

Of Facemasks and Phone-Texting

BY TIM ROWLAND

In 1893, an Annapolis shoemaker received a curious request: fashion a piece of tough, protective leather for — the head.

This was just prior to the annual Army-Navy football game, when Admiral Joseph Reeves had received the discouraging diagnosis that one more kick to his melon could result in “instant insanity” or even death. By the end of the century, “head harnesses” were becoming more common, but wearing headgear was still optional in the pros as late as 1943.

I looked up the history of the football helmet one weekend this past October after I watched in giddy delight as several National Football League defenders used their helmets to deliver knock-out shots to their opponents. Today, the helmet is both protective and destructive. It’s like the yellow light on a traffic signal: all drivers take it as a warning — half to slow down and half to speed up.

On any given Sunday, maybe a half-dozen men of speed and power unimaginable a generation ago will launch themselves head-first into an opposing player. The result is often a concussion for the offensive player, a 15-yard penalty for the defensive player and, until recently, plenty of hearty chortling about getting “jacked up.”

As the debilitating effects of multiple concussions are becoming better understood by science, the NFL has tried to discourage helmet-to-helmet contact. But fining multimillionaire athletes a few thousand dollars for a highlight-film hit has not proved to be much of a deterrent.

So the league has announced it will

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suspend players for the vicious hits that leave vulnerable players (and NFL fans) drooling. Sports programs assembled panels of fretting experts who flailed for answers in a sea of cataclysmic injuries. Are fines enough? Are suspensions enough? Should we change the rules? Do we need better equipment?

Perhaps a better idea comes from former Chicago Bears tough guy Mike Ditka, who channeled his inner Armen Alchian and suggested that football should get rid of the helmet facemask.

Say what? Make the equipment *less* safe?

Sure, Ditka argued. Just as Alchian theorized that replacing car airbags with spear points would make motorists drive more cautiously, so removing facemasks would prompt “pretty boy” players to think twice before they blow up an opponent.

Ditka and Alchian want to change people’s incentives so they’ll act in a more safety-conscious way. Contrast that to the usual way we try to improve safety — through legislating and regulating behavior. Motivated by the best of intentions, such policies can leave us worse off than had we left well enough alone.

A few days before “jacked up” weekend, the insurance industry’s Highway Loss Data Institute released an analysis of the effect of state laws prohibiting phone-texting while driving.

Now, if you’re old enough to remember stagflation, you likely couldn’t send a text while seated in your easy chair at home, with both feet firmly on the ground and elbow pads on for safety. However, if you don’t really remember the Clinton administration, you probably



think you can fire off a couple dozen texts to your BFF while maneuvering a two-ton vehicle through heavy traffic.

We oldsters naturally responded to this hazard by passing laws against texting while driving. How were we to know that texting-related crashes would go *up* as a result?

The laws, it seems, haven’t eliminated texting while driving; they’ve simply changed the way that drivers text — in new and dangerous ways. Where driving texters used to hold their phones at eye level (allowing them to at least see the truck that they’re about to rear-end), they now keep their phones in their laps, out of view of the cops. So where they once were not watching the road closely, now they’re not watching the road at all.

It’s impossible to foresee each and every unintended consequence of the laws we pass. But a bit of reflection (“Hey kid, if the cops could fine you for texting if they see you doing it, how are you going to respond?”) could help avoid embarrassing policy misfires.

Prohibition remains the one great stain on our most sacred of American documents, a testament to policymakers’ limited ability to think ahead. It is proof that it’s not enough for policymakers to consider what a law is *intended* to do. Policymakers must ask what the law, once enforced, will cause the people to do. Incentives do matter — even when grown men play little boys’ games and when teens get behind the wheel. R