

Response to Professor James A. Morone

Amitai Etzioni
George Washington University

From his thoughtful discussion of *The Limits of Privacy*, it is clear that Professor James A. Morone and I agree on many points that need no repeating. Hence this brief commentary focuses on those points that require additional elucidation.

I tried to show that in some key public policies concerning public health and safety, we are privileging privacy and neglecting the common good. As Professor Morone notes, my first criterion for judging such a policy is whether it poses a clear and present danger to public safety. No one should alter legal precedents, laws, or moral mores without grave reason because such changes undermine their legitimacy. Morone, who finds the basic criterion sensible, is properly concerned that such decisions would reflect panic, stirred up by some elites. This may well happen. However, the criterion I suggest is based on observations by us, as analysts and critics. Thus, where millions of lives are directly endangered, as is the case with the spread of HIV in Africa, we have a serious and present problem. (In this case, excessive attention to political correctness and the false extension of the individual's right to choose treatment without "paternalistic" social pressures distorts public opinion. As a consequence, health care policy in Africa focuses on getting cheap drugs for those who have AIDS and neglects those policies that could greatly reduce the spread of the plague.)

Morone suggests that some of the cases—including sexual abuse of children—that I cite as examples of privacy being championed over pub-

lic safety are exceptions. Moreover, he points out that crime is way down and the main issue now is the immense incarcerated population. I share his concern over the number of people jailed, especially the very large number (about half of all involved) of nonviolent offenders, those involved in drug dealing and violation of immigration laws. And I echo his dismay about the disproportionate number of African American males under the supervision of the criminal justice system.

But we seem to differ here on the details. I am not sure that one can use a sentence from *USA Today* as reliable evidence that the panic over crime continues to be unnecessarily high. And while violent crime is down in the United States, it is still much higher than it used to be and than it is in many civilized societies. Above all, one should not overlook that the main victims of crime continue to be the poor and the disadvantaged, exactly those populations Professor Morone champions.

Morone is correct to point out that the reaction to Columbine and other such tragedy has been largely punitive. For instance, we are trying more and more teenagers as adults. However, one should not overlook the surprising fact that we have yet to establish stronger gun control laws to help stop the current mayhem. Indeed, punitive measures have been increased without a complementary tightening of gun control laws largely because of a false interpretation of another right, the Second Amendment, as well as the influence of the libertarian forces that undermine the common good—the safety of our children.

Similarly, it still does not make sense to allow hundreds of babies to die a horrible death from AIDS in order to protect the privacy of their mothers. Nor does it follow that we are doing the right thing by providing terrorists and drug lords top-of-the-line encryption software that allows them to communicate without having to fear that public authorities can listen in.

Morone and I seem to agree that those who hold the lives of others in their hands—the by now oft-mentioned school bus drivers—should yield on privacy matters to allow us to test them, even if there is no specific suspicion that they abused drugs. (By the way, so ruled the courts in this case, but the ACLU has yet to come around.) While I agree that urine testing should not be put at the top of the agenda (and never so suggested), neither should one make light of the lives of busloads full of children. They belong fairly high up on our list of priorities.

Professor Morone and I ultimately diverge on one key point: he implies that because bus drivers (and many others) are exploited and abused by a capitalistic system, their potential threat to public safety

must be laid at the feet of The System. I am surely in favor of societal change, but I do not believe that until such change is achieved we should give individuals license to endanger children (or anybody else) because they are “victims.” One can both fight for major social reforms and insist that no one is exempt for living up to their moral responsibilities.

