy as a sacred value, even though mandatory testing, to date, has not been directly aimed at gays nor, indeed, has made any mention of them. AIDS-testing legislation should not be understood as business-as-usual public policymaking aimed at the social good of protecting public health — it can adequately be understood only in terms of the nature and function of social rituals, in particular, purification rituals.

Purification Rituals

Six years into the AIDS crisis President Reagan gave his first and only speech on AIDS. Without ever mentioning gays, the president called for mandatory testing for AIDS antibodies among certain segments of society: marriage-license applicants, prisoners, and immigrants applying for permanent U.S. residency. Subsequently, the latter two forms of testing were formally instituted at the national level through administrative rule, and Illinois and Louisiana have enacted mandatory marital testing laws. Other groups already subject to mandatory federal AIDS testing are military recruits and active-duty personnel, Foreign Service officers, and employees of the Job Corps.

The public health community has done a passable job in showing that mandatory testing is not justified on traditional public health grounds and in particular showing that coerced testing is unlikely to do much to stop the spread of the disease, is likely to drive the disease underground, is a very poor investment of public dollars incapable of justification on a cost-benefit analysis, and will have consequences both tragic in case of false test results and absurd when the funds for the tests' administration could be going into desperately needed research and patient care.

However, the public health community, in showing this, has completely missed the social point of the statutes and rules mandating antibody testing. Indeed, in its very claims (though true) that the laws are inefficient, it actually sustains the evil of the laws' real purpose. For governmental actions mandating AIDS testing are not merely miscalculations, misdirected attempts to maximize utility. Rather they are part of the social rituals through which the nation expresses and strengthens its highest values — the values, that is, for which it will pay any price.

Such rituals and their values are the means by which and the forms in which the nation identifies itself to itself, and through which it maintains, largely unconsciously, its group solidarity. But group solidarity comes with a price — or, as social theorist Mary Douglas has summarized: "Solidarity is only gesturing when it involves no sacrifice." The social inefficiency of AIDS testing demonstrated by the public health com-

munity is the sacrifice that society has accepted to express and reconfigure its solidarity around its central sacred value. An examination of cases will show that the chief sacred value wrought by various AIDS testing laws is what Adrienne Rich has called compulsory heterosexuality.

Typically, when all goes well, a society does not have a foreground cognition of what its highest values are. They are not the object of its active social concern but a filter through which all social structures are projected and, in turn, through which social behavior is perceived. Because compulsory heterosexuality is so pervasive in society as to be its persistent and uniform background phenomenon, it goes as unnoticed in our thinking about society as air at a constant skin temperature goes unnoticed as we walk around a room.

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Though we are completely engulfed in it, we are completely oblivious to it. No one looking at the cavalcade of wedding and engagement pictures in Tuesday's newspaper thinks, "Gosh, what a slew of heterosexuals." Paradoxically, then, in AIDS testing legislation that which is most degraded — the gay person — goes entirely unmentioned.

Marital Testing

The most obvious case for my general thesis is mandatory testing as a condition of getting a marriage license — remember, gays need not apply.

Courts have done backflips in order to uphold cases of the legal existence of marriages even when the formal requirements (like age) and procedural requirements (like solemnization) for entry into marriage have been wholly absent or blatantly violated. They have done so to such an extent as to draw into doubt the rule of law in this area. The one spot, though, where they have balked at allowing access to marriage is access for gays. The courts have used every legal contrivance to block the recognition of gay marriages. These paired legal patterns showing a systematic and uniform warping of judicial judgment clearly suggest that here we have reached the bedrock and fundamental stuff of society — the thing that will not be budged, the thing that cannot be remade.

When absolutes are challenged, beware. And that is what is happening in the AIDS crisis, in part because it has thrown gays more prominently and more threateningly into social consciousness than ever before



Associated Press

*A slew of
heterosexuals?*

and in part because of the transfiguration of sexual values wrought by it. AIDS has caused people to confuse the merely instrumental virtue of prudence with the final goods for the acquisition of which one would want to be prudent. AIDS has certainly upped the ante on the means to a robust sex life; promiscuity unguarded is now not prudent. But rather than seeing AIDS as merely raising prudential concerns, weak minds, including most gay ones, have unwittingly transferred the badness of means — high costs — to sex as an end. Sex is now a final bad, to be tolerated and redeemed, if at all, only within an abiding relation for which it serves as a token or symbol, a relation of exclusive marriage. For all the wrong reasons, AIDS has applied conceptual pressures to the going social definition of marriage — a definition which gives heterosexuals an exclusive purchase on marriage.

Now, marriage is the central institution of heterosexuality. If, under pressures exterior to the institution of marriage but interior to the society that it is supposed to epitomize and valorize, the institution is to be maintained in its traditional form, it must be purified and re-anointed. Simply perpetuating the old bar to gay legal marriages is not sufficient to new circumstances. A new ritual is called for and it is handily supplied by the AIDS crisis itself, since, as shown by AIDS jokes and graffiti, there is a virtual identification in the mind of America between AIDS and gays. The new ritual that, within the configuration of marriage, will do the requisite work is to test those who are to be married to make sure that they are not polluted with the very stigma that challenges the institution itself. Here a social policy, perfectly absurd when viewed in terms of social utility, makes perfect sense when viewed as a social purification ritual. Marital AIDS testing reconsecrates the temple of marriage and the cosmic

canopy of heterosexuality — largely by the careful exorcising of demons.

Immigration and the Military

Other categories and forms of mandatory AIDS-antibody testing can be treated in shorter compass. Immigration policy and military policy are nominally designed to defend the nation, but the history of both institutions — their racial histories, for instance — shows that their chief function is not so much defending but determining and defining what the nation is. This is the real reason that mandatory AIDS testing has been instituted in these two areas.

The military has offered various paternalistic and strategic rationalizations for testing. But what tips the military's hand to reveal its true motives is its actual practice. Even though Congress has barred the armed forces from using a soldier's antibody status as a reason for ousting him, in practice the military simply badgers the antibody-positive soldier until he admits he's gay and then discharges him on that ground. Antibody testing is the physical correlate for homosexuality that the armed forces have long been seeking in order to purge themselves of pogues. Recent empirical studies have found that the military's past record of discovering even its sexually active gay males has been very poor indeed. With AIDS testing the army now thinks it has found the tool for which it has long hankered.

Since 1952, federal law has barred gays from becoming resident aliens and so also naturalized citizens. Yet gays are notoriously difficult to identify at the borders — they look just like people. The purpose of AIDS-antibody testing in immigration and its twin, military policy, is the barring of gay people from the institutions by which the nation defines itself, in order to keep the nation pure.

Of Walls and Vampires

Prison testing is a convoluted yet particularly telling case. The real reason for prison testing is provided by a remark, cryptic on its surface, made by then Attorney General Edwin Meese. As reported in the June 9, 1987, *New York Times*, Meese claimed that prison testing is necessary because when prisoners are released many of them gravitate toward jobs in day-care centers. I take it that this dense remark, when unfolded, entails something like the following concatenation of ideas: one, homosexuality is a corruptive contagion, so that even if one was not queer going into prison, one likely is when coming out; and two, all gays are child molesters.

A corruptive contagion is a disease that reproduces itself from one person to the next simply and sufficiently through its symptoms. The myth that homosexuality is a corruptive contagion — that one gets it from someone performing homosexual acts upon or near one — runs very deep in our culture. In 1978, Associate Justice, now Chief Justice, Rehnquist, while protesting the Supreme Court's declining to hear a successful gay student case, went out of his way to hold that a gay student organization's claim to campus recognition is "akin to . . . those suffering from measles [claiming they] have a constitutional right, in violation of quarantine regulations, to associate together and with others who

do not presently have measles, in order to urge repeal of state law providing that measles sufferers be quarantined."

AIDS too is mistakenly thought to be a corruptive contagion. Irrational fears of casual contagion and the mistaken but popular comparison of it to airborne diseases like influenza suggest that it is a disease the symptoms of which are the proximate cause of its transmission, where in fact, since it is a bloodborne disease, the actions of the person who gets the disease are (virtually always) the proximate cause of its transmission. It is the clustering of these two errors of taking gays and AIDS as each a vampire-like corruptive contagion, together with a statistical overlap between the two on a par with that of poverty and color, that has led to the virtual identification of AIDS and gays in the mind of America. They are taken as a tandem of invisible lurking evils, lying in wait to get you.

The real rationales for antibody testing in prisons (and the isolation there of those testing positive) apply just as well to all gays in non-prison settings, whether testing positive or not. The ritualistic purpose of prison testing is to assert the social validity of purging gays from the general population. Gays might do well to remember that the 1942 immurement of the Warsaw Ghetto was promulgated as a public health measure — to stop the spread of typhus. It made no reference to Jews. And gays might well remember too that FDR's executive order 9066, which set up America's concentration camps, made no mention of Japanese-Americans. Rather, it authorized the military to exclude "any and all persons" from designated areas to protect national defense.

Conclusion

Testing discovers and divides. Testing discovers the invisible and mysterious and it divides "us" from "them." It is the perfect vehicle for a civilization reasserting its most basic values under challenge. It casts lurking threats into the light so that they may be exiled or committed to the flames. At the same time, testing regroups the dominant culture by showing that it is willing not only to sacrifice others to its values but to sacrifice itself for the sake of them as well. Thus the more the public health community points up the irrationality of mandatory testing by its own criteria, the more it underscores and contributes to the true function of the testing, which is the assertion of group solidarity through self-sacrifice. In this crisis, the public health community is the lone lit candle in Kafka's cathedral: its singular flame simply makes the darkness darker.

— Richard D. Mohr

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