Surveillance et sécurité (1)

L'auteur

Jeffrey Rosen, juriste et professeur de droit à l'université George Washington, est également chroniqueur en charge des affaires juridiques pour *The New Republic*. Il a publié de nombreux ouvrages aux États-Unis parmi lesquels *The Most Democratic Branch*, *The Naked Crowd*, et *The Unwanted Gaze*. Ses analyses ont paru dans *The New York Times Magazine*, *The Atlantic Monthly*, et dans *The New Yorker*, où il a été membre de la rédaction. Il fait figure, selon le *L.A.Times* du commentateur juridique le plus lu et le plus influent du pays.

L'œuvre

Constitution 3.0: Freedom & Technological Change, avec Benjamin Witts (éditeurs) (Brookings Institution Press, 2011)
The Supreme Court: The Personalities and Rivalries that Defined America (Times Books, 2007)
The Most Democratic Branch: How the Courts Serve America (Oxford University Press, 2006)
The Naked Crowd: Reclaiming Security and Freedom in an Anxious Age (Random House, 2004)
**The Unwanted Gaze: The Destruction of Privacy in America** (Random House, 2000)

Presse

«In this terrific new anthology, some of the country's most original constitutional thinkers set themselves to imagining a brave new world of 24 hour surveillance, Facebook snooping, neurological sentencing, biothreats, robots, and more. Each author tries to map these emerging technologies onto existing constitutional doctrine and reflect on how the current doctrine must stretch to accommodate, or risk failing us. This is a thrilling, terrifying account of technology that has come to define us, and a challenge to think in new ways about our most fundamental values.»

Dahlia Lithwick, *Slate* senior editor

Jeffrey Rosen
États-Unis

Zoom

The Naked Crowd: Reclaiming Security and Freedom in an Anxious Age (Random House, 2004)
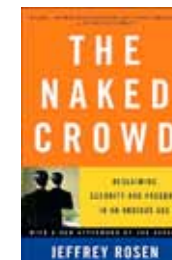
In *The Naked Crowd*, acclaimed author Jeffrey Rosen makes an impassioned argument about how to preserve freedom, privacy, and security in a post-9/11 world. How we use emerging technologies, he insists, will be crucial to the preservation of essential American ideals.

In our zeal to catch terrorists and prevent future catastrophic events, we are going too far — largely because of irrational fears — and violating essential American freedoms. That's the contention at the center of this persuasive new polemic by Jeffrey Rosen, legal affairs editor of *The New Republic*, which builds on his award-winning book *The Unwanted Gaze*.

Through wide-ranging reportage and cultural analysis, Rosen argues that it is possible to strike an effective and reasonable balance between liberty and security. Traveling from England to Silicon Valley, he offers a penetrating account of why well-designed laws and technologies have not always been adopted. Drawing on a broad range of sources—from the psychology of fear to the latest Code Orange alerts and airport security technologies — he also explores the reasons that the public, the legislatures, the courts, and technologists have made feel-good choices that give us the illusion of safety without actually making us safer. He describes the dangers of implementing poorly thought out technologies that can make us less free while distracting our attention from responses to terrorism that might work.

Rosen also considers the social and technological reasons that the risk-averse democracies of the West continue to demand ever-increasing levels of personal exposure in a search for an illusory and emotional feeling of security. In Web logs, chat rooms, and reality TV shows, an increasing number of citizens clutter the public sphere with private revelations best kept to themselves. The result is the peculiar ordeal of living in the Naked Crowd, in which few aspects of our lives are immune from public scrutiny. With vivid prose and persuasive analysis, *The Naked Crowd* is both an urgent warning about the choices we face in responding to legitimate fears of terror and a vision for a better future.

The Supreme Court: The Personalities and Rivalries that Defined America (Times Books, 2007)
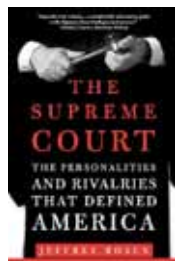
Jeffrey Rosen recounts the history of the Supreme Court through the personal and philosophical rivalries that have transformed the law—and by extension, our lives. With studies of four crucial conflicts — Chief Justice John Marshall and President Thomas Jefferson; post-Civil War justices John Marshall Harlan and Oliver Wendell Holmes; liberal icons Hugo Black and William O. Douglas; and conservative stalwarts William H. Rehnquist and Antonin Scalia —Rosen brings vividly to life the perennial rivalry between those justices guided by strong ideology and those who cared more about the court as an institution, forging coalitions and adjusting to new realities. He ends with a revealing conversation with Chief Justice John Roberts, who is attempting to change the court in unexpected ways. The stakes, he shows, are nothing less than the future of American jurisprudence.

The Most Democratic Branch: How the Courts Serve America (Oxford University Press, 2006)
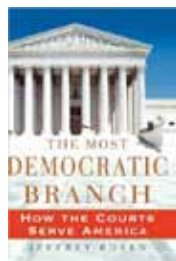
Many critics attack federal judges as anti-democratic elitists, activists out of step with the mainstream of American thought. But others argue that judges should stand alone as the ultimate guardians of American values, placing principle before the views of the people.

In *The Most Democratic Branch*, Jeffrey Rosen disagrees with both assertions. Contrary to what interest groups may claim, he contends that, from the days of John Marshall right up to the present, the federal courts by and large have reflected the opinions of the mainstream. More important, he argues that the Supreme Court is most successful when it defers to the constitutional views of the American people, as represented most notably by Congress and the Presidency. And on the rare occasion when they departed from the consensus, the result has often been a disaster.

To illustrate, Rosen provides a penetrating look at some of the most important Supreme Court cases in American history — cases involving racial equality, affirmative action, abortion, gay rights and gay marriage, the right to die, electoral disputes, and civil liberties in wartime. Rosen shows that the most notorious constitutional decisions in American history — the ones that have been most strenuously criticized, such as Dred Scott or Roe v. Wade — have gone against mainstream opinion. By contrast, the most successful decisions — from Marbury v. Madison to Brown v. Board of Education — have avoided imposing constitutional principles over the wishes of the people. Rosen concludes that the judiciary works best when it identifies the constitutional principles accepted by a majority of Americans, and enforces them unequivocally as fundamental law.

Constitution 3.0: Freedom & Technological Change, avec Benjamin Witts (éditeurs) (Brookings Institution Press, 2011)

At the beginning of the twenty-first century, breathtaking changes in technology are posing stark challenges to our constitutional values. From free speech to privacy, from liberty and personal autonomy to the right against self-incrimination, basic constitutional principles are under stress from technological advances unimaginable even a few decades ago, let alone during the founding era. In this provocative collection, America's leading scholars of technology, law, and ethics imagine how to translate and preserve constitutional and legal values at a time of dizzying technological change.

Constitution 3.0 explores some of the most urgent constitutional questions of the near future. Will privacy become obsolete, for example, in a world where ubiquitous surveillance is becoming the norm? Imagine that Facebook and Google post live feeds from public and private surveillance cameras, allowing 24/7 tracking of any citizen in the world. How can we protect free speech now that Facebook and Google have more power than any king, president, or Supreme Court justice to decide who can speak and who can be heard? How will advanced brain-scan technology affect the constitutional right against self-incrimination? And on a more elemental level, should people have the right to manipulate their genes and design their own babies? Should we be allowed to patent new forms of life that seem virtually human? The constitutional challenges posed by technological progress are wide-ranging, with potential impacts on nearly every aspect of life in America and around the world.

The Unwanted Gaze: The Destruction of Privacy in America (Random House, 2000)

The Unwanted Gaze is an important book about one of the most pressing issues of our day: how changes in technology and the law have combined to demolish our rights of privacy, and what we can and must do to re-secure them.

In a world in which Ken Starr can subpoena Monica Lewinsky's bookstore receipts and deleted e-mail messages can be used as justification for firing employees, it is clear that private information of all kinds can be taken out of context and wielded against us. Where exactly did our constitutional guarantees on privacy go? In superbly lucid prose, Jeffrey Rosen tells not only where those privacy rights went but also how we can get them back. *The Unwanted Gaze* is utterly indispensable for anyone who cares about the future of his or her private life.

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