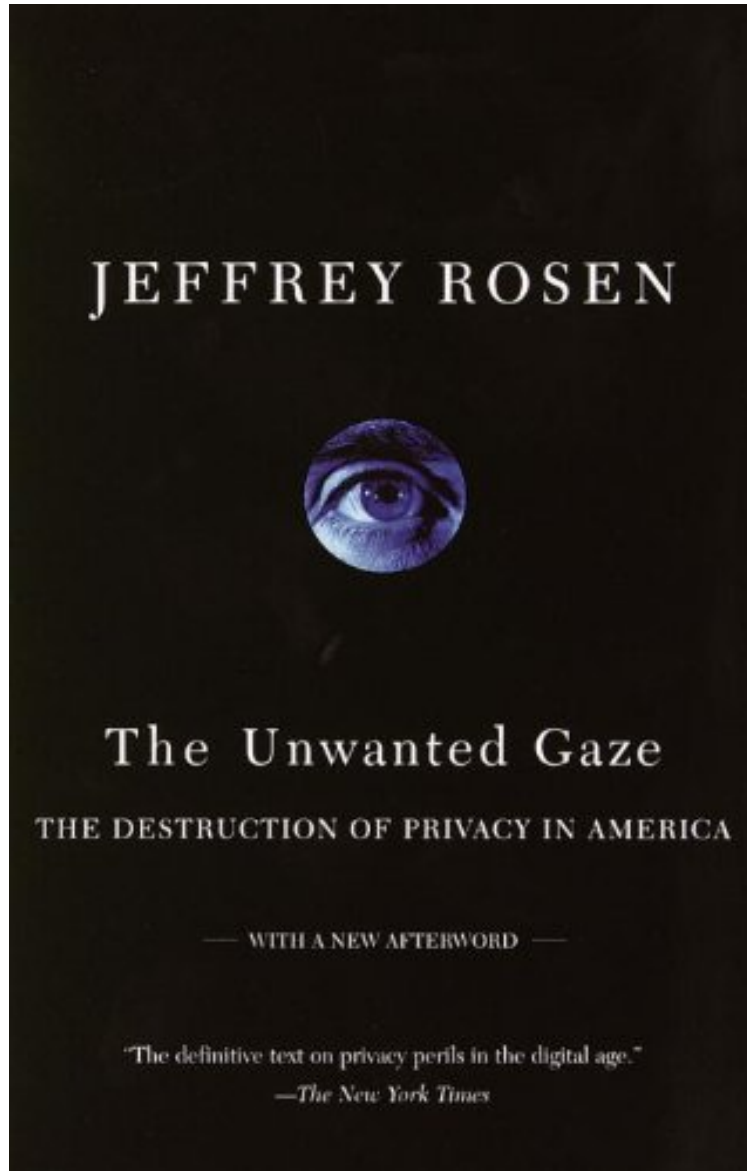


[Free] The Unwanted Gaze: The Destruction of Privacy in America

The Unwanted Gaze: The Destruction of Privacy in America

Von Jeffrey Rosen

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Von Jeffrey Rosen : The Unwanted Gaze: The Destruction of Privacy in America before purchasing it in order to gage whether or not it would be worth my time, and all praised The Unwanted Gaze: The Destruction of Privacy in America:

KundenrezensionenHilfreichste Kundenrezensionen0 von 0 Kunden fanden die folgende Rezension hilfreich. the right to be let aloneVon John M. EgerJeff rosen has helped us join issue on a matter of vtal public concern to all

Americans. It is becoming increasingly clear that in our zeal to promote the marvels of the Internet, we may be seriously eroding the fundamental rights of the average citizen and consumer. At stake is much more than merely occasional abuses of our more traditional concept of privacy, i.e. the right to protect confidential personal information from disclosure. Rather our more fundamental, constitutional "right to be let alone,"-- the right to pursue life, liberty and happiness without unwarranted scrutiny, physical or electronic invasion, is being assaulted by the proliferation of surreptitious data gathering on the Internet. While a handful of legislators have expressed concern, the majority of Congress, administration officials and industry spokesmen suggest only technical solutions. Companies like Zero Knowledge Systems in Montreal have software, which allows you to disguise yourself on the web. Some software will block all the cookies from being placed on your hard drive or erase the ones you have -- but you will of course be locked out from going back to the site again. Other companies like Disappearing Ink use encryption technology to make it extremely difficult for anyone to retrieve your email after it has been deleted. Most people, by the way, still think when they hit the delete key, it's gone. Not so in the world of cyberspace as even Bill Gates discovered when confronted with some of his e-mail during the course of the Microsoft antitrust proceeding. But technology alone is not the solution. Jeffrey Rosen believes "the battle for privacy must be fought on many fronts -- legal, political and technological -- and each new assault must be vigilantly resisted as it occurs." He is optimistic that Americans, who have a history of rising to the occasion when they are outraged, will demand governmental action. Others are less sanguine. Privacy, they argue, is dead. Too many Americans have already compromised their personal rights for a free six-pack of Coke or a membership in a frequent-buyer program. Most are not even aware they are so vulnerable. Thus it is very unclear what support there is for national privacy legislation. While the Clinton Administration made it clear to the FTC that their call for a privacy bill of rights was premature, and Vice President Gore once called for an electronic bill of rights, neither he nor Bush have taken strong positions during this campaign to make privacy an issue of national public importance. At the least, the President--this one or the next-- must create A National Privacy Protection Study Commission as both Nixon and Ford did to get to the heart of the commercially driven privacy issues and make their recommendations to the President and the Congress. Only at the national level in a publicly appointed body will we get at the truth of our concerns and forge solutions under the watchful eye of the body politic and the press. Secondly we should insist that at minimum, the Federal Trade Commission's recommendations outlined in their report to Congress be embraced and the commission be directed to set the standards in the four areas they called for: notification about the use of personal data; consumers choices about the use of such information; the right of individuals to review data about themselves; and security measures to prevent unauthorized disclosure. It would be ironic and sad if the same constitution which created a free press and a free enterprise system enabling the robust knowledge economy we now admire, was somehow responsible for the massive loss of personal privacy we are witnessing and with it a demise of more fundamental freedoms of our democratic society. Eger, Lionel Van Deerlin Professor of Communications and Public Policy at San Diego State University, was telecommunications advisor to Presidents Richard Nixon and Gerald Ford. 0 von 0 Kunden fanden die folgende Rezension hilfreich. the right to be let alone is in crisis Von John M. Eger We owe Jeffrey Rosen an enormous debt for joining issue on a matter of vital importance to the future of America. As we rush headlong into a new but uncertain age, it is becoming increasingly clear that in our zeal to promote the marvels of the Internet, we may be seriously eroding the fundamental rights of the average citizen and consumer. Freedoms that Americans have so long cherished and expected are being undermined everyday not only by both internet entrepreneurs and global corporations, but sadly by our own government. At stake, as Professor Rosen points out is much more than merely occasional abuses of our more traditional concept of privacy, i.e. the right to protect confidential personal information from disclosure. Rather our more fundamental, constitutional "right to be let alone,"-- the right to pursue life, liberty and happiness without unwarranted scrutiny, physical or electronic invasion, is being assaulted by the proliferation of surreptitious data gathering on the Internet. At stake is much more than merely occasional abuses of our more traditional concept of privacy, i.e. the right to protect confidential personal information from disclosure. Rather our more fundamental, constitutional "right to be let alone,"-- the right to pursue life, liberty and happiness without unwarranted scrutiny, physical or electronic invasion, is being assaulted by the proliferation of surreptitious data gathering on the Internet. While a handful of legislators have expressed concern, the majority of Congress, administration officials and industry spokesmen have suggested only technical solutions. And it is true there are some ingenious software programs coming downstream. Companies like Zero Knowledge Systems in Montreal have software which allows you to disguise yourself on the web. Some software will block all the cookies from being placed on your hard drive or erase the ones you have -- but you will of course be locked out from going back to the site again. Other companies like Disappearing Ink use encryption technology to make it extremely difficult for anyone to retrieve your email after it has been deleted. Most people, by the way, still think when they hit the delete key, it's gone. Not so in the world of cyberspace as even Bill Gates discovered when confronted with some of his e-mail during the course of the Microsoft antitrust proceeding. But technology alone is not the solution. 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sanguine. Privacy, they argue, is dead. Too many Americans have already compromised their personal rights for a free six-pack of Coke or a membership in a frequent-buyer program. Most are not even aware they are so vulnerable. Thus it is very unclear what support there is for national privacy legislation. While the Clinton Administration made it clear to the FTC that their call for a privacy bill of rights was premature, and Vice President Gore once called for an electronic bill of rights, neither he nor Bush have taken strong positions during this campaign to make privacy an issue of national public importance. Most of the developed countries in the world -- after having experienced public controversy over the treatment of personal information and personal information systems -- have now developed legislation and policy and a response mechanism. So-called Data Protection Boards or Privacy Protection Commissions have been established to act as independent privacy ombudsmen defending individuals and investigating the workings of personal data systems maintained by government agencies or commercial firms. "It seems strange," David Flaherty, author of "Protecting Privacy in Surveillance Societies" put it, "that some countries have independent agencies to protect privacy. In America you have to protect your own." America need not rush out to create a new bureaucracy to mimic Europe's approach to solving the privacy dilemma, but Americans deserve much more respect from the institutions, both public and private, that serve them. At the least, the President--this one or the next-- must create A National Privacy Protection Study Commission as both Nixon and Ford did to get to the heart of the commercially driven privacy issues and make their recommendations to the President and the Congress. Only at the national level in a publicly appointed body will we get at the truth of our concerns and forge solutions under the watchful eye of the body politic and the press. Secondly we should insist that at minimum, the Federal Trade Commission's recommendations outlined in their report to Congress be embraced and the commission be directed to set the standards in the four areas they called for: notification about the use of personal data; consumers choices about the use of such information; the right of individuals to review data about themselves; and security measures to prevent unauthorized disclosure. It would be ironic and sad if the same constitution which created a free press and a free enterprise system enabling the robust knowledge economy we now admire, was somehow responsible for the massive loss of personal privacy we are witnessing and with it a demise of more fundamental freedoms of our democratic society. Eger, a telecommunications lawyer and Lionel Van Deerlin Professor of Communications and Public Policy at San Diego State University, was telecommunications advisor to Presidents Richard Nixon and Gerald Ford.

0 von 0 Kunden fanden die folgende Rezension hilfreich. The Shame Of Our Adversarial Legal System Von David Thomson I share Jeffrey Rosen's anger over the victimization of Lawrence Lessig. The Harvard University Law scholar's humorous and casual remarks about the software giant were unethically taken out of context. This resulted in forcing Lessig to resign his post as the Microsoft "special master." It is, however, an earlier incident ignored by Rosen that requires our current attention. During the murder trial of O.J. Simpson, Detective Mark Furhman was viciously attacked for using the "n" word. The Liberal media had a field day deriding this man for simply employing the word regardless of how it might have been used in a conversation. Rosen warns us to be wary of taking statements out of context. Yet, few legal scholars, if any, realized the precedent being set during the lynching of Detective Furhman. The Afro-American comedian, Chris Rock, never hesitates to joke about "niggers" and he is paid well for doing so. I have heard the "n" word used warmly between black males often in my life. Furhman, however, was not allowed the opportunity to explain the context of his words. Johnny Cochran was permitted in a court of law to demand of Furhman if the latter had simply ever uttered the "n" word. Judge Ito disgracefully allowed Cochran to get away with this outrage. The law departments of our major universities shamed themselves by their silence. Words are intrinsically nebulous. Language is a discipline belonging primarily to the Liberal Arts, and not the hard sciences. There is inherently no such thing as the unchanging and absolute meaning of any word. Literal language does not exist on our planet. The absolute letter of the law is a senseless concept. Ultimately, the spirit of the law is all we have separating us from Armageddon. It is merely a matter of the probability or outside possibility of how certain words are to be interpreted. This why I also argue that we will never engage, Bill Joy notwithstanding, in a give and take conversation with a computer. Stanley Kubrick's "HAL," will forevermore remain a fictional character. The meaning of a particular word is always subjective. This is neither the time and place for me to go into greater detail, but the philosophical deconstructionists mistakenly conclude that we should therefore abandon ourselves to nihilistic relativism and unbridled skepticism. Nevertheless, words are of no value unless put into proper context. It is both the logical and moral duty of individuals to make sure that they do their best to prudentially understand the whole context of another's words. Professor Rosen should invest time and energy reevaluating our almost sacred doctrinal adherence to our adversarial legal system. His concerns regarding privacy issues make little sense unless the very premise of our system of justice is taken to task. The disgusting and vile doctrine encourages the ruthless disregard of truth and justice. Our adversarial legal system inevitably deteriorates into something akin to a game with debatable rules in which only victory at any cost is to be valued. Laws based on an adversarial set of guidelines eventually seduce the wider culture. This encourages the mindset that anything and everything goes as long as one cannot be arrested or sued for their misbehavior. Originally in our nation's history, the destruction of the adversarial principle was limited because of a tacit agreement not to abuse the system. In the 21st Century, though, attorneys normally lie and offer the excuse that their words might through a bizarre interpretation mean the opposite of their common usage. President Bill Clinton,

for instance, is a splendid example of this decline when he lied about having sex with Monica Lewinsky. Vigorous advocacy of our rights is appropriate and mandatory if our democratic society is to survive. I strongly reject the concept that an individual should be presumed guilty until proven innocent. It is foolish, however, to pretend that we must either embrace the evil principle of adversarial justice, or American Democracy is unsustainable. The less extreme principle of vigorous advocacy is pragmatic and workable. I suggest that Jeffrey Rosen tackle this subject in his future writings. It behooves Rosen to go a bit deeper into the subject of privacy. His present book is well done, but it essentially puts the proverbial cart before the horse.

KurzbeschreibungAs thinking, writing, and gossip increasingly take place in cyberspace, the part of our life that can be monitored and searched has vastly expanded. E-mail, even after it is deleted, becomes a permanent record that can be resurrected by employers or prosecutors at any point in the future. On the Internet, every website we visit, every store we browse in, every magazine we skim--and the amount of time we skim it--create electronic footprints that can be traced back to us, revealing detailed patterns about our tastes, preferences, and intimate thoughts. In this pathbreaking book, Jeffrey Rosen explores the legal, technological, and cultural changes that have undermined our ability to control how much personal information about ourselves is communicated to others, and he proposes ways of reconstructing some of the zones of privacy that law and technology have been allowed to invade. In the eighteenth century, when the Bill of Rights was drafted, the spectacle of state agents breaking into a citizen's home and rummaging through his or her private diaries was considered the paradigm case of an unconstitutional search and seizure. But during the impeachment of President Bill Clinton, prosecutors were able to subpoena Monica Lewinsky's bookstore receipts and to retrieve unsent love letters from her home computer. And the sense of violation that Monica Lewinsky experienced is not unique. In a world in which everything that Americans read, write, and buy can be recorded and monitored in cyberspace, there is a growing danger that intimate personal information originally disclosed only to our friends and colleagues may be exposed to--and misinterpreted by--a less understanding audience of strangers. Privacy is important, Rosen argues, because it protects us from being judged out of context in a world of short attention spans, a world in which isolated bits of intimate information can be confused with genuine knowledge. Rosen also examines the expansion of sexual-harassment law that has given employers an incentive to monitor our e-mail, Internet browsing habits, and office romances. And he suggests that some forms of offensive speech in the workplace--including the indignities allegedly suffered by Paula Jones and Anita Hill--are better conceived of as invasions of privacy than as examples of sex discrimination. Combining discussions of current events--from Kenneth Starr's tapes to DoubleClick's on-line profiles--with innovative legal and cultural analysis, *The Unwanted Gaze* offers a powerful challenge to Americans to be proactive in the face of new threats to privacy in the twenty-first century. From the Hardcover edition. deGeorge Washington University law professor Jeffrey Rosen offers a vigorous defense of privacy in this book inspired by "the constitutional, legal, and political drama that culminated in the impeachment and acquittal of President Bill Clinton." He is particularly piqued at Ken Starr's investigation of Monica Lewinsky's private life, including her book-buying habits and the love letters she stored on her computer but never sent. "Privacy protects us from being misdefined and judged out of context in a world of short attention spans, a world in which information can easily be confused with knowledge," writes Rosen, who is also a legal affairs writer for *The New Republic*. "In such a world, it is easy for individuals to be victimized by the reductionist fallacy that the worst truth about them is also the most important truth." Rosen has two overriding concerns: how sexual-harassment law has underwritten invasions of privacy (it was Paula Jones's suit against Clinton, after all, that led to the Lewinsky revelations), and how the Internet threatens anonymity (he criticizes, for instance, .com's "creepy feature that uses ZIP codes and domain names to identify the most popular books purchased on-line by employees at prominent corporations"). Much of *The Unwanted Gaze* reads like a law review article--albeit one written with the storytelling touch of a professional reporter--and at times Rosen seems to aim mainly for an academic audience. Yet the book remains entirely open to lay readers, especially when Rosen delivers his impassioned apologies for privacy: "There are dangers to pathological lying, but there are also dangers to pathological truth-telling. Privacy is a form of opacity, and opacity has its values. We need more shades and more blinds and more virtual curtains. Someday, perhaps, we will look back with nostalgia on a society that still believed opacity was possible and was shocked to discover what happens when it is not." Rosen is a sharp thinker with a knack for conveying complex ideas through readable prose. --John J. Miller.com George Washington University law professor Jeffrey Rosen offers a vigorous defense of privacy in this book inspired by "the constitutional, legal, and political drama that culminated in the impeachment and acquittal of President Bill Clinton." He is particularly piqued at Ken Starr's investigation of Monica Lewinsky's private life, including her book-buying habits and the love letters she stored on her computer but never sent. "Privacy protects us from being misdefined and judged out of context in a world of short attention spans, a world in which information can easily be confused with knowledge," writes Rosen, who is also a legal affairs writer for *The New Republic*. 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