

Some think of social indexing as social tagging or social bookmarking in which you bookmark your favorite web sites, popular blog posts, or news alerts. HeinOnline is now looking at social indexing from a scholarly perspective, bringing to you for the first time in a digital environment the concept of viewing most cited law review articles.

Never before have you been able to search for Law Journal Articles and be able to determine the overall influence or impact an article had on your research topic, until now. In HeinOnline's Law Journal Library, you can run a search for "Right to Privacy" for example, view your results and see how many times each result is cited by other scholarly law review articles. Let's take a look at this research approach in action.

Search for all articles that are relevant to "Right to Privacy". Open the field search option in the Law Journal Library, enter *Right to Privacy* in the first search box, click on phrase and select *Title* from the drop down menu. Click search.

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Title 💌 "Right to Privacy"	AND	~
Title	AND	~
Creator/Author		

This search generates over 420 results. As you scroll through the results, you will notice the "Cited By" links listed in some of the search results. These links indicate that that specific article has been cited by that many other articles in HeinOnline. Results that do not include a "Cited By" link indicate that it has not been cited by other articles in HeinOnline.

- Scroll down until you see the well known article titled "Right to Privacy" written by Warren & Brandeis. This article is cited by over 3,100 other articles in HeinOnline. Click on the link "Cited by [####]" to view the 3,100+ articles.
- Results 1-25 of 428 matches displayed, sorted by "Relevance" Right to Privacy, The [comments] Green Bag , Vol. 3, Issue 11 (November 1891), pp. 524-525 3 Green Bag 524 (1891) | Print/Download Options Code Cited by 4 2. Right to Privacy, The [comments] Green Bag, Vol. 6, Issue 11 (November 1894), pp. 498-500 6 Green Bag 498 (1894) | Print/Download Options | C V Cited by 4 3. Right to Privacy [article] Harvard Law Review, Vol. 4, Issue 5, pp. 193-220 Warren, Samuel D.; Brandeis, Louis D. 4 Harv. L. Rev. 193 (1890-1891) | Print/Download Options ( Cited by 3114) 4. Right to Privacy, The [article] Harvard Law Review, Vol. 102, Issue 4 (February 1989), pp. 737-807 Rubenfeld, Jed 102 Harv. L. Rev. 737 (1988-1989) | Print/Download Options | 🕢 Cited by 446 5. Right to Privacy [article] Northwestern Law Review, Vol. 3, Issue 1 (October 1894), pp. 1-21 Hadley, Herbert Spencer 3 N. W. L. Rev. 1 (1895) | Print/Download Options
  - Right to Privacy [article] Harvard Law Review, Vol. 4, Issue 5, pp. 193-220 Warren, Samuel D.; Brandeis, Louis D. 4 Harv. L. Rev. 193 (1890-1891)
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Click on the link to view the articles

- Now, you can focus in on a specific topic. For example, you can search for references to the Supreme Court case involving New England Life Insurance that discuss the privacy issue. Click on "Search Within These Results" to find keywords within these 3,100+ articles that cited Warren & Brandeis' article.
- Modify Your Search Run This Search in Other Collections Sort By: Number of Times Cited 💙 25 Results 💌 Re-Display Results What is Hein's ScholarCheck? Results 1-25 of 3114 matches displayed, sorted by "Number of Times Cited" 1. Public Response to Racist Speech: Considering the Victim's Story [article] Michigan Law Review, Vol. 87, Issue 8 (August 1989), pp. 2320-2381 Matsuda, Mari J. 87 Mich. L. Rev. 2320 (1988-1989) 2. Toward a General Theory of the First Amendment [article] Yale Law Journal, Vol. 72, Issue 5 (April 1963), pp. 877-956 Emerson, Thomas I. 72 Yale L.I. 877 (1962-1963) ■ View Matching Text Pages | Print/Download Options | 🕥 Cited by 848
- Enter the following syntax into the search box and click search: *text:"New England Life Ins."*

61.

Right of Privacy: Knowing or Reckless Falsity in Publication Required to Sustain Liability under New York Right of Privacy Statute [decisions]

Note: Boolean operators must be all CAPITALS

Searching within: ("4 Harv. L. Rev. 193 ") AND partof:( journals)

Search for: text:"New England Life Ins."

Montana Law Review, Vol. 28, Issue 2 (Spring 1967), pp. 243-249 Carl, William J.

England Life Ins. Co

to Privacy: Knowing or Reckless Falsity in Publication Required to Sustain Liability under New York Right of Privacy Statute" in volume 28 of the Montana Law Review.

Click on the "View Matching Text Pages" link to display a list of pages within this article that reference our search term "New England Life Ins". Then click on the first link to page 244 to link directly to that page within the article.

Now you will get over 450

this supreme court case.

results to articles that discuss

Scroll through the results and

look for the article titled "Right

As we read the context of the article, the author, William Carl, backs up Warren & Brandeis' argument by citing several cases from the English Reports Full Reprint series, allowing you to look back at privacy issues from the 1600 & 1700's, something that you've never previously been able to do! Scrolling to the bottom of page 244, you'll see citations highlighted in blue. When the citations are highlighted in blue, it indicates that you can link directly to the text for that citation in HeinOnline.

 ☐ 61. Right of Privacy: Knowing or Reckless Falsity in Publication Required to Sustain Liability under New York Right of Privacy Statute [decisions] Montana Law Review, Vol. 28, Issue 2 (Spring 1967), pp. 243-249 Carl, William J. 28 Mont. L. Rev. 243 (1966-1967)
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by enacting the statutes under which the instant case was brought.<sup>14</sup>

It was not until 1905 that the right was recognized by a court of last resort. Then, in *Pavesich v. New England Life Ins. Co.*, involving the unauthorized use of the plaintiff's picture in an advertisement for insurance, it was held that the right of privacy is derived from natural law, and is embraced within the absolute rights of personal security and personal liberty.<sup>15</sup>

Roberson and Pavesich were followed for the next thirty years, as courts chose to deny or acknowledge the existence of the right of privacy. The Restatement of Torts supported it in a section added in 1939.<sup>16</sup> From that time, it has gained increasing recognition until, at present, thirty states and the District of Columbia have recognized the right at common law, and four states have done so by statute.<sup>17</sup> Yet, as late as 1956 the

Supra note 3, at 443. \*\*Ibid.
\*\*Id. at 445: ''... cach decision [relied on by Warren and Brandeis] rested either upon the ground of breach of trust, or that plainiif had a revelotity right methe subject of litigation when the court could protect.'' Scorfine Albert v. Strange, 2 De G. & Sm. 62, 41 Eng. Rep. 1171, 1 Mac. & G. K. 64 Eng. Rep. 293 (1849) (property right and kench of trust). Defard v. Piętographic Co., 40 Ch. D. 345 (1888) (property right, 1 Mar, C. G. K. 64 Eng. Rep. 293 (1849) (property right and kench of trust). Defard v. Piętographic Co., 40 Ch. D. 345 (1888) (property right); Maryal v. Higbey, 1 Hul & C. 148, 158 Eng. Rep. 837 (1862) (property right); Duke of Queensbury v. Shebberge 2 Eden 329, 28 Eng. Rep. 924 (1758) (property right). "Ibid. "Id. at 443:

Links to cases from the 1600's & 1700's found in the English Reports Full Reprint series

