

Less Privacy Is Good for Us (and You)

At first you are horrified. Your remaining shreds of privacy are being peeled off of you as if you are caught in a nightmarish forced striptease. Neighbors listen in on your cellular phone. Your boss taps into your e-mail and medical records. A reporter easily pulls up on his home computer which video tapes you rented, what you paid for with your credit card, and with whom you traveled to Acapulco. Furiously you seek new laws to protect yourself from data rape.

Not so fast. Our ability to restore old-fashioned privacy is about the same as our ability to vanquish nuclear weapons. Once the genie of high-power computers and communication technologies has been let out of the bottle, no one can cork it again. We must either return to the Stone Age—pay cash, use carrier pigeons, forget insurance—or learn to live with shrunken privacy. Laws already on the books mainly foster a Prohibition-like effect: those keen to read your dossier do so *sub rosa* rather than in broad daylight.

Most important, *giving up some measure of privacy is exactly what the common good requires*. And, with some good will, we can mitigate the intrusive consequences. Take first a non-inflammatory case. Would you like Americans to be required to put out garbage in see-through bags, as residents of Tokyo are? You would if you realized that transparent bags help ensure that people will separate glass and cans from the rest of their trash. (If a person is keen to hide, say, used condoms from neighbors, he can put them in a paper bag within the clear bag.)

But what about more provocative cases, such as fingerprinting those who receive welfare checks? Such a practice makes them feel like criminals, civil libertarians complain. But would you rather continue a system in which numerous individuals *each* collect several welfare, unemployment, and Social Security checks? Moreover, once fingerprinting is widely applied, the stigma will wane. Students are already routinely fingerprinted when they take the LSATs.

Keeping computerized data about physicians who have been kicked out of hospitals maintains a record that shadows them long after they have paid their dues. But would you rather return to the

world we had until recently, in which doctors who killed several patients due to gross negligence in New Jersey could cross the state lines and repeat their performance with impunity? (The databank records only that a physician has been forced to leave “for a cause.”)

Child care centers and schools can now find out if security personnel they hire have a record of child abuse, a civil libertarian’s nightmare. But would you rather have your child in a facility like the one in Orlando, Florida, where a guard made sexual advances to boys, because management learned only after the fact that he was previously convicted of raping a 14-year-old? (Such people are entitled to jobs, but, in my book, not attending to children.) And while most of us would rather not have our sexual preferences advertised, we support the new Megan’s law that allows parents to find out when their new neighbor is a convicted child molester.

Does it make sense, in the hallowed name of privacy, to allow both deadbeat fathers and students who default on their loans to draw a salary from a government agency, just to avoid the use of computer cross-checks? Would you rather allow banks to hide the movements of large amounts of cash, or curb drug lords’ transactions? Would you rather be treated with an antibiotic to which you are allergic as you are wheeled into an emergency room, or have a new health card (in your possession) display a warning?

Will all these new knowledge technologies lead to a police state, as civil libertarians constantly warn us? As I see it, the shortest way to tyranny runs the other way around: If we do not significantly improve our ability to reduce violent crime, sexual abuse, and to stem epidemics, an ever-larger number of Americans will demand strong-armed authorities to restore law and order. Already too many desperate fellow citizens are all too ready to “suspend the Constitution until the war against drugs is won.” Let us allow the new capabilities of cyberspace help restore civil order, which is at the foundation of ordered liberties.

We are properly distressed when we are denied credit, or learn that the wrong person has been arrested, because of mistakes in databanks. But this is not the effect of a violation of privacy. It is the consequence of data poorly collected and sloppily maintained. We urgently need quicker and easier ways to make corrections in our

dossiers, rather than to try to ban largely beneficial new information technologies just because they need fine tuning. Congress should pass the Ombudsperson Office Law to this effect. Better yet, rather than wait until complaints are filed, it should proactively test samples of files to ensure that error rates are low and corrections expeditious.

Once one accepts that privacy is not an absolute value, we must look for the criteria that will guide us when additional trimming of this basic good is suggested. Guidelines include the following: tolerate new limitations on privacy only when there is a compelling need (e.g., to reduce the spread of contagious disease); minimize the entailed intrusion (e.g., measure the temperature of a urine sample for drug tests, rather than observe as it is being produced); double check that there is no other way of serving the same purpose; and, minimize the side effects (e.g., insist that we be allowed to refuse junk mail).

Frankly, most of us would rather prevent others from peeping into our records, but we can readily see the merits of tracking data about other people. Well, they feel the same way about us. Let those who have never speeded, have always paid their taxes in full, or have no other reason to be under some form of social scrutiny, cast the first stone.

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Let Children Be Children

The murder of Iqbal Masih last year forced many Americans to look at a problem they would have preferred to avoid: child labor in developing countries. Iqbal was a world-famous human rights activist. He was also a young Pakistani boy whose mother had sold him to a rug maker when he was four. Iqbal eventually freed himself, and by the time he was murdered, at the age of 12, he had helped free 3,000 other bonded child laborers. That is probably why he was murdered.