
PRESS & TELEVISION

flu story and convincing much of the public that the program was dangerous and ill-conceived. At the same time, newspapers and television were condemned by others for serving as the handmaidens of both the medical profession and the federal government in selling the program to the public.

To test such allegations, Rubin and Hendy, both of the New York University journalism faculty, analyzed stories in 19 daily newspapers, evening news broadcasts of the three television networks, and the output of United Press International for the week of October 11–17, 1976—the week when the inoculation program began in earnest and when three elderly persons died after receiving swine flu shots.

With few exceptions, they found that newspaper and TV coverage was neither sensational nor inaccurate. The media's portrayal simply reflected the contradictions and confusion among officials at the Center for Disease Control in Atlanta, the U.S. Department of Health, Education, and Welfare in Washington, and local public health units. Nevertheless, only a handful of newspapers—notably the *New York Times*, *Washington Post*, *Los Angeles Times*, and *Miami Herald*—took advantage of the public's extreme interest and anxiety to provide coverage with depth and sophistication.

Other papers and the television networks relied heavily on Associated Press and United Press International output, which was “high in volume, reasonably accurate, and unsensational” but also “exceedingly superficial, focusing on numbers of dead rather than causes of death,” and which provided little understanding of underlying issues such as the nature of swine flu and the risks of inoculation. Most disappointing were the three television networks, which offered no news “specials” on a story of obvious public concern.

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*“Artificial Cases
Make Bad Ethics”*

“Torture” by Henry Shue, in *Philosophy and Public Affairs* (Winter 1978), Princeton University Press, P.O. Box 231, Princeton, N.J. 08540.

Torture is universally and unanimously condemned in law and human convention, yet the practice is widespread and appears to be growing.

One partial justification for torture still current, says Shue, research associate at the University of Maryland's Center for Philosophy and Public Policy, is that “since killing is worse than torture, and killing is sometimes permitted, especially in war, we ought sometimes to permit torture, especially when the situation consists of a protracted, if undeclared, war between a government and its enemies.” Torture, however, cannot meet the standards of “just-combat killing” because of the gen-

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eral moral principle that prohibits assaults on the defenseless. Torture, Shue notes, has nothing to do with a "fair fight" between declared combatants; it begins only after the fight is finished.

"Suppose a fanatic, perfectly willing to die rather than collaborate in the thwarting of his own scheme, has set a hidden nuclear device to explode in the heart of Paris. There is no time to evacuate the innocent people or even the movable art treasures—the only hope of preventing tragedy is to torture the perpetrator, find the device, and deactivate it."

Is the torture morally permissible? Yes, says Shue, but "artificial cases make bad ethics." One cannot easily draw conclusions for ordinary cases from extraordinary ones, and "as the situations described become more likely, the conclusion that the torture is permissible becomes more debatable." Torture ought to remain illegal and anyone who believes it to be justified in a certain instance should be required to convince a group of peers in a public trial afterward that all necessary conditions for a morally permissible act were satisfied.

*Relationships
of Confidence*

"Beyond the Priest-Penitent Privilege: The Church, the FBI and Privacy" by Dean M. Kelley, in *Christianity and Crisis* (Feb. 20, 1978), 537 W. 21st St., New York, N.Y. 10027.

On January 24, 1978, two female employees of the Episcopal Church were released from the Manhattan Correctional Center. They had been jailed for 10 months for refusing to answer questions posed by a grand jury investigating radical terrorist bombings in New York. In ordering their release, Judge Robert L. Carter rejected their claim that religious liberty was at stake, but concluded that six months should be the maximum period of confinement for civil contempt.

Kelley, an executive of the National Council of Churches, argues that Maria Cueto and Raisa Nemikin, former employees of the Hispanic Commission of the Episcopal Church, had a valid claim to the ordained clergy's generally recognized immunity from testifying about confidences obtained from a penitent's confession. (Judge Lawrence Pierce, who had ordered them jailed for contempt, had held that the two women, though calling themselves "lay ministers," had *not* been ordained and were engaged not so much in "religious ministry" as in "social work" within New York's Hispanic community.)

The priest-penitent privilege should not be confined to ordained clergy, Kelley contends. "Any person who can be compelled to testify can break the relationship of confidence and trust without which the religious community is no longer a community." The free exercise of religion, protected by the First Amendment, is not something that can be practiced by isolated individuals. It depends upon a community for its effectiveness. That community, Kelley says, is dependent upon a relationship of confidence and trust for its existence.