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From "Old Corruption" to the liberal state: publicity, privacy, and secrecy in Britain, *c*. 1660–1900

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Introduction

If the production of public and private knowledge is a dialectical process, this is partly because it is a profoundly social activity. It is not only that the meaning of one is inscribed in the other and subject to elaboration in a variety of social forms, among them legal codes, class relations, and multiple discursive and material practices. It is also because this knowledge is reflexively produced and reproduced over time, looping back into the same society from whence it came. It is this (diachronic) dimension in particular which means that whilst public and private forms of knowledge can and do become durable, they are also open to challenge and revision—hence of course their incredibly rich history. This basic assumption underpins the account that follows; but it also seeks to argue for the foundational importance of a third and further epistemological element, one which inhabits public and private forms of knowledge—or at the very least bears a relation to them—and yet is also quite distinct: secret forms of knowledge and various people and practices that are deliberately set apart and concealed. These, too, it is suggested, are part of the dialectical elaboration of public and private forms, if also outside, to the extent that they point to practices where the two cannot be rigorously distinguished.

This argument is developed in the context of Britain during the period from roughly 1660 through to 1900, with a particular focus on the place and function of secrecy within the broadly liberal regime of statecraft that emerged after the Great Reform Act of 1832. Three aspects of this regime are examined: state security and public order; commercial and financial interests and the ethics of public office; and voting and the enactment of citizenship—or more especially, secrecy and espionage; secrecy and corruption; and secrecy and voting. In doing so, it works against the grain of existing analyses, which for all their subtlety and carefully framed caveats, nonetheless present a picture of growing public accountability, as the reformed state of the post-Napoleonic period gradually displaced its post-Restoration predecessor. Quite the contrary: it argues that secrecy was organized and formalized with a novel institutional intensity and specificity. It is assuredly not the case that more publicity entails less secrecy. They can grow and develop together, just as they did in the Victorian period.[1]

Why? The reasons are many; but crucially, so it will be suggested, the growth of new and more specific forms of secrecy occurred not in spite of, *but because of*, the

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[1] I've made this argument elsewhere, albeit in different historical and conceptual terms to the ones developed here: Tom Crook, "Secrecy and liberal modernity in Victorian and Edwardian England," *The Peculiarities of Liberal Modernity in Imperial Britain*, ed. Simon Gunn and James Vernon (Oakland, CA, 2011), 72–90.

growing disaggregation and specificity of public and private forms of knowledge and the practices and social relations that were rooted in them and accordingly thematised as such (as "public" and "private"). This was especially so in relation to the development of different spheres of "interest," as these were located in the state and society on the one hand (more public), and in the marketplace, individual and family on the other (more private)—to put the matter crudely, for it is precisely the instability and artifice of these epistemological-institutional locations that secrecy brings into sharp focus. The argument, then, is that the history of secrecy provides an essential supplement to existing historical analyses of the development of public and private forms of knowledge by pointing to a crucial—and often overlooked—aspect of their dialectical articulation: briefly, that as the distinction between the two became more pronounced and refined, and more varied in its applications and uses, so too did their interrelations and capacity to mix with one another; and it was at these morally and epistemologically uncomfortable points where secrecy came into play.

Such is the guiding thread here and in broad terms there is much to support sociological and anthropological work that points to the role of secrecy in helping to maintain social order, in particular by concealing or obscuring those areas of social life where binary thinking breaks down and cherished boundaries become muddled and porous (e.g. illegal/legal; nature/culture).[2] As Georg Simmel long ago theorized, if knowledge is power, then so too is secrecy: it brackets moral confusion; blocks unruly excesses of information; establishes socially necessary hierarchies of knowingness.[3] All three of the examples developed below—official secrecy; novel forms of political corruption; and secret balloting—might be seen in these terms. All three were a product of efforts to impose some kind of order on an increasingly complex (capitalist-democratic-imperial) society composed of competing public and private interests. Yet, as these same examples suggest, if secrecy helped to maintain social order and manage ambiguity, then it did so in a variety of ways. It is not just that the precise nature of the public-private conundrum was different in each case. Secrecy itself was variously appraised—including, it might be emphasized, championing it as entirely legitimate, as in the case of voting. As we shall see, it is no small part of its complex relation to public and private forms of knowledge that secrecy has been subject to competing claims regarding its uses and abuses.

We begin, however, with a sketch of the culture of governance and public office in the period after 1660, where the relations between secrecy, publicity and privacy were less clearly delineated.

I: "Old Corruption" and the post-Restoration state

Both during and after the Napoleonic Wars, popular radicals routinely drew attention to what they called "Old Corruption." They used the term to describe a shadowy system of political patronage and inducement that took unprecedented amounts of tax money from hardworking Britons and transferred it to an elite group of well-connected insiders. Developed over the course of centuries, a variety of means were used to capture

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[2] See for instance, Sissela Bok, *Secrets: On the Ethics of Concealment and Revelation* (New York, 1984) and Michael Taussig, *Defacement: Public Secrecy and the Labor of the Negative* (Stanford, CA, 1999).
[3] Georg Simmel, "The Sociology of Secrecy and of Secret Societies," *American Journal of Sociology* 11 (1906), 441–98.

taxpayers' money in this fashion, among them the grant of sinecures and reversions, church patronage, lucrative government contracts, a regressive indirect tax regime, and a series of commercial and financial policies that served the interests of landowners and City financiers at the expense of the disenfranchised masses. The critique was principally waged in print, culminating in the celebrated *Black Book; or, Corruption Unmasked*, first published in 1816 and edited by John Wade, which detailed the names and takings of thousands of placemen and pensioners over many editions.[4] Nor was this all: understood expansively, the term encompassed government espionage and "terror"; oligarchic town councils and newspaper taxes; and an electoral system open only to a tiny minority of adult males and riven with rotten boroughs. All were elements of a murky nexus of elite power that seemed altogether imposing and pervasive: William Cobbett, who perhaps did most to popularise the term "Old Corruption," also dubbed it "the System."

   Historians have long debated the accuracy of this radical critique. As Philip Haring has suggested, it is ironic that it intensified in the 1810s and 1820s, for by this point most of the truly egregious excesses of "Old Corruption" (Crown patronage and sinecures in particular) had been removed, thanks to a process of "economical reform" begun in the 1780s.[5] Historians, too, have argued that by European standards the British state was both relatively "pure" and efficient.[6] But however accurate or not, we can see the critique of "Old Corruption" as the culmination of long-standing currents of reform; and though these did indeed intensify from the 1780s, they have a much deeper history than was once supposed, as recent revisionist work has suggested, dating back to the time of the Restoration at the very least. These are many, but they include changing and more precise ideas of publicity and privacy and associated forms of knowledge. The desire to "unmask" power, to quote the subtitle of Wade's *Black Book*, built on growing demands for public accountability. Equally, the very idea of "corruption" radicals advanced was premised on a distinction between public and private interests that had first been advanced in the seventeenth century.

   Of course, we should not overlook the fact that "the System" was able to flourish in the way it did. Chief among the ingredients are a variety of developments that expanded the opportunities for the pursuit of self-interest. The emergence of a fiscal-military state equipped with unparalleled tax-raising powers; rapidly growing networks of financial capital, imperial commerce and political influence; recurrent wars and the award of lucrative military contracts and honours; the rise of parliament, parliamentary lobbying and Government patronage of MPs: all greatly enhanced the ability of the elite to enrich themselves at the expense of public finances. We might mention, too, something like a general disregard for public accountability, which drew a cloak over much of the workings of the system. If the state became increasing adept at accounting during this time, generating what was sometimes termed "public information," this was more in the service of its internal workings than in the interests

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[4] The 1832 edition numbered no less than 632 pages. John Wade, *The Extraordinary Black Book: An Exposition of Abuses in Church and State, Courts of Law, Representation, Municipal and Corporate Bodies: with a précis of the House of Commons, Past, Present, and to Come* (London, 1832).

[5] Philip Harling, "Rethinking 'Old Corruption'," *Past & Present* 147 (1995): 127–58; and *The Waning of "Old Corruption": The Politics of Economical Reform in Britain, 1779–1846* (Oxford, 1996).

[6] See especially John Brewer, *The Sinews of Power: War, Money and the English State, 1688–1783* (Cambridge, MA, 1983).

of public transparency, at least until the later eighteenth century—a point to which we shall return.

This was especially so at its apex, where a longstanding culture of secrecy, secured by the administration of oaths dating back to the medieval period guarded the dealings of the monarch and his or her Privy Councillors and ministers, and later members of "the Cabinet." The signal instance of this is the use of the Privy Council oath, where the term "privy" connoted both "privacy" and "secrecy"—a semantic association that persisted long into the eighteenth century.[7] Likewise, government-sponsored espionage, which was normally commissioned by high ranking ministers, continued to operate by stealth. Following the Restoration, a Secret Service Fund was established, followed in 1703 by a Deciphering Branch dedicated to intercepting mail.[8] Of the two, the most important was the former, which was used to finance propaganda on the Continent, an assortment of part-time informants, and an elaborate system of political and diplomatic bribery. The extensive surveillance of political radicals at home and in Ireland during the 1790s, for instance, was partly financed from the fund; but not all of this secret money was spent on espionage: under Walpole and Pelham (1721–53), it seems most of the money was spent on securing (bribing) compliant MPs. It was also subject to a modicum of accountability. The 1782 Civil List Act restricted use of the fund to the principal secretaries of state for home and foreign affairs and to the first commissioner of the admiralty, each of whom had to render annual accounts to the Treasury; and from 1797 an annual Secret Service Vote was held in parliament—though neither entailed the disclosure of how the monies were spent.

Beyond the centre, stretching out into a maze of local authorities, we might speak of limited, elite-based forms of accountability. Boroughs were made up of members of the local elite, who were at once answerable to the Crown, which in most cases had granted their charters, but also co-opting, refreshing their leadership through annual rounds of intimate elections restricted to existing aldermen and councillors.[9] More broadly, local magistrates formed the lynchpin of a culture of hierarchical oversight. Charged with maintaining the peace and enforcing statutes at the local level, which required overseeing the work of all manner of local agents (e.g. parish officers and employers), his own work administering justice was overseen from above by regional councils, lords lieutenants, bishops and above all by assize judges, who visited the counties twice a year before submitting reports to Westminster—a great chain of oversight that, in theory at least, led all the way back up to the (secretive) Privy Council.[10] Similar hierarchies of oversight applied to the work of an expanding corps of customs and excise officers, who numbered a staggering 6,500 by the 1750s, where increasingly elaborate forms of bureaucratic accounting and form-filling that fed up to Excise and Customs commissioners in London meant were used to secure internal accountability and discipline.[11]

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[7] Samuel Johnson, *Dictionary of the English Language* (London, 1755), "Sec."

[8] Christopher Andrew, *Secret Service: The Making of the British Intelligence Community* (Sevenoaks, 1986), 22–23.

[9] Malcolm Crook and Tom Crook, "Ballot papers and the practice of elections: Britain, France and the United States of America, c. 1500–2000," *Historical Research* 88 (2015): 534-535.

[10] Michael J. Braddick, *State Formation in Early Modern England, c.1550–1700* (Cambridge, 2000); Edward Higgs, *The Information State in England: The Central Collection of Information on Citizens since 1500* (Basingstoke, 2004), 36-40.

[11] Brewer, *Sinews of Power*, 66.

The principal source of public accountability was parliament, which after 1688 occupied a central place in England's—and then Britain's and the UK's—unwritten constitution. Gradually, it sat for longer; legislated, voted on and debated more and more issues (some 5,300 acts of parliament were passed between 1689 and 1760); and demanded and received growing volumes of information from the executive.[12] Yet the work of parliament remained largely obscure to the outside world until the mid-century;[13] and though local issues and grievances—as well as fiscal and commercial ones—were presented by MPs, it was in no way representative of the nation: or rather, was so only "virtually," as Burke would later elaborate. The limitations of the "unreformed" electoral system of the eighteenth century are well-known. After an unprecedented burst of elections between 1689 and 1715, an act of 1716 placed them on a seven-year cycle; the franchise remained untouched and in 1831 still constituted only a tiny proportion of the overall population (3.2% in England and Wales); and just under half of the constituencies had fewer than a hundred voters, and a handful only one or two (so-called "rotten" and "pocket boroughs").[14] Meanwhile, when and where a contest was required, elections stretched over a week or more, and were often riotous affairs, characterised by extensive treating, intimidation and bribery. Their communal nature was reflected in the mode of voting, which took place publicly on the hustings, where a poll clerk would record voters' choices, before they were published in a poll book, a practice that began in the 1690s.

"Old Corruption," then, was partly a product of the fact that self-interested patronage and venality were able to flourish in the relative absence of any external checks on the state that rendered it workings accountable to the public at large (as opposed to internal checks). Yet, values and perceptions of public authority mattered too; and it is this which forms one site among others where "the public" and "the private" were articulated afresh and, increasingly, in opposition to one another, including in relation to different forms of knowledge. Crudely, we might sketch two aspects of what developed from the time of the Restoration: those values and forms of authority that were inherited; and those that there were emergent, variously complementing, challenging and complicating the former.

The early modern inheritance: One inheritance was the fundamental inscrutability of monarchical power, which derived from classical and medieval Christian notions of statecraft and kingship. Famously, Robert Filmer's *Patriarcha: or The Natural Power of Kings* (1680) began by declaring "it would have nothing to do with the mysteries of state. Such *arcana imperii*, or cabinet councils, the vulgar may not pry into," suggesting that "an implicit faith" was owed "to Prince in the profound secrets of government."[15] But notions of divine kingship were of diminishing currency; and in any case, they paled beside a more abundant and operative discourse of elite power exercised by the nobility and gentry, which was steeped in notions of publicity, and especially "public office" and "office-holding."[16] These, too, were of classical-Christian descent and all

[12] Peter Jupp, *The Governing of Britain, 1688–1848: The Executive, Parliament and the People* (Abingdon, 2006), 70.

[13] Jupp, *Governing of Britain,* 77; Brewer, *Sinews of Power*, 227.

[14] An excellent and up-to-date overview can be found in James Vernon, *Modern Britain: 1750 to the Present* (Cambridge, 2017), 14–20.

[15] Robert Filmer, *Patriarcha: or The Natural Power of Kings* (London, 1680), 5.

[16] See especially Paul Langford, *Public Life and the Propertied Englishman, 1689–1798* (Oxford, 1991).

assumed that any sort of significant public office required some form of substantial property ownership, and most of all landed property. The broad equation is well-known: ownership of property and wealth, and the control of labour that accompanied it, enabled the sort of free action and virtuous independence that were deemed crucial to the exercise of authority over others. Its significance can hardly be overstated: the differential distribution of property formed the economic backbone of a society that was principally—if by no means exclusively—imagined as an intricate hierarchy composed of finely graded ranks and orders, stations and classes, each bound together by a similarly intricate system of reciprocal relations and responsibilities.

Property was not all: manners, self-discipline and personal conduct were also crucial to office holding, as Steven Shapin has argued, not least because authority was often exercised in face-to-face settings; and these were all subject to careful specification in more or less classical-humanist and Christian idioms.[17] For our purposes, three aspects might be highlighted. The first is that, as initially formulated, the publicity of public office was conceived in hierarchical and personal terms—as a capacity to rule over others—with any particular office forming part of an elaborate chain, of ascending seniority and rank, culminating in the offices of the Crown, the higher courts and the upper echelons of the Anglican Church. Such offices were often seen as a trust bequeathed by the monarch (and ultimately God); but this did not preclude insisting that the moral capacities that naturally attended someone of public office should be used to further the "public good" or the "public interest," both terms that were current by the early seventeenth century.[18] As Conal Condren has shown, though the private connoted secrecy, in this context it was used to refer to a state of subordination and passivity in relation to those with office: a lack or inferiority, rather than something that might be positively opposed to the public. It followed that one might be private in relation to someone of senior office and public in relation to someone below.[19]

The second is that public office was conceived as a form of property that, in some sense, belonged to the holder, complementing other forms of property that underpinned their public status and from which they derived an income. To be sure, as Gerald Aylmer long ago cautioned, it is difficult to generalise, given the maddening abundance of offices, which might be held under a variety of tenures and offer a variety of rewards; and some, such as those in Navy, Admiralty and the Excise, were salaried and demanded long hours and quite specific skills.[20] Yet it is clear that for many a given public office was a form of property that might be enjoyed—and exploited—like any other form of income-generating property. There is no other way to explain continued practices of absentee fee-taking and peculation, which were rife. It seems the Exchequer offered some especially choice pickings: in the year 1779–80, for instance, the emoluments paid to its aristocratic absentee officers in the lower Exchequer amounted to £45,300, whilst the public paid a further £38,000 in fees to the deputies and clerks

[17] Steven Shapin, *A Social History of Truth: Civility and Science in Seventeenth-Century England* (Chicago, 1994), chap. 2.
[18] Paul Slack, *From Reformation to Improvement: Public Welfare in Early Modern England* (Oxford, 1999), chap. 4.
[19] Conal Condren, "Public, Private and the Idea of the 'Public Sphere' in Early-Modern England," *Intellectual History Review* 19 (2009): 21–23.
[20] G. E. Aylmer, "From Office Holding to Civil Service: The Genesis of Modern bureaucracy," *Transactions of the Royal Historical Society* 30 (1980), 91–108.

who actually did the work.[21] Likewise, offices were bought and sold, or handed down and distributed among families. Notoriously, Sir Robert Walpole, as Britain's first "Prime Minister," secured numerous offices for his friends and family: his son, Edward, later went on to earn nearly £8,000 in fees and over £1,500 in salary per annum as Clerk of the Pells—and this was but one of many offices that Walpole secured for his sons alone, which extended to peerages and other posts in the Exchequer and Customs department.[22]

The third is that the culture of early-modern office-holding is impossible to disentangle from a suite of elaborate, and often ritualised, customary practices surrounding the exchange of favours and gifts and demonstrations of largesse.[23] These, too, were underpinned by classical and Christian teachings and were judged a core component of the ethics of public office and the social status that attended it. Simply put, the virtues of public life encompassed both the honourable exertion and disinterested fulfilment of office, *and* liberality in giving and receiving favour; and not just between friends and family, but between patrons and the clients that provided them with services, and the broader community in which they were located.[24] This extended from the patronage exercised by the royal court and major office-holders in the law and Excise and Customs to the conduct of elections, where treating, gift-giving and bribery formed part of a culture of exchange and reciprocal respect that involved give-and-take on both sides. Candidates and their patrons would lavish treats and cash bribes on their supporters, whilst the latter would petition and harass the former regarding existing or potential employment opportunities, local legislation that might be passed, and the influence they held regarding the appointment of other local offices (e.g. town clerk or JPs)—all of which was regarded as legitimate: "a means of exchange by which patrons attempted to exert their influence over the electors and by which electors endeavoured to negotiate with their patrons."[25]

Modern developments: As historians have suggested, the durability and even vitality of this early modern inheritance meant that notions of "corruption" remained confused and indistinct long into the eighteenth century.[26] The lines between personal and private interests on the one hand, and public responsibilities and obligations on the other, were difficult to establish. The same is true of the sorts of knowledge that pertained to both. Given the intensely personal nature of office holding, it was unclear as to what lay within the bounds of the publicly accountable and "official"—or, conversely, the secret and the private. Yet, equally, as historians have also argued, it would be wrong to suggest that contemporaries failed to grasp these distinctions at all. Quite the contrary: as mentioned, early modern conceptions of office were ethically demanding. All office holders were expected to practise virtue, honour, fairness and independence. One instance of these normative standards is the continued importance of the age-old

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[21] Brewer, *Sinews of Power*, 71.

[22] Philip Woodfine, "Tempters or Tempted? The Rhetoric and Practice of Corruption in Walpolean Politics," *Corrupt Histories*, ed. Emmanuel Kreike and William Chester Jordan (New York, 2004), 175.

[23] See for instance Felicity Heal, *The Power of Gifts: Gift-exchange in Early Modern England* (Oxford, 2014), especially Part II.

[24] Bruce Buchan and Lisa Hill, *An Intellectual History of Political Corruption* (Basingstoke, 2014), 108–113.

[25] Frank O'Gorman, *Voters, Patrons and Parties: the Unreformed Electorate of Hanoverian England, 1734–1832* (Oxford, 1989), 142.

[26] Buchan and Hill, *An Intellectual History of Political Corruption*, chaps. 4 and 5.

distinction between "good" and "bad gifts": whereas the former conformed to conventional expectations of generosity, grace and liberality, the latter were given only grudgingly, or without due reciprocity, or again solely in order to secure favour, typically by gifts exchanged secretly—what became known as "bribery" during the seventeenth century, when it was understood as the secret payment of money or gifts to public officials, whether judges, churchmen, lawyers or scholars.[27]

At the same time, modern notions of "the public" and "the private" were beginning to coalesce, rendering, as Michael McKeon has argued, formerly tactic understandings into more explicit ones, which in turn featured in critiques of inherited practices and helped to establish new ones.[28] One such site where the public and private were rearticulated in this fashion was "the State" and "the Government:" both terms that were current during the late seventeenth century, but which, as Joanna Innes has suggested, were increasingly used from roughly 1780 to refer to functional entities "that might actually *do* things" (i.e. interfere with and act on society).[29] In particular, as it grew and developed, both nationally in fiscal-military terms, and to a lesser extent locally in the realms of poor law and penal policy, the state became a source of "public knowledge." The term itself was increasingly used from the 1660s in this fashion, alongside others such as "public information." It reflected, too, the growing volume of information generated by the state. In 1745, John Arbuthnot, reflecting on the art of "political arithmetic" which had first emerged in the 1660s, spoke of the need to maintain "public Accounts of a Nation;" and by this he meant accounts that applied to "the whole State of a Commonwealth," including "the Number and Fructification of its People … Increase of Stock, Balance of Trade, Public Revenues, Coinage, Military Power by Sea & Land, etc."[30]

In these uses, "public knowledge" was taken to mean knowledge "belonging to a state or nation; not private," as *Johnson's Dictionary* (1755) had it; but public knowledge was also understood to mean information that was unconcealed and open to view—and this quality, too, gradually came to characterise the "public knowledge" produced by the post-Restoration state.[31] This partly reflected new normative demands that government and parliament should be answerable to the public, and at the very least acknowledge the existence of what became known as "public opinion." This novel public entity was first invoked with any regularity in the 1730s, before it became an established point of reference in the 1780s, when the precise nature of its authority was first debated; but throughout an ever-growing newspaper press was understood as one of its principal means of expression—numbering only twenty or so in the early 1700s, by the 1760s there were some thirty titles in London and about forty in the provinces.[32] On the other hand, the sense of openness associated with "public knowledge" reflected the growing legibility of the executive and parliament to those on the outside, among them lobbyists, journalists and members of the public more broadly. During the 1740s,

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[27] Geoffrey Elton, "How Corrupt was Thomas Cromwell?" *Historical Journal* 36 (1993): 907–08.

[28] Michael McKeon, *The Secret History of Domesticity: Public, Private, and the Division of Knowledge* (Baltimore, 2006), xix-xx.

[29] Joanna Innes, "Central Government 'Interference': *Changing Conceptions, Practices, and Concerns, c. 1700–1850,"* in *Civil Society in British History: Ideas, Identities, Institutions*, ed. Jose Harris (Oxford, 2003), 42–43. Italics in original.

[30] John Arbuthnot, *An Essay on the Usefulness of Mathematical Learning: In a Letter from a Gentleman in the City to a Friend in Oxford* (London, 1745), 19-20.

[31] Johnson, *Dictionary of the English Language*, 'Pub.'

[32] Jupp, *Governing of Britain,* 96.

the circulation of skeletal accounts of parliamentary debates—one-page summaries known as *Votes and Proceedings*—was supplemented with the circulation of printed "accounts and papers" detailing the work of some of the committees that scrutinised the executive; and from 1767 these *Journals*, as they were known, were supplemented again by the publication of a separate series of collected parliamentary committee reports which appeared while the house was in session. The result was that by the 1780s, members of the elite had to accept at least a modicum of external accountability to the public and the presence of various print-based forms of exposure as a necessary part of what was becoming known as "public life."

Crucially, these emergent shifts in understandings and practices of public knowledge were accompanied by some equally important developments in conceptions of office-holding—and it is these in particular which point to a growing distinction between public and private zones of knowledge and, above all, spheres of "interest." As Mark Knights has recently detailed, although office-holders had long been restrained by humanist (e.g. Ciceronian) and Christians ideals and charged with pursuing the "public good," from the roughly middle of the seventeenth century it became increasingly common to suggest that they were also discharging a "trust" on behalf of the state or the people; or what was commonly termed a "public trust."[33] As Knights elaborates, slowly but surely this reappraisal of the moral and legal basis of office-holding—crudely, away from God and the King to the state and the public—undermined the idea that public and private interests might be pursued together by an office-holder, in a complementary fashion. Instead, it suggested they were opposed: that using public office as a means of advancing personal or private interests constituted an "abuse." Quite when such sentiments became widespread has yet to be determined, but it is clear they had some purchase, however limited, much before the nineteenth century, or indeed the famous (if failed) impeachment of Warren Hastings (1788–94). In 1725, the Lord Chancellor, the earl of Macclesfield, was impeached for selling office in the court of Chancery. His defence appealed, quite explicitly, to inherited ideas of office-holding, arguing:

The Publick is concerned only in the Goodness of the Officer, not how advantageous to him the Grant of the Office is, nor in the Inducement to which he that appointed him had to put him in: whether Friendship, Acquaintance, Relation, Importunity, great Recommendation or a Present.

Macclesfield was nevertheless found guilty of "high crimes and misdemeanours" and fined £40,000.[34] Other prosecutions followed, and by the 1780s it seems that this new conception of public office was beginning to migrate from popular tracts and courts rooms into practices of government. In 1782, for instance, the Commissioners for Examining the Public Accounts, formed just two years earlier, issued the following clarification that was at once a guide and an admonishment to serving personnel: "The Officer is a Trust for the Public … he is bound to husband the Public money with as much frugality as if it were his own … [but] he ought not to be permitted to carve out for himself an interest in the execution of a public Trust."[35]

The flipside of this is well-known, if no less complex: namely, the reappraisal of the private. Crudely, we might distinguish between two strands here. On the one hand,

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[33] Mark Knights, "Anticorruption in Seventeenth- and Eighteenth-Century Britain," *Anticorruption in History: From Antiquity to the Modern Era*, ed. Ronald Kroeze, André Vitória and G. Geltner (Oxford, 2018), 191–94.

[34] Quoted in *ibid*., 192.

[35] Quoted in Buchan and Lisa Hill, *An Intellectual History of Political Corruption*, 156.

as it was gradually and unevenly released from economic functions, the domestic sphere emerged as a bulwark of familial privacy and communication. If hardly practised by all in this fashion, the home was increasingly celebrated as a place of repose and retreat, and by the eighteenth century, if not before, was cherished as a place for the cultivation of private knowledge and the protection of intimate secrets. As Amanda Vickery has written, set forth in 1604, the legal ruling that "the house of everyone is his castle" was "already a hoary old cliché of English common law" by 1700; and by the 1760s, the work of Blackstone confirmed that the right to enjoy property included the right to exclude others and to live free of "nuisances" such as snooping and eavesdropping.[36] But it was not just neighbours who posed a threat; so too did the state, which might abuse its public functions by invading the domestic sphere or encroaching on private communications. As early as 1663, the Post Office, just three years after its founding, was forced to issue assurances that mail would not be opened or tampered with.[37] Later, in the 1760s and 1770s, a series of legal confrontations over the use of general search warrants and incursions by revenue agents confirmed that the King, whether in person or through his agents, could only enter the houses of his subjects by consent.[38] The celebrated radical John Wilkes was one of the victims, complaining that government agents had "ransacked and plundered" his house and divulged his "most private and secret concerns."[39]

Contrary to some early modern meanings, then, which associated it with a state of subordination and deprivation, privacy was rearticulated as a positive and desirable quality: a force for good; a cherished right; a form of liberty. On the other hand, in a still more complex re-articulation, the term "private" was used to distinguish various "interests"—needs, wants, beliefs and rights—that were pursued and developed outside or beneath the public realm of the state. These were not solely material or property-based: they might concern religious beliefs or party-political formations. The varied language of interest that emerged after the Restoration, as McKeon has suggested, coincided not just with a series of economic developments (e.g. the abolition of feudal tenures in 1660; the financial revolution of the 1690s), but also the growth of dissent and the emergence of Whig and Tory factions in parliament.[40] Nor was their pursuit necessarily opposed to the "public interest:" one might regard, as some did in the seventeenth century, culminating in Adam Smith's writings, that the public interest was simply the aggregate sum of all private interests. Rather, the opposition that emerged was more epistemological than strictly or necessarily moral: the private was more particular, rooted in the perspective of the self; the public more general, rooted in the perspective of the social and the state. It is no coincidence that "self-interest" and "selfish" were coined in the 1640s and 1650s as pejorative terms; "self-promoting" followed in 1662 and "self-advancement" in 1707.

In some respects, this second strand, too, entailed dignifying the private, and in particular legitimizing the pursuit of a protean realm of private interests. But what became crucial was precisely the relation of these private interests to the public or national interest: the question of quite where, how and to what extent they mixed

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[36] Amanda Vickery, *Behind Closed Doors: At Home in Georgian England* (Hew Haven, 2009), 30.

[37] David Vincent, *Privacy: A Short History* (Cambridge, 2016), 50–51.

[38] David J. Seipp, "English Judicial Recognition of a Right to Privacy," *Oxford Journal of Legal Studies* 3 (1983), 334–35.

[39] Quoted in Vincent, *Privacy*, 33–34.

[40] McKeon, *The Secret History of Domesticity*, 19–20.

together and with what effects, good or ill—and this was especially so in relation to material and economic interests, which became the nub of allegations of corruption. This was not solely in relation to occupants of public office: it also applied to commercial and financial institutions. Few in the early-modern period had any faith in the emerging stocks markets and financial system—the "monied interest"—to work for the public good. Many saw them as the epitome of corruption, exploiting their links to a corrupt parliament and generating wealth only for a self-serving few. One of the leaders of the early Tory party, Lord Bolingbroke, had no doubt that "the opportunity of amassing immense estates by the management of funds, by trafficking in paper, and by all the arts of jobbery" amounted to "a scheme of iniquity" born of the ruthless pursuit of "private interests."[41] Equally, advocates of free trade attacked state-granted monopolies as corrupt, precisely because they prevented the unfettered flourishing of private interests so that they could secure public benefits (e.g. cheaper food).[42] It was precisely these currents of thought that inspired the critique of "Old Corruption," save that here it was the entire edifice of the state that had been infected by private interests, ripping off, as well as corrupting in turn, the public it was supposed to serve. "The English government," declared Wade's *Black Book*, "has long ceased to possess the respect and confidence of the people and it has governed by over-awing the weak, deluding the ignorant and corrupting the baser part of the community. The latter—the power of corruption—its means of rewarding its adherents by the spoil of the people, is the great lever by which it operates."[43]

<p align="center">*</p>

It would be wrong to overstate the effects of these modern developments on practices of government, even by the turn of the century. If anything, the corruption of parliamentary elections became still more acute; the 1790s and early 1800s witnessed government repression on an unprecedented scale (spies were sent to break up radical assemblies; habeas corpus was suspended; postal espionage was practised); and the tax-hungry Napoleonic war machine afforded new opportunities for personal enrichment to unscrupulous office-holders. Yet clearly ideals were beginning to change. The discourse of "Old Corruption" is one instance; another is the work Bentham, who was one of the first writers to theorize "publicity" as a sort of generic, multi-purpose administrative principle.[44] It also generated some fruit in official terms. A mounting succession of public commissions and select committees probed the distribution of public money, resulting in the effective termination of new sinecures and reversion by the 1810s; from the 1780s ministers began to practice more restraint in their use of patronage as part of a new ethos of disinterested service, culminating in relatively austere liberal Toryism of the 1820s (as exemplified by Huskisson and Peel, for instance).

Put another way, the distinction between public office and private interests was becoming sharper, as was that between public (state-based) and private forms of

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[41] Henry St. John, Viscount Bolingbroke, *Letters on the Study and Use of History* (London, 1752), 39.

[42] Lisa Hill, "Adam Smith and the Theme of Corruption," *Review of Politics* 68 (2006): 636–62.

[43] [John Wade] *The Black Book: Or, Corruption Unmasked!* (London, 1820), 2.

[44] "[U]nder the auspices of publicity, no evil can continue," he wrote, whereas secrecy was but "an instrument of conspiracy" and corruption. Jeremy Bentham, "Of Publicity," John Bowring, ed., *The Works of Jeremy Bentham* (London, 1843), ii, 310–14. The essay was originally published in 1791, but not widely known about until Bowring's edition.

knowledge. They would become sharper still under the auspices of the liberal state that would develop from the 1830s; but as they did so, they also entered into new relations with more formalized and distinct zones of secrecy.

II: Secrecy and the liberal state

The liberal state that began to take shape from the 1830s did so only slowly. Socially, old prejudices died hard. The franchise expanded only gradually; and though growing numbers of professionals and businessmen entered parliament and high office, Cabinets and the upper tiers of the civil service remained dominated by those with substantial property and status and an elite educational background (i.e. a leading public school and then Oxbridge).[45] Yet, for all the attachment to hierarchy and reworked codes of gentlemanly ethics, a distinctly liberal configuration of power took shape that was committed to nurturing both more publicity and more privacy. As Patrick Joyce has put it, at the same time that a new premium was placed on securing public trust and accountability, "liberalism ceded governance to an unknowable, and now opaque, object of rule, that of the liberal subject."[46]

The developments are well known. Amid the emergence of what some have described as "the golden age of private life, a time when the vocabulary and reality of private life took shape"—epitomized by the fetish for domesticity among the provincial bourgeoisie—the public realm expanded markedly.[47] Among other examples, growing resort to select committees and royal commissions and the consolidation of Whitehall as the nation's bureaucratic centre made for an unprecedented abundance of official information and statistics; access to parliament was enhanced in 1838 when *Hansard* was put on sale, whilst in the same year the Public Record Office was founded to provide a single archival home for public information; newspaper taxes were removed, allowing for a remarkable expansion in the national and provincial press, which by the late 1800s consisted of at least 150 titles—all served to a create more muscular forms of publicity, just as privacy assumed more intimate and intense forms.

The same dialectic applied to public and private interests. On the one hand, through the establishment of a number of novel central offices (e.g. for the poor law in 1834; prisons, 1835; public health, 1848), the state emerged as the principal guarantor of the "public good" and guardian of national standards of social policy; on the other, the decline of Anglian hegemony over office-holding, the growth of "free trade" as an articulate ideology within and beyond parliament, and the development of an emergent labour movement served to expand the realm of private interests that jostled for recognition. Of course, quite how these legitimate these varied interests were in and of themselves, and quite how they should be managed and represented in and by the state (e.g. in parliament and in government policy), remained a source of political contention; but this is the point, for this was becoming the very stuff of politics and public life. As

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[45] Still in 1880 roughly 35 percent of Tory MPs were from landed backgrounds; a further 40 percent derived their wealth from commerce and industry; the rest were mostly from professional backgrounds in the church, law and military. The Liberal party was much the same, save for a larger showing of MPs with industrial and professional backgrounds. Only in the early twentieth century would this begin to change, as the Labour Party established a parliamentary presence.

[46] Patrick Joyce, *The Rule of Freedom: Liberalism and the Modern City* (London, 2003), 4.

[47] Michele Perrot, ed., *A History of Private Life, Volume IV: From the Fires of Revolution to the Great War*, trans. Arthur Goldhammer (Cambridge, MA, 1990), 2.

historians have suggested, part of the success of mid-century parliamentary Whiggish-liberalism lay in its projection of "disinterestedness": its claim to reconcile and rise above the multiple interests that animated the nation—and it would falter indeed once these interests became unmanageably plural and diverse, eventually giving way to the kinds of class-based, conflictual forms of party-driven politics that would define the twentieth century, when the Labour Party emerged as a significant force.[48]

One of the core functions of the liberal state was thus to maintain the boundaries between these various forms of publicity and privacy, thereby allowing them to flourish and develop together—which indeed they did, as each was subject to more pronounced articulation and varied realization. Yet, as they flourished together, so too did their capacity to complicate and subvert one another. If the ideal, perhaps, was that they should develop in parallel, as if two separate entities, the practice was quite otherwise—increasingly complex forms of entanglement. The result was not only recurrent clarifications of their precise status and the boundaries that (in theory) separated the two; secrecy, too, assumed new meanings and functions, as it served to obscure the points were the public and private mixed with one another in ways that were difficult to master or rationalize. It did so in various ways, as we shall see; but in whatever guise, secrecy brought into question the integrity of the liberal state.

Secrecy and espionage: One such set of practices concerned the security of the state, which would be veiled under the cloak of "official secrecy"—a term that first seems to have been used in 1838—culminating in the passage of the 1889 and 1911 Official Secrets Acts. These acts, however, only served to entrench a culture of secrecy that had begun to develop in the wake of a national scandal that erupted in 1844, when it was alleged (and subsequently confirmed) that the British government had been opening the mail of the exiled Italian radical, Giuseppe Mazzini, at the behest of a foreign government. The cause was enthusiastically championed in parliament by the radical MP, Thomas Duncombe, who decried the use of a despotic, continental-style "spy system" that was "repugnant to every principle of the British constitution."[49] Rather than either confirm or deny the allegations, Sir James Graham, the Tory Home Secretary who was charged with granting authorization to open Mazzini's mail, maintained a steadfast silence on the matter, trusting that MPs and the public would not "infer" anything sinister from his reticence. In short, he dodged the question by appealing to his sense of honour and, as he put it, "public duty." Unsurprisingly, no such trust was forthcoming from Duncombe: "If a Secretary of State, or the Government, were justified in screening and sheltering themselves behind this official secrecy, he wanted to know what became of that responsibility of which we heard so much when any measure was submitted giving more extensive powers to the Secretary of State or the Government?"[50]

There had been political skirmishes of this sort before, both in the courts and parliament, as noted above; and since the 1790s, MPs at least had been aware of the existence of a Secret Service Fund. Yet, as David Vincent has detailed, if the problem

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[48] See especially Jonathan Parry, *The Rise and Fall of Liberal Government in Victorian Britain* (New Haven, CT, 1993).
[49] "Post Office–Opening Letters," *Hansard's Parliamentary Debates, Third Series*, 75: 1265–1266 (House of Commons, June 24, 1844).
[50] "Post Office–Opening Letters," *Hansard's Parliamentary Debates, Third Series*, 75: 1265–1266, 1271–72.

was not entirely new, it was nonetheless posed in very different terms, reflecting the novel communicational and political context of the early Victorian period.[51] In the first place, it reflected the growth of postal communication, which only a few years earlier, in 1840, had been given a significant state-sponsored boost by the introduction of the Penny Post as part of the services provided by the General Post Office. The apprehension was thus partly that the state, far from empowering civil society, was in fact extending its capacity to intrude on the private thoughts and feelings of its subjects, whether or not at the request of foreign governments. Second, it reflected the growth of public accountability and information. The problem was not so much whether a liberal state could or should possess secrets, given the need, from time to time, to assess and manage threats to domestic security. Few at the time objected to this in principle, including Mazzini himself.[52] Rather, it was the extent to which this secrecy should itself be kept secret. Put another way, if the question of public trust was critical, so too was public accountability and the extent to which such trust needed to be bolstered by disclosing what had taken place and why.

This latter aspect of the problem was evident in the exchanges between Duncombe and Graham quoted above that kick-started the scandal. As other parliamentarians noted, it was difficult not to suspect the worse when the Home Secretary refused to elaborate at all. "This was a case, beyond all others," argued the senior Whig, Thomas Macaulay, "in which the Minister ought not to think he had done enough to satisfy a House of Commons, by merely saying that … he was responsible for the exercise of such power; but he would give them no account of the manner in which he had exercised it." If it was a power the House had, "in times of necessity, entrusted to the Government," then it was also "a power that the House was bound to watch … and in which they ought to know precisely what had been done." [53] Other parliamentarians dwelled on the breach of privacy that had taken place: as one peer put it, it was assuredly not the role of a Secretary of State to "open a private letter" and become "the depositary of the secrets of a private family."[54] Similar sentiments could be found in the daily and periodical press, where they were articulated in remarkably combative terms, questioning the integrity of Graham and the British state. "Is it not treachery to open a letter trusted to the honour of the State," demanded the *North British Review*, "in the full confidence that it would be held sacred?"[55] The overwhelming consensus was that something deeply grubby and degrading had taken place. "There is something extremely repulsive to English feelings in the idea of the national post-office begin perverted into a staff of government spies," declared the Manchester Guardian, suggesting that "to ferret out the private thoughts and communications of individuals" combined "dirty curiosity" with "tyranny."[56]

It was a bruising experience for Graham, who was as much ridiculed as he was scorned in the media. Yet his silence on the matter was also robustly defended, at least in parliament, where—to put it schematically—three key points were made, often in

[51] David Vincent, *The Culture of Secrecy: Britain, 1832– 1998* (Oxford, 1998), 1–9, 29–31; David Vincent, *I Hope I Don't Intrude: Privacy and its Dilemma in Nineteenth-Century Britain* (Oxford, 2015), 212–23.

[52] [Giuseppe Mazzini] "The Ethics of Politicians," *The Westminster Review*, 42 (1844): 231–32.

[53] "Post Office–Opening Letters," *Hansard's Parliamentary Debates, Third Series*, 75: 1274.

[54] "Opening Letters at the Post Office," *Hansard's Parliamentary Debates, Third Series*, 74: 1340 (House of Lords, June 25, 1844).

[55] "Post-Office Espionage," *North British Review* 2 (1844): 270–71.

[56] Quoted in Vincent, *I Hope I Don't Intrude*, 219.

combination: (a) that there were circumstances where the private communications and associations of individuals constituted a threat to public safety; (b) that in these circumstances it was right and necessary for the state to violate such privacy; and (c) that if such actions were to be effective they had to be carried out in secret—or as one peer put it, if this power were to be rendered public, "it was a necessary consequence that however essential it might be to the safety or security of the country … [it] must virtually cease to exist." The same line of defence was advanced in the two parliamentary inquiries that took place, one by the Lords and one by the Commons, where it was confirmed (if with little elaboration) that Mazzini's letters had been opened owing to suggestions from "high sources" that he was involved in a plot that might "disturb the peace of Europe."[57] The Lords' report, for instance, suggested that powers of postal espionage had been used only "sparingly" during the past twenty years, and that when it had the Home Secretaries in question been directed "by an earnest and faithful desire to adopt that course which appeared to be necessary, either to promote the end of justice or to prevent a disturbance of the public tranquillity or otherwise to promote the best interests of the country."[58]

If private associations and communications might subvert the public good, it followed that the state might subvert private associations and communications: this in essence was the confused, indeterminate zone of (im)moral agency invoked by the state to justify the enactment and concealment of secret powers. It is telling that no legal clarity was forthcoming, despite calls to provide just this: the Commons' report, though much more elaborate than that of the Lords, explicitly refrained from inquiring into matters of legal principle. Instead, it appealed to precedent, in particular a statute law passed in 1711, under the reign of Queen Anne, which had empowered Secretaries of State to open letters in times of emergency. The constitutional status of present practices was thus reduced to that of past law. It then refused to inquire into the legality of past law:

In preference to discussing the purely legal question, how far the Statute of Anne, in recognizing the practice, on the part of the Secretaries of State, of issuing Warrants to open letters, engendered it lawful […] Your Committee propose, so far as they have materials for that purpose, to give the history of this practice, prior to and subsequent to the passing of that Statute.[59]

The report then went on to detail, at great length, all the occasions, since the sixteenth century, when such powers had been exercised. In short, the question of legal principle was fudged and it was simply asserted that spying was an unfortunate necessity and had always been practised.

So began the liberal state's uneasy and inarticulate relationship with official secrecy, as it sought to maintain public security on behalf of a society of private (and potentially subversive) citizens. To be sure, the Mazzini affair led to the immediate abolition of the Secret Department of the Post Office, which had evolved out of the Deciphering Branch established in 1703, making for a significant victory for opponents of state secrecy. In the long term, however, it marked the birth of a culture of secrecy

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[57] *Secret Committee on Law in respect to Opening and Detaining Letters at General Post Office* [552] (London, 1844), 14.

[58] *Secret Committee of House of Lords relative to Law in Respect to Opening and Detaining Letters at Post Office* [601] (London, 1844), 3.

[59] *Secret Committee on Law*, 3.

that would last deep into the twentieth century: far from receding, state secrecy became more organised and entrenched. In parliament, Graham's evasive formulation, neither confirming nor denying knowledge of secret practices, became a ministerial convention. Despite calls to make it more accountable, the annual parliamentary vote on the disbursement of the Secret Service Fund continued to be put before the Commons as a matter of trust, with no elaboration on the actual use of the monies. Most MPs were content to treat it in this fashion and inquire no further; but the effect was to open up a space of conspiratorial speculation that, by definition, could not be effectively closed down—something deftly exploited by radicals and Irish nationalists during the 1880s and 1890s, who knew full well that suggestions the money was being used to fund espionage and *agent provocateurs* would be greeted with neither denial nor confirmation. Ministers could only reply that to make such things public would be render the fund inoperable. As the Foreign Secretary, Edward Grey, reminded the Commons in 1907: "Details of the distribution of secret service funds are never published. It clearly could not be done without destroying the use of the fund." [60]

Secrecy about secrecy was also entrenched in the bureaucratic fabric of the liberal state. This was partly a matter of social engineering. Discretion and reserve became one of the defining traits of the new breed of "gentleman administrator" that emerged in the wake of the Northcote-Trevelyan report of 1854, which initiated a process of civil service reform that slowly but surely eliminated the sorts of patronage and nepotism that earlier generations of radicals had associated with "Old Corruption." As historians have emphasized, though the new system of recruitment was more meritocratic and "open," it remained, by design, highly exclusive: most of the new entrants to senior positions had passed through the leading public schools and Oxbridge.[61] The other key mechanism was legal and altogether less subtle, if no less effective: the passing of the 1889 and the 1911 Official Secrets Acts. Both sought to prevent the disclosure of information that was "prejudicial to the interests of the State;" both failed to elaborate precisely what this meant; and both were rushed through parliament with only cursory comment and debate. The 1911 act was especially restrictive. Its notorious Section 2 effectively criminalized the disclosure of *all* state-based information without official authorisation, as well as any attempts to solicit or publish such information.[62]

Resort to formal legal regulation was a product of two factors. One was the growth of bureaucracy and the problems this posed in terms of the security of official information. Whereas senior civil servants could be relied upon to maintain an honourable silence about their work, this was not the case with an expanding corps of lower grade administrators (e.g. office clerks and copyists) that were recruited to handle the growing density of government information and correspondence. The vulnerabilities of the state in this respect were brought into sharp relief by a series of high profile leaks in the 1870s and 1880s; and it was these leaks which, after a raft of internal regulations failed to solve the problem, eventually persuaded the upper ranks of the civil service that resort to legislation was required. The second was simply that the liberal state had

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[60] "Egyptian Secret Service Fund," *Hansard's Parliamentary Debates, Fourth Series, 172*: 362 (House of Commons, April 11, 1907).

[61] See especially Peter Gowan, "The Origins of the Administrative Elite," *New Left Review* 162 (1987): 4–34.

[62] Ian Cobain, *The History Thieves: Secrets, Lies and the Shaping of a Modern Nation* (London, 2017), 25–26.

more and more to hide, as it developed new and more specialized means of surveillance and espionage. As well as the expansion of foreign intelligence services—e.g. the establishment of the Intelligence Branch of the War Office in 1873—domestic espionage was practised on a scale not seen since the 1810s. After a brief hiatus in the 1850s and 1860s, postal espionage was widely deployed from the 1870s. Besides targeting pornography retailers, political targets included letters addressed to officers of the South African Republic and Orange Free State during the Boer War, and those exchanged by leading suffragettes during the Edwardian period.[63] In 1884, the Metropolitan Police established a temporary Irish Branch to counter the growing threat of Fenian terrorism and quickly set about recruiting spies and informants. Three years later it was supplemented with, and then replaced by, a permanent Special Branch, which went on to tackle the brief threat posed by anarchists in the 1890s. And in 1909, just two before the 1911 Act, an embryonic MI5/MI6 was founded in the form of a Secret Service Bureau.

Secrecy and corruption: In the above context, secrecy remained a disputed value. If few challenged the need for secret powers *per se*, the question of quite of how much secrecy should surround their use was never decisively settled. Secrecy about secrecy was regarded more of an operational necessity and its boundaries and scope were constantly probed and critiqued, especially by those on the left. Nothing like the same reluctant tolerance for secrecy, however, attached to the conduct of the ministerial and parliamentary elite after the 1830s, when they were gradually set part from salaried civil servants and administrators. The only notable exception was the conduct of Cabinet meetings, where ministers remained bound by the Privy Council oath and no record was taken of their deliberations (it was not until 1916 when minutes were taken). Otherwise, when it came to the conduct of ministers and MPs, whether in office or parliament, or exercising party-based patronage, secrecy was associated with a lack of personal probity and, above all, a failure to distinguish between the demands of public service and the pursuit of private financial gain, whether of themselves or those of their parties— corruption, in short. By the 1880s, this was being couched as an ethical failure to avoid "a conflict of interest," whereby, to quote one MP in 1900, a minister's or an MP's "private interests [are brought] into conflict with their public duty."[64]

　　Following some historians we might see this as the culmination of the critique of "Old Corruption" and the conviction that holding public office was about serving the public good rather than the private interests of the office-holder. Yet the context was much different and it was also a product of some of the forces of "reform" and "progress" that the liberal state had nurtured. The problem of Crown and ministerial patronage, the sale offices and the use of sinecures to secure influence in parliament and command loyalty across government had essentially disappeared by the 1870s, thanks to the ascendancy of parliament, the entrenchment of civil service reform and a more disinterested culture of office-holding. Mass parties followed, as the franchise expanded, providing at least a measure of democratic legitimacy. At the same time, the growing power of commercial and financial elites—famously symbolized by the repeal of the Corn Laws in 1846, but manifest in countless other developments—multiplied the range of private interests that demanded representation in parliament and

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[63] Vincent, *Culture of Secrecy*, 118–19.
[64] "Ministers of the Crown and Members Holding Office (Interest in Contracts)," *Hansard's Parliamentary Debates Fourth Series, 88*: 397 (House of Commons, December 10, 1900).

accommodation from government. Following Adam Smith, many middle-class advocates of free trade at mid-century had hoped that by ending aristocratic monopolies and restrictive fiscal barriers greater purity in public life would ensure; but such hopes proved entirely naïve, as the problem of corruption mutated, taking on a new form and novel dynamics.[65] Crudely, whereas before the principal focus of critique was the malign and secretive influence of the Crown and aristocracy, it now centred on the shady dealings and nefarious ambitions of "the plutocracy." First used with any regularity in the 1840s, by the 1870s the term had become an established pejorative term for power-hungry members of the rising commercial and financial elite.[66]

The problem the liberal state faced in this respect was not simply how to manage the immoral excesses of new forms of industrial and financial capitalism. It was also, and above all perhaps, how to maintain public trust, given that the promise of the liberal state was that it was possible, via prudent statesmanship and the development of the right kind of institutional architecture, to combine the vibrant play of private interests with the rigorous pursuit of the public good. Instead, amid growing levels of publicity and public accountability heaped upon the political classes, the actual workings of power seemed to withdraw into a murky world of elite-based brokerage, where the private interests of the few were secured via backroom negotiations and the exchange of "secret commissions" (bribes) and special favours.[67] To be sure, much of the press coverage was self-consciously speculative and provocative; and by the end of the century political parties were unafraid to indulge in so-called "mud-slinging"—an Americanism that became common in the 1880s—in ways that would have been thought altogether dishonourable earlier; but all of it was inspired by very real tensions that defined the enactment of public office thanks to the emergence of more varied and assertive forms of economic self-interest. At its most extreme this gave rise to anti-Semitic conspiratorial tropes on both the left and right, which suggested that the real levers of power were being pulled by "Park Lane plutocrats" and Jewish banking families (e.g. the Rothschild's). But these operated at the fringes of a wider culture of popular cynicism and suspicion which, if not afraid to draw larger conclusions about the nature of the system as a whole, was largely centred on exposing and censuring specific instances of abuse (or possible abuse) by particular individuals and institutions. If public trust never collapsed entirely, it was nonetheless given only grudgingly and on condition of more reform and accountability.

The scandals were many and centred on a variety of activities, among them voting in parliament, the award of government contracts and the honours system. Criticisms of a more or less organised "railway interest" in parliament at mid-century—the forty or so MPs who were directors of railway companies, some of which went bust—marks the birth of anxieties focused on specifically plutocratic influence; and though the mid-century was relatively clean in terms of scandals, this is not true of the period after 1880, when they flowed thick and fast. The speculation and heavy losses in the Rand and Western Australian gold mines in the late 1880s; the failure of the English Bank of the River Plate in 1891 (from which a member of the Government was receiving £5,000 a year); the open influence of the Rand capitalists on the Jameson Raid (1895); the collapse in 1900 of the London and Globe Finance Corporation (involving the distinguished name of the Marquis of Dufferin and Ava), and the Marconi scandal

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[65] G. R. Searle, *Morality and the Market in Victorian Britain* (Oxford, 1998), chaps. 2 and 3.
[66] Jonathan Parry, "1867 and the Rule of Wealth," *Parliamentary History* 36 (2017): 46–63.
[67] The most detailed account is G. R. Searle, *Corruption in British Politics, 1895–1930* (Oxford, 1987).

(1912), among other instances—all implicated members of the political elite; and all generated an outpouring of moral condemnation and calls for greater corporate and governmental transparency.

Historians have reconstructed these scandals in all their intricate density and the modest changes that were introduced as a result to parliamentary procedure and established codes of practice.[68] After 1855, following mounting concern over the role of MPs as directors, all members that sat on the committees that scrutinised private bill legislation had to sign a declaration to the effect that neither he nor his constituents had a pecuniary interest in the matter under discussion; a select committee convened in 1896 on the "the private interests" of MPs reaffirmed an earlier ruling of 1811 that "no Member who has a direct pecuniary interest on a question should be allowed to vote on it." Beginning with Disraeli's second ministry (1874–80), it was gradually established as a convention that all Cabinet ministers should relinquish their status as directors of public companies.[69] In 1900, the Liberal prime minister, Henry Campbell-Bannerman, summarised what would become a widely respected norm: "no one in a responsible position, such as a Cabinet Minister, ought to be publicly connected as a director with any institution whatever which might have interests differing from and conflicting with the public interest."[70] The honours system was eventually reformed in 1925, when the act of buying and selling titles was rendered a criminal offence.

There were frequent calls for further reform and the period witnessed the publication of some excoriating critiques, most notably Hillarie Belloc's *The Party System* (1911), which argued that the British state and parliamentary system were *fundamentally* corrupt. Yet few challenged the basic liberal premise that it was role of the state and parliament to represent private interests in some fashion (Britain's greatness, after all, was partly thought to lie in its industrial and commercial might); and few again that it was legitimate for MPs and ministers to have private interest of their own (they were, after all, also private citizens with private lives and families). In this context, it proved incredibly difficult to disentangle legitimate from illegitimate motives, direct from indirect influence, and thus to establish clearly whether some kind of corrupt behaviour had taken place—and it was this that proved such a protean source of damaging speculation and mud-slinging. Tellingly, only one vote in parliament was disallowed (in 1896) on account of MPs having improper interests, and there was only a handful of ministerial resignations; and yet it also became an established maxim of public life that one should not only act properly, but also be *seen* to be acting so—that even "Caesar's wife should be above suspicion," as it was often put. Maintaining trust became partly a matter of managing appearances; but such appearances were proving increasingly difficult to sustain.

The result was that, although actual instances of proven corruption were few, the liberal state found it impossible to dispel the impression that it was being penetrated by secretive networks of plutocratic influence. Two examples might be given. The first is

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[68] See for instance Searle, *Corruption in British Politics, 1895–1930*; Alan Doig, *Corruption and Misconduct in Contemporary British Politics* (London, 1984), chaps. 2–4; and Jamie Camplin, *The Rise of the Plutocrats: Wealth and Power in Edwardian England* (London, 1978).

[69] D. C. M. Platt, "The Commercial and Industrial Interests of Ministers of the Crown," *Political Studies* 9 (1961): 273–78.

[70] "Ministers of the Crown as Directors of Public Companies," *Hansard's Parliamentary Debates Fourth Series*, 82: 1135 (House of Commons, May 8, 1900).

the "Hooley affair," one of the most notorious cases at the *fin-de-siècle*.[71] Ernest Hooley was the quintessential plutocrat, who made (and lost) millions selling companies during the 1890s, including Dunlop, Schweppes and Bovril. He ruthlessly courted the favour of the political classes, appointing a number of MPs and peers to serve as directors to the many companies he promoted. It then emerged during a bankruptcy case in 1898 that he had donated £10,000 to the Tory party; paid over £30,000 to gain admission to the party's Carlton Club; and handed over a £50,000 cheque in the hope of obtaining a baronetcy. It transpired that the £50,000 cheque had in fact been refused, thus allowing the party to claim that it had acted properly; but the damage was immense. Amid a flurry of false rumours and journalistic invocations of sleazy club-land deals and schmoozing, it was asked, quite rightly, how it was Hooley could have imagined he could buy a title, as if buying a car. Few refrained from drawing the (altogether reasonable) conclusion that, at the very least, the affair suggested that powerful financial interests were enjoying an all too cosy relationship with the political elite. As the Tory-supporting *Spectator* argued, "this whole sordid case" had brought to light "the strong hold which the capitalist has secured over Parliament." "We now and again catch a glimpse of this in other countries," it suggested, but it was clearly a major problem in England: "how many political transactions are buried in secrecy which, if revealed, would stamp the agents with mercenary motives?"[72]

The second is the "Kynoch affair"—one of a number of government contracting scandals that emerged at the time—which erupted in 1900 during the Boer War and revolved around Joseph Chamberlain, then Colonial Secretary, and his family's business interests. It began with the discovery that Kynoch & Co., a Birmingham-based armaments firm chaired by his brother, Arthur, had been given a contact by the War Office on favourable terms. It was then discovered that another firm, Hoskins & Sons, which was managed by one of Chamberlain's sons, Neville, had been given a contract supplying fittings for the Navy. Ultimately, in the absence of any evidence of direct interference in either scenario, Joseph Chamberlain remained in post; and the press, fearful of attracting a libel action, assiduously avoided making any such accusations. Coverage of the affair, however, was composed of what had become a characteristic mix of cynical speculation and high-minded editorialising that elevated the affair into a symptom of a deeper malaise affecting public life. Equally, Chamberlain had his defenders. Some were appalled that the private business interests of a minister, and more especially his family, were being probed with such intensity and had become the subject of so much conspiratorial innuendo. Others suggested that critics were demanding the impossible— that anyone of high office should prove that neither he nor his family had any pecuniary interests whatsoever in any matter of government business—and were merely acting out of their own base, partisan interests. "If Mr Chamberlain and his family are to be the subject of such imputations … why should the process stop there?" asked *The Times* in 1900, in a sympathetic editorial. "Why should not the country have a full disclosure of all the holdings in limited liability companies

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[71] This was one of many scandals involving honours trafficking, which came at a time when the number granted by prime ministers increased dramatically. Between 1875 and 1884 some 36 peerages, 48 baronetcies and 448 knighthoods were awarded; between 1895 and 1904, the same figures were 74, 116 and 1,447. H. J. Hanham, "The Sale of Honours in Late Victorian England," *Victorian Studies* 3 (1960): 279.

[72] "Bribery and Public Duty," *The Spectator* (November 8, 1898): 8.

and their concerns of all members of recent Administrations, from Gladstone onwards, during the last thirty-years?"[73]

Secrecy and voting: In the case of political corruption, alleged or actual, what might otherwise have been judged private morphed into the secret by virtue of its proximity to the public; and this secrecy was judged a wholly negative, unnecessary phenomenon: a cover for crooked politicians and plutocrats. In the case of voting, by contrast, secrecy was eventually upheld as a good and necessary thing. This of course is how we view secrecy in this particular context today; and the 1872 Ballot Act, which introduced fully secure secret voting for parliamentary and municipal elections—and from which our present practices derive—is often seen an inevitable milestone on the road to liberal democracy. In fact, the reform was hugely contested and was regarded with the utmost misgiving not just by those who had been hostile to the extension of the franchise that preceded its introduction—the 1867 Reform Act—but also by liberals and radicals. Crucially, much the debate that surrounded its fraught genesis turned on dramatically different (indeed diametrically opposed) conceptions of publicity and privacy, and the extent to which voting, which all could agree had public implications, might be legitimately enacted as a means of expressing private interests.

The measure was first discussed during the 1830s, when it was considered for inclusion in the 1832 Reform Act and featured as one of the Chartists' six demands. It was debated only sporadically during the next two decades, before returning as a significant item of public and parliamentary discussion in the mid-1860s, following the 1867 Act, which roughly doubled the urban electorate by enfranchising all male householders in borough constituencies. On both occasions the same broad arguments were made in favour and against. From the outset, proponents cast the secret ballot as a crucial weapon in the battle against residual forms of "Old Corruption," and the endemic forms of electoral intimidation and bribery inherited from the eighteenth century. As the radical MP and leading advocate, George Grote, put it in 1838, the secret ballot was, above all, a technology of "purity," which would free electors from both the intimidation of superiors (e.g. landlords and employers) and the bribes offered by party agents (the efficacy of which, under conditions of secrecy, would be impossible to verify). As it stood, "large numbers of voters are so placed with regard to other men that their vote at an open poll can be considered as nothing better than the delivery of a message from, a superior—the voice of servility or fear, instead of the genuine judgment of a self-determining citizen." In this context, secrecy would deliver both morality and rationality. Electors would "give their votes both with probity in regard to the public, and with safety in regard to themselves."[74]

Unsurprisingly, given that the power of wealthy patrons and landlords was at stake, there were those that sought to defend existing practices of electoral "influence" by appealing to the moral weight that for centuries had attached to the ownership of property. No less than the authoritative figure of Robert Peel suggested that corruption was altogether exaggerated, and that, in any case, the sort of pressure exercised by landlords was "not so much the influence of intimidation as the natural and legitimate

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[73] *The Times* (December 11, 1900): 9. This was also the view of the then prime minister, Balfour, who robustly defended his colonial secretary and accused the opposition of trying to smear Chamberlain by attacking his family.

[74] "The Ballot," *Hansard's Parliamentary Debates Third Series*, 40: 1136–38 (House of Commons, February 15, 1838).

influence which is almost inseparable from the relation of landlord and tenant."[75] But there were other important matters of principle at stake, and the concern was that secret balloting was itself a form of corruption, at least to the extent that it undermined the idea that the vote was a "public trust," which was a crucial point of reference throughout. As was so often argued, under conditions of limited suffrage, the consensus was that the elector enacted his vote not as an individual or private right, but as a trust wielded on behalf of the community, and not least those without the requisite "independence" to be entrusted with the franchise in the first place (i.e. women and children and various ranks of adult male that were more or less poor).

Contrary to radical logic, it was thus easy to portray the secret ballot as a retrograde rather than a progressive innovation. As Peel again argued: "It is a system totally at variance with all the institutions, usages, and feelings of the people of this country, with all the maxims which have taught them to believe that free discussion, the publicity, that the light of day, that public opinions, are the great checks upon abuse."[76] Others embellished this general line of argument by suggesting that open voting was manly, brave and honourable—a mode of voting altogether befitting of the (apparently) instinctive "English" abhorrence for all forms of secrecy and deceit. Some even suggested it would amount to coercing cowardice. "An abominable tyranny is exercised by the ballot," wrote the Whig churchman, Sydney Smith, in 1839 in one of the most quoted anti-ballot texts of the time: "it compels those persons to conceal their votes who hate all concealment, and who glory in the cause they support … you make me, who am bold and honest, sneak in at the back door as well as yourself."[77] Even some Chartists came to sympathise with arguments of his sort and by the mid-1840s the secret ballot had been dropped from their programme of reform.

Already in the 1830s the debate was confused, with protagonists on either side arguing from very different assumptions and conceptions of the vote. Grasped as a whole, it neatly dramatizes some of the tensions that animated the liberal state of the Victorian era, as it sought—and struggled—to guarantee the moral and epistemological integrity of both the public and private realms. Crudely, whereas for proponents the vote was essentially a private matter, akin to private property, that all electors had a right to exercise according to their own reason and conscience, for opponents the vote was essentially a public trust, which should be exercised on behalf of others and discharged accordingly, in public. And this confusion only intensified at mid-century, as the prospect of expanding the political nation for a second time was increasingly entertained and eventually enacted. Strikingly, it was J. S. Mill, one of the most respected radical voices of his generation, who emerged as the most forceful and articulate opponents of secret voting. As he detailed in his *Considerations on Representative Government* (1861), the problem with secret voting was that it threatened to transform something that was essentially public into something that was essentially private, morally and epistemologically. Crudely, for Mill, secrecy bred selfishness and narrow-mindedness; publicity, virtue and reason:

In any political election, even by universal suffrage … the voter is under an absolute moral obligation to consider the interest of the public, not his private advantage, and give his vote, to the best of his judgment, exactly as he would be bound to do if he were the sole voter, and the election depended upon

[75] "The Ballot," *Hansard's Parliamentary Debates Third Series*, 40: 1202.
[76] "The Ballot," *Hansard's Parliamentary Debates Third Series*, 40: 1203.
[77] Sydney Smith, *Ballot* (London, 1839), 12.

him alone. This being admitted, it is at least a *primâ facie* consequence that the duty of voting, like any other public duty, should be performed under the eye and criticism of the public.[78]

The secret ballot, in short, was the very antithesis of active, civic-minded citizenship. For some the prospect of extending the franchise to sections of the labouring population thus brought the need for publicity into even greater relief: simply put, it was not clear the working classes could be trusted to vote in secret. Still on the very eve of reform the spectre was being raised of large-scale electoral "demoralization."

In the event, the 1867 Reform Act had the opposite effect, galvanising long-standing arguments that the operation of open polling prevented anything like the virtuous displays of citizenship invoked by those who regarded the vote as a public trust. The first general election in its wake, which occurred in November 1868, was regarded as unusually corrupt, with candidates reporting record levels of spending: at the very least bribery and treating continued as before. Intimidation and mob violence were rife in towns: two men died in Blackburn. In these circumstances it was easy to set aside philosophical objections and point to the practical benefits of secrecy as a means of bringing about decorum and diminishing bribery and corruption. It was easy, too, to invert the arguments against. As one Liberal MP argued in 1869, given the distractions and dangers of a public poll, it was in fact secrecy that afforded the best conditions for reflecting on the public good: "Put the voter in a closet and he may see what the philosopher sees," he quipped.[79] Equally, the expansion of the electorate, which in essence was justified on the basis that a new tier of working-class male householders were now sufficiently upstanding to wield the vote, undermined arguments that the franchise should be discharged as a trust on behalf of the community as a whole. As the Prime Minister, Gladstone, argued in 1870, the 1867 Act and the promise of still further extensions in the future, had altered what was stake: "there is," he declared, "no longer, properly so-called, a limited constituency acting and exercising a trust on behalf of the whole people." Rather, the vote was becoming "a trust which he [the male elector] holds mainly on behalf of his wife and children."[80] Contrary to Mill, then, secrecy might be tolerated, for it reflected what seemed to be inscribed in the democratic process of extending the franchise: a process of privatization; a contraction of the imaginary public that had to be borne in mind when casting a vote.

Ultimately, the passage of the 1872 Act was more a product of practical concerns and party-political considerations than any decisive victories scored on the terrain of principle.[81] In the mid-1850s, three Australian colonies had introduced the world's first system of secret balloting, thereby furnishing Britain with a useful example

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[78] J. S. Mill, *Considerations on Representative Government* (London, 1861), 200. Mill in fact had earlier been in favour of secrecy, but seems to have changed his mind in the early 1850s. His reflections on the matter, which were then incorporated into his *Considerations*, first appeared in "Thoughts on Parliamentary Reform."

[79] The Ballot: Speech of E. A. Leatham in the House of Commons, 16th March, 1869 (London, 1869), pp. 22–23.

[80] "Ballot Bill," *Hansard's Parliamentary Debates Third Series*, 203: 1031 (House of Commons, 27 July, 1870).

[81] See especially and most recently the discussion in Angus Hawkins, *Victorian Political Culture: Habits of Heart and Mind* (Oxford, 2015), 278–88.

of how it might be done.[82] In 1868, as a precondition for his participation in the Cabinet, the popular Non-conformist MP, John Bright, demanded a select committee inquiry into the conduct of elections, which eventually came out in favour of the secret ballot. Nonetheless, for all the profound ambivalence on the part of parliament—it was sometimes described as a "necessary evil"—it is notable that there were some who were now prepared to argue in quite explicit terms that voting was essentially a private affair. A striking example is an influential pamphlet published in 1868 by the prominent radical and secularist George Jacob Holyoake. It is striking partly because it exploited the moral ambivalence that surrounded secrecy by virtue of its longstanding proximity to privacy. "[I]n arguing upon the Ballot it is suggested that that which is secret must be wrong altogether." But as Holyoake argued, there were in fact "two descriptions of secrecy—an infamous secrecy and an honourable secrecy:"

> The base kind of secrecy is that employed in mean, furtive, or criminal acts; as when a man lies, or conceals the truth in giving evidence, or clandestinely filches from another. But there is a second description of secrecy which is manly, as when I lock my doors against intrusive or impertinent people … or when I provide for the protection of my own interests in my business or my family. This is necessary and justifiable secrecy. In these cases I merely exercise the right of personal privacy in what concerns me primarily, vitally, and concerns me alone.[83]

Most of all, however, it is striking because, no matter how much Holyoake insisted that voting was essentially a private affair, he could not help but affirm its status as a public act. Under conditions of secrecy, not only would the vote be something the elector enjoyed privately on equal terms with others—i.e. a privacy that was shared publicly and only on this basis respected and rendered legitimate. The very place where an elector sought to register his private interests remained something that transcended these interests: the public realm of the state. "For guarding my personal interests in the state the Ballot is all this to me," he concluded.

In opting for secrecy and enshrining it in law, the liberal state thus opted to privatise what would remain an act that was inextricably entangled with public qualities and functions—which indeed would only deepen, as the franchise was gradually expanded to all adult men and women, a process complete by 1928. In so doing, the liberal state put in place a curious settlement, ensuring that democracy, a system that would otherwise be celebrated for its publicity and accountability, maintained a fundamental relation to secrecy and at a point of utmost importance: the point of popular sovereignty, the very place where it was realised. It is no surprise that its genesis was so confused and contested; but nor should we suppose that questions regarding the morality and meaning of voting were put to rest, even if the matter of secrecy was never reopened. Rather, they were displaced and assumed new forms: among other examples, in the anxieties that developed post-1880 regarding the ethics of appealing to voters on the basis of their economic self-interest (e.g. by offering lower taxes, higher wages, and cheaper goods); or in the dual, and arguably confused, status of

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[82] Indeed, it was essentially the Australian method that was adopted in 1872. Malcolm Crook and Tom Crook, "Reforming voting practices in a global age: the making and remaking of the modern secret ballot in Britain, France and the United States, c.1600–c.1950," *Past and Present* 212 (2011): 199–237.
[83] George Jacob Holyoake, *A New Defence of the Ballot in Consequence of Mr. Mill's Objections to It* (London, 1868), 3–4.

the vote as both a "private right" or "privilege," and a "public duty."[84] Peculiarly, voting would become one the few areas of the liberal state where secrecy was upheld as thoroughly legitimate; but it served the liberal state in much the same fashion as other forms of secrecy—that is, by obscuring and passing over, rather than confronting and resolving, deeper, more structural problems regarding the interrelations of the public and the private spheres and an ultimately contradictory commitment to respecting and nurturing both, in equal measure.

Conclusion

In 1979, deep into the twentieth century, the Liberal MP, Clement Freud, continued a practice that had begun just a few years before: introducing ultimately abortive freedom of information bills to the Commons to end the 1911 Official Secrets Act. "A democracy maintains an equilibrium between publicity, privacy and secrecy. Each of these elements is necessary," he stated. The trouble was that in Britain this equilibrium or "balance" had been lost: secrecy was now intolerably "excessive," constituting a form of "tyranny."[85] Certainly this captures one way of thinking about publicity, privacy and secrecy: as distinct forms of knowledge and practice that exist, side-by-side, in relations of relative magnitude, whereby, if one increases in size, the others are marginalized and diminished. The above account has sought to develop a history of these forms based on entirely different assumptions: that these forms overlap and penetrate one another; that they are capable of increasing (or decreasing) together; that secrecy is best imagined not as an adjacent or contiguous form in relation to the public and the private but as one that partakes of both whilst exceeding and transcending them at the same time—in short, that they exist in relations that are dynamic, dialectical and irreducibly complex.

Perhaps the principal benefit of embracing these assumptions is that it can help us to make better sense of long-term trajectories, and in particular the epochal shift from early modernity to modernity proper. To be sure, though it might be difficult to escape linear formulations entirely—metaphors of growth and increase, decline and decrease, and so on—we might, nonetheless, produce more disruptive, critical, non-linear narratives. One aspect of this is emphasizing that secrecy, far from receding with the advent of modernity—a conviction that, curiously, unites both progressive and sceptical Foucauldian accounts—increases, becoming ever-more refined and instutionalized in its uses and applications. Equally, we should insist, too, on the counter-intuitive, paradoxical relationship between the growth and development of the public and the private. As has been suggested above, just as the distinction between the public and the private became more pronounced and refined, so too did their interrelations and capacity to mix with one another. This is more than a matter of "relative autonomy": it is about an historical dynamic of differentiation and interpenetration, separation and entanglement—of indeed more and less autonomy.

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[84] This dual status, it seems, is really a product of the interwar period, when, very crudely, the idiom of trust was displaced by that of duty: see for instance W. R. Worts, *Citizenship: Its Meaning, Privileges and Duties* (London, 1919), 81.

[85] "Official Information Bill," *Hansard's Parliamentary Debates Fifth Series,* 960: 2144 (House of Commons, January 19, 1979).

It is this dynamic in particular that remains the most neglected by historians. Only McKeon, it seems, has paid any sustained attention to it, usefully suggesting a process whereby the public and the private moved from the register of the tacit to that of the explicit during the early modern period and thus to their oppositional elaboration. Of course, the focus of the above account has been on the liberal state, which began to take shape when the public and private had long been subject to explicit articulation. One thing it suggests, however, is these processes of discursive explication and elaboration had their limits; and indeed that these limits—points of confusion, mixing, hybridity—intensified and multiplied over time rather than diminished. As has been suggested here, the result was the production of novel zones and forms of secrecy (and the three forms examined here by no means the possible range of examples). Secrecy, in short, offers a useful means of recovering these limits and of modern liberal rationality more generally, at the centre of which is the public/private dualism. And we might entertain a final paradox as well, one that Simmel long ago hinted at: that by virtue of covering over these limits—of ensuring they escape scrutiny; of blocking their communication—the existence of secrecy, far from negating or subverting the public and the private, is precisely what allows them to endure.