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Two Humanists Exploring Together: or, a View from the Weeds

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This essay is the product of a partnership between two professional historians interested in the possibilities of digital tools for furthering humanistic inquiry. Nystrom is a historian of technology with a personal history involving open-source software and a keen appreciation for how much fun it can be to tackle old problems with new sources and methods. Tanenhaus is a legal historian, who has been searching for methods to understand legislative borrowing. Our partnership is unusual on several fronts. Our shared field of history generally involves a lone practitioner working long hours in solitary confinement on his or her book. Digital history and digital humanities more frequently feature professional teams or partnerships attacking problems; however, these are often »patronage« or »client service« relationships because the digital historian conceives of the project and then pays experts to implement the technical bits. Other such partnerships involve »student/mentor« relationships, which imply a greater learning component for the student doing the work but are still based on an unequal relationship. By contrast, our partnership is built upon a collaborative framework motivated by an egalitarian ethos. Along the trail of inquiry, we spot different kinds of things. We take turns following each other into the scholarly weeds, and when we come to forks in the road, we discuss possible courses of action with reference to our shared professional culture and ethics. The cumulative result is a dynamically evolving historical research project with the digital humanities at its center but not bearing the full weight of our analytical expectations.

Digital possibilities brought us together initially to search for trends and patterns in juvenile justice lawmaking at the state level in the United States from the mid-1980s to the turn of the 21st century.¹ This collaboration involves hunting for and gathering information; using computing power to make, analyze, and visualize data; and presenting our findings to disparate audiences that include

social scientists, rhetoricians, and legal historians. To secure the resources necessary to create usable data and make our tools publicly available, we have ventured into the territory of the more empirically and model-driven social and policy sciences. Such collaboration can help social scientists and policymakers to do their work, but does not have to redefine who we are. We can cross over disciplinary borders without losing our identity as committed humanists.

We have been tempted by the lure of using big data and sophisticated programming to either capture transcendent »truth« or expose clandestine actors. Fortunately, we periodically pause to discuss the nature of our collaboration and our respective understandings of what it means to do history. For us, answering historical questions about the messiness of human experience is a vocation. Our conversations about disciplinary principles remind us of why we became humanists in the first place, energize us, and keep us focused. Most significantly, our engagement with digital legal history – a combination of using computing power and painstaking qualitative analysis of sources – allows us to see the world anew and pose new questions. Our conversations about legal historiography, for example, spark the search for new sources of information and methods to explore linkages and interconnections among ideas and their expression in lawmaking and elsewhere. Similarly, our conversations about the digital methods in our toolbox lead us to ponder the consequences of using those tools on untested sources or problems, even as we consider how we might further develop our programs to extend the reach of our techniques.

Our mantra is, »No Magic.« By this, we mean that digital historians, like all historians, must be able to understand and show their work. As we see it, digital tools themselves pose a large but not insurmountable barrier to understanding – a barrier we seek to circumvent. In »ordinary« historical practice, if we used an unusual source or a new

1 NYSTROM/TANENHAUS (2016).

technique in our work, we would be obligated to explain it to our readership. To do so, we would need to understand its inner workings as fully as possible. The same must be true for digital tools used by digital historians, because better understanding leads to better interpretive results. To a digitally oriented readership, this statement will seem so basic as to be essentially a truism, but experience has shown us that it bears repeating. Professional historians would shudder if a colleague publicly proclaimed to be »just not archive-savvy.« Yet similar pronouncements about not understanding technology would more likely generate sympathy instead of scorn.

We also fervently believe that others should be able to reproduce our results. For historians working in the traditional mode, this means being able to follow our footnotes to archival or published sources. Others should be able to check our interpretations and analyze our handling of the data. This is an undisputed cornerstone of scholarly activity. We see no reason that sources in a digital form should be treated with lesser scrutiny. The

challenge is that digital sources are frequently subject to transformations by machines (indeed, such transformation is key for distant reading and quantitative analysis). Without access to the precise steps and techniques of that transformation, it becomes difficult to assess such methods and results. As a consequence, we urge digital historians to make their raw sources and programs available to the public whenever possible and to take measures to increase the ease of reproducing quantitative results, such as employing non-interactive scripted programs, open-source tools, and openly-available data.

Finally, we are aware that creating publicly available data and digital tools means that others can use these resources in absolutely exciting or completely dreadful ways. Ideas, as our digital work has demonstrated, can spread unexpectedly. So be it. We still believe in the promise of digital legal history and will keep exploring together. ■

Bibliography

- NYSTROM, ERIC C., DAVID S. TANENHAUS (2016), The Future of Digital Legal History: No Magic, No Silver Bullets, in: *American Journal of Legal History* 56,1 (March), 150–167