

Jill Lepore, "The Prism: Privacy in an age of publicity," *The New Yorker*, June 24, 2013.

### **A Note about Sources**

*N.B. For readers who'd like to read more, or who are undertaking their own research, here is a select bibliography of my sources for this piece. As with all the bibliographies for New Yorker essays that I post on my Harvard faculty website, this brief discussion mentions a good number of works consulted but it's neither an exhaustive inventory of my sources nor a survey of the scholarship in a given field. Instead, I've listed works I found most useful or especially provocative. I have generally only included manuscripts, journal and magazine articles, and books; I haven't listed interviews here at all; I've not included things like newspapers, advertisements, patents, legislation, and policy statements; and I've generally left out citations from specialized bodies of literature in fields like medicine and law. A last caveat: these brief bibliographies are all frozen in time: I do not update them, and they therefore don't include anything written on these subjects after the date on which my essay was published.*

The affair of Giuseppe Mazzini's mail is best recounted in David Vincent's excellent book, *The Culture of Secrecy: Britain, 1832-1998* (New York: Oxford University Press, 1998), and also in Vincent's article, "The Origins of Public Secrecy in Britain," *Transactions of the Royal Historical Society*, 1 (1991): 229-248. The record of the debates about letter opening in *Hansard's Parliamentary Debates* runs to some five hundred pages. *Report from the Secret Committee of the Post Office* (London, 1844) contains a truly fascinating history of the mail. Mazzini's eloquent account of the scandal is *Letter-Opening at the Post-Office* (London, 1844); it appeared in the *Westminster Review* as "Mazzini and the Ethics of Politicians." Jeremy Bentham's "Of Publicity," first appeared in print with the publication of his *Works* in Edinburgh in 1843. On Mazzini, see Giuseppe Mazzini, *Life and Writings* (London, 1890-1891), six volumes; and Denis Mack Smith, *Mazzini* (New Haven, CT: Yale University Press, 1994). James Holbrook's memoir, *Ten Years Among the Mail Bags: Or, Notes from the Diary of a Special Agent of the Post-Office Department*, was published in Philadelphia in 1855. And, on the history of the American post, see Richard R. John, *Spreading the News: The American Postal System from Franklin to Morse* (Cambridge, MA: Harvard University Press, 1998).

Scholarship on the histories of privacy and of secrecy is vast, and moves in many directions at once. A central and defining work is *The History of Private Life*, five volumes edited by Philippe Ariès and Georges Duby (Cambridge, MA: Harvard University Press, 1987-1991). Recent book-length studies of great value include Pamela O. Long, *Openness, Secrecy, Authorship: Technical Arts and the Culture of Knowledge from Antiquity to the Renaissance* (Baltimore: The Johns Hopkins University Press, 2001); Patricia Meyer Spacks, *Privacy: Concealing the Eighteenth-Century Self* (Chicago: University of Chicago Press, 2003); Michael McKeon, *The Secret History of Domesticity: Public, Private, and the Division of Knowledge* (Baltimore: The Johns Hopkins University Press, 2005); Milette Shamir, *Inexpressible Privacy: The Interior Life of Antebellum American Literature* (Philadelphia: University of Pennsylvania Press, 2006); Lawrence M. Friedman, *Guarding Life's Dark Secrets: Legal and Social Controls*

*over Reputation, Propriety, and Privacy* (Stanford: Stanford University Press, 2007); Jon R. Snyder, *Dissimulation and the Culture of Secrecy in Early Modern Europe* (Berkeley: University of California Press, 2009); and Deborah Cohen, *Family Secrets: Living with Shame from Victorians to the Present Day* (London: Viking, 2013).

There exists a considerable body of scholarship on the ethics of concealment. A useful compendium is *Philosophical Dimensions of Privacy: An Anthology*, ed. Ferdinand David Schoeman (Cambridge, UK: Cambridge University Press, 1984) and especially influential works include Sissela Bok, *Secrets: On the Ethics of Concealment and Revelation* (New York: Pantheon, 1982) and Amitai Etzioni, *The Limits of Privacy* (New York: Basic Books, 1999). Examinations of the evolution of “mysteries of state” are Ernst H. Kantorowicz, “Mysteries of State: An Absolutist Concept and Its Late Mediaeval Origins,” *Harvard Theological Review* 48 (1955): 65-91 and Peter Donaldson, *Machiavelli and Mystery of State* (New York: Cambridge University Press, 1988).

Scholarship on the history of publicity, per se, is not so easily classed but nearly all of it is in conversation with Jürgen Habermas’s arguments about the public sphere. Notable is Richard Sennett, *The Fall of Public Man* (1974; New York: Norton, 1992). A wildly entertaining narrative history that illuminates the relationship between mystery and privacy by recounting the rise of the detective is Kate Summerscale, *The Suspicions of Mr. Whicher* (New York: Walker & Company, 2008). The best biography of Poe remains Kenneth Silverman, *Edgar A. Poe: Mournful and Never-Ending Remembrance* (New York: HarperCollins, 1991). See also my essay about Poe as a solver of mysteries, “The Humbug,” *The New Yorker*, April 27, 2009, and my essay about secrecy in voting, “Rock, Paper, Scissors,” *The New Yorker*, October 13, 2008.

The legal scholarship on the right to privacy is extraordinarily extensive, as, of course, is the case law. I point, here, merely to some of the more intriguing historical scholarship on the swirl of culture and ideas that led to the publication of Samuel D. Warren and Louis Brandeis’s “The Right to Privacy” in the *Harvard Law Review* in 1890. That scholarship includes “The Right to Privacy in Nineteenth-Century America,” *Harvard Law Review* 94 (1981): 1893-1910, and Brook Thomas, “The Construction of Privacy in and Around *The Bostonians*,” *American Literature* 64 (1992): 719-747. Especially provocative is a recent account documenting the influence of Romantic poets: David Rosen and Aaron Santesso, “Inviolate Personality and the Literary Roots of the Right to Privacy,” *Law and Literature* 23 (2011): 1-25. Rosen and Santesso also provide a useful bibliographic discussion of the scholarship on the law and philosophy of privacy in footnote 4. What of Warren’s personal experience led to his interest in writing about privacy is very carefully and significantly tracked down by Amy Gajda in “What if Samuel D. Warren Hadn’t Married a Senator’s Daughter?: Uncovering the Press Coverage that Led to ‘The Right to Privacy,’” *Michigan State Law Review* 35 (2008): 35-60. The best biography of Louis Brandeis is Melvin I. Urofsky, *Brandeis: A Life* (New York: Pantheon, 2009). On the legacy of the 1890 article, see Robert C. Post, “Rereading Warren and Brandeis,” *Case Western Reserve Law Review* 41 (1991): 647-680.

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