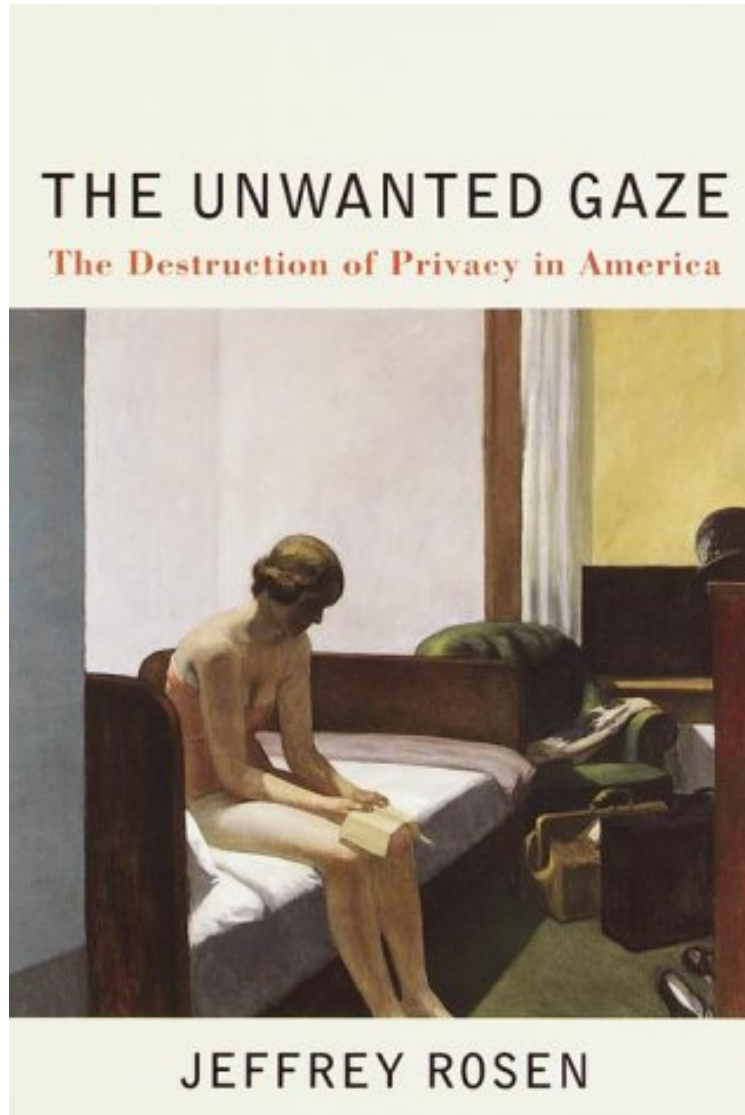


(Download pdf ebook) The Unwanted Gaze: The Destruction of Privacy in America

The Unwanted Gaze: The Destruction of Privacy in America

Jeffrey Rosen

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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:

0 of 0 people found the following review helpful. Still highly relevantBy Richard WarnerThis book is still remarkably relevant to current problems about privacy. It is the most detailed and well worked out discussion of the psychological effects of the "omnioptron"--everyone watching everyone. In contrast, most current critiques of contemporary surveillance focus on--the genuine and important--problems of the lack of free and informed consent to data

collection, and the use of information to in ways that unjustifiably harm individuals and groups.² of 6 people found the following review helpful. The Shame Of Our Adversarial Legal System By 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 Cochrane 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 Cochrane 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.⁰ of 0 people found the following review helpful. Hopelessly outdated. By Lance B. Hillsinger I purchased The Unwanted Gaze at the National Constitution Center in Philadelphia. It was prominently displayed in the gift shop. Given its prominence it should be the best of the best regarding balancing personal privacy with the need for public safety. It is far from the best of the best. Even with an updated afterword it is hopeless outdated. The Unwanted Gaze was first published in 2000. The Monica Lewinsky affair and the Clarence Thomas confirmation hearings were recent history and figure prominently throughout the text. At least with Monica Lewinsky the author rightly argues against the intrusion into her life that had nothing to do with Clintons misconduct. However, the special prosecutor law that allowed such intrusion to occur has since lapsed, making the authors argument moot. Much of the rest of the text concerns sexual harassment in the workplace. However, the author provides little unique insight into this issue. The author also discusses electronic privacy. This is where The Unwanted Gaze really shows its age. Cyber security challenges have increased exponentially in sixteen years, making the authors observations nearly useless. Given how outdated it is, The Unwanted Gaze needs to be removed from the gift shop at the National Constitution Center and replaced with something better. It is too outdated to waste anyones time or money.

As 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.

.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*. "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
From Publishers Weekly
Why were Paula Jones's lawyers "permitted to go on a fishing expedition into the President's sexual history?" Why was Kenneth Starr able to subpoena store records of books Monica Lewinsky had purchased? Why was he able to retrieve unsent love letters on her home computer? The erosion of privacy in American life, as demonstrated by the Clinton/Lewinsky case, is at the heart of this thoughtful, legally complex study by Rosen, a law professor and editor at the *New Republic*. Using the Clinton/Lewinsky and Clarence Thomas/Anita Hill affair, along with other case studies, he eloquently addresses why protecting individual privacy matters, what will be lost if we accede to its destruction, how the current state of affairs came to be and what can be done to recapture our lost privacy. Arguing that our collective loss of privacy has corrupted public discourse, the health of our workplaces and the well-being of our most intimate relationships, Rosen presents a strikingly original analysis of the legal, technological and social developments that have converged to justify invasive intrusions into our lives. Specifically, he argues that the archaic conceptual basis for privacy law and the extension of sexual harassment law to include "hostile workplaces" (where no explicit sexual advances occur) as a form of sexual discrimination are both blameworthy, and that the Internet is complicit. His critique of "hostile workplace" law is sure to stir up controversy. And many observers will think he's gone too far when he suggests, among other things, that what Clinton allegedly did to Paula Jones--exposing himself, making a crude remark--shouldn't be treated, legally, as sexual harassment. But Rosen's text is timely and will shape debate. And to his credit, he forgoes the traditional hand-wringing and offers creative and practical suggestions for a corrective course of action. (June) Copyright 2000 Reed Business Information, Inc.
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