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# **Chapters 4 & 5**

## **Nothing To Hide**

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## 4. The Danger of Deference

- Deference = Compliance
- Example of NYPD randomly searching subway riders' bags.
  - The court deferred to the law-enforcement officials.
  - ...and refused to examine data.
- The author believes that this program was not effective.
- The court did not analyze if the program would lead to increase of security significantly enough to match the invasion of civil liberties.



## 4. The Danger of Deference...

- The author argues that the court should not defer.
- The court is the 'central building block of a free and a democratic society.'
- Focus should not be just security but the balance between security and liberty.
- Make experts justify their decisions related to security.
- To create balance between security and liberty, the value of the security interest must be made clear.



## 4. The Danger of Deference...



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- Based on the statistics, the risk of dying from terrorism is low on the relative scale of fatal risks.
- Security Theater (Schneier), creating an appearance of security but not actually contributing to increased security.
- Finally, the author encourages judicial scrutiny.
- We should be critical about what others tell us to do and ask questions.

## 5. Why Privacy Isn't Merely an Individual Right



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- Understand privacy as a societal value and not an individual one.
- When privacy is considered as a basic individual right, we actually deny the effect it has on the happiness or welfare of the society.
- Privacy, on a societal level, provides space for individuals to grow and flourish.
- A society without privacy would be oppressive.
- When the law protects an individual, it does so not just for the individual's sake, but for the sake of the society.

## 5. Why Privacy Isn't Merely an Individual Right...



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- If a person's whereabouts are tracked 24x7, he will not have the space to grow.
- He/she maybe a criminal, in that case the government's surveillance may be justified.
- BUT,
- This is not always the case. Not everyone is a criminal and if everyone is surveilled, it shapes the kind of society we live in, it increases the government's power and has large effects on people's freedom.
- People say that "I'm fighting for *my* own rights!" BUT these cases and the subsequent decisions affect us all.