

## Thinking about Privacy

Clark University philosophy professor Judith Wagner DeCew '70 explores the history and current state of privacy protection.

Interview by Karen McCally '02 (PhD)

**I was a math major at Rochester.** But I took symbolic logic with Professor Rolf Eberle during the second semester of my sophomore year and fell in love with logic. From then on, I took all the philosophy courses I could.

**In the 1980s, I was on a fellowship at Harvard Law School preparing to teach a philosophy of law course.** I was taking constitutional law with a brilliant professor whom I respect as a teacher and scholar. But while we were studying the 1973 Supreme Court case of *Roe v. Wade*, he said something like "This case has nothing to do with privacy." A student asked him why, and he responded that nurses and doctors would be in the room, and so it would not be private. I was stunned. The presence of others could only describe a fact, and couldn't possibly address whether or not there was a moral value of privacy associated with choices one might want to make about one's body without governmental intrusion.

### Judith Wagner DeCew '70

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**Privacy protection is really a relatively recent development in the American legal system.** It's embedded in the Bill of Rights, in the Fourth Amendment barring unreasonable search and seizure. It was first explicitly recognized in 1905, in tort law, as control over information about oneself. It was expanded in 1965 to include protection of one's ability to make certain kinds of personal decisions.

**Everyone needs to be proactive about their own privacy protection.** The European Union has explicit and comprehensive privacy regulations that prohibit gathering personal information or using it for purposes other than originally intended without individual consent. The American approach allows entities such as insurance companies and employers ample access to personal information, and we only have a patchwork of privacy guidelines. We do have protective guidelines for much of our medical and economic information, however.

**You should never send anything in email or post anything on a social network that you would not be willing to have blasted to the entire world.** Once it's out there, you can't control it. And the insidious truth is that there are databases with loads of personal information about phone calls we've made or received, purchases we've made with store discount cards or charge cards, and anyone savvy enough can get the information, and aggregate and publicize only those bits they choose, giving them the ability to paint a very unflattering portrait of any one of us.

**I have to admit that my most enduring memory of Rochester is my blind date during the spring of my first year with Alan (Lanny) DeCew '68, to whom I've been married for 42 years.** We were set up by my roommate and the captain of the football team. I also remember gathering with friends at Todd Union to check our mailboxes (yes, for snail mail!) and play bridge. And the protests against the Vietnam War and the invasion of Cambodia. We were all politically aware and active in our education and many extracurricular activities. It was a great time in my life. 