



## **5th BILETA Conference British and Irish Legal Technology Association**

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### **An Introduction to HiDES**

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None of us should have difficulty imagining the scene. A student working with a microcomputer, viewing and noting down evidence from primary sources held on the machine, looking up comments from various authorities, checking bibliographies and recording his comments, "discussing them" with a supervisor whose views have been "programmed" into the machine. Such a student would be using a HiDES "package". Let us imagine that the student is assessing the views of historians on a specific subject e.g. the making of the 15th Amendment to the U.S. Constitution. He or she might survey the voting in the U.S. Senate in an attempt to identify the strength of Radical Republicanism. The student might well access the Congressional Record, consult prosopographical data, as well as maps depicting the political geography of the Reconstruction period. Furthermore he or she could analyse the evidence, using various applications packages to dissect the rhetoric, identify the manoeuvres of Senators seeking to press for the right of Blacks to hold office and test the assumptions of other writers that voting following a definite pattern. The student would be able to follow a series of questions set by the author of a package on the 15th Amendment by typing in responses onto a "Notepad". These responses would stimulate a dialogue framed by the author of the package and designed as preparation for a subsequent seminar.

The machine might well be located in a Library, and might well be set up so as to provide access to on-line catalogues and other services. The student could choose to save his responses to the notepads which could well be used as basis for a discussion or "term" paper. The class tutor may well wish to keep a separate copy of the student's responses which could be used for subsequent assessment or debate.

A HiDES is a "package" consisting of three separate components: a front-end which provides for easy and documented access to the relevant text files, search, split-screen handling of texts, easy access to graphics and applications, and the domain files composed by the teacher/author: a set of HiDES Document files (.HDC) a single HiDES Question file, "appropriate help files", the "expert" domain files (comprising the tutor's responses to Notepads) and the files which have been coded to run in the appropriate "Applications". Some packages also use graphical displays, including "simulations" as illustrations or reconstructions" of events, finally the applications - each package may require different applications chosen by the author, and used to manipulate the HDC files used as sources.

#### **The Criteria for HiDES**

HiDES packages are designed to be a stimulus to student enquiry. It is therefore critical that they contribute to scholarly debate and be presented in a professional manner. To be suitable for a HiDES package a topic must call for a serious historical investigation which requires a critical review of

primary sources. The sources must be presented with full technical comment, and attribution so as to provide a student with the confidence with which to "interrogate" them. The discussion underpinning some packages, such as those which discuss the outbreak of World War I and the Council of Clermont (in 1095) are heavily dependent upon a student's ability to air his views on the quality of the evidence presented. Should Fulcher of Chartres' comments on the outcome of the discussion at Clermont be taken at face value? Alternatively, were Imperial German Ambassador Prince Lichnowsky's views of Foreign Secretary Grey's intentions during the crisis of July 1914 somewhat weightier than his reputation as an anglophile might suggest? Hence HiDES packages which examine these topics provide technical comment enabling a student to formulate his own view on these questions.

The major criteria for a HiDES package is that the issue tackled be a serious one: prompted by a scholarly discussion rather than the availability of datasets. One of the most recent packages discusses the importance given by historians to the "Hossbach Memorandum" - here the question of provenance is vital, but so is that of the importance which has been attached to this document. Clearly the "Memorandum" must be established: though the ostensible purpose of the meeting called by Hitler was the allocation of steel, it appears that the wider war aims of the Reich were given some prominence. A careful analysis of the document "in context" allows the student to examine it for himself identifying what he believes to have been key issues and arguments. The ensuing "dialogue" with the system allows him to formulate his own critique of the historiography, one based on a careful reading of the evidence.

Clearly much depends upon the nature of the "dialogue" between the student and the views of the tutor as held in the machine. This dialogue is designed to enlighten, the student is gently coaxed into following a logical "argument". These "arguments" fall into three categories: those designed to take a student through a logical discussion of a proposition put forward by one historian from his reading of the source, those designed to allow the student to evaluate the arguments adduced by two historians "debating" a source, and those designed to allow the student to evaluate a writer's own findings. The discussion of the 15th amendment to the U.S. Constitution is an example of the first or progressive "argument"; the treatment of Clermont and the First Crusade an example of debate, while using a "simulating" of a historian's views; a version of the Second Battle of Antioch (1098) is an example of the third.

It is assumed that the student is curious, is anxious to defend a viewpoint in a subsequent seminar with a supervisor. As a result the discussion is directed within parameters limited by the opening question of the package.

## **Henry Fielding and Crime**

The package "Henry Fielding and Crime" was developed in the context of a final year course on crime and disorder in eighteenth-century England. It uses the first type of "argument" to encourage students beginning the course need to become familiar with a large, discursive text of 40,000 words which raises most of the significant issues of a contemporary debate over crime and the penal code. This text is "An Inquiry into the Causes of the Late Increase of Robbers", written by Henry Fielding in 1751. It had considerable influence on later eighteenth-century thinking on the criminal code; the efficacy of capital punishment and on the processes of criminal law. Specialists in the history of crime would know that Fielding became a justice of the peace for Westminster in 1749 and was admitted to the Commission for Middlesex in the same year. He also became Chairman of the Westminster Sessions. His energy and determination to control and prevent crime in London, especially street and highway robberies, is indicated not only by the huge number of committal examinations he personally undertook, but also by his formation of the first detective force, the Bow Street Runners. New students are however, more likely to be familiar with Fielding as a novelist, and even to assume his attitudes towards crime from the frequent 'scenes from low life' which make

important contributions to his better-known novels like "Tom Jones" and "Joseph Andrews".

The complete text of the "Inquiry" has been scanned into the packages as an .HDC file and can be manipulated using WCView (a word-search facility). This is the most satisfactory way of handling discursive texts. Not only does this application enable the students, when directed to enter certain words or pairings of words, to move with great facility to and through the relevant passages on any particular issue, but it can, at a later stage, be utilised independently of the prescribed questions, for students to initiate their own searches of the text. At some points the student is asked to analyse passages of the text in isolation, but as often, it is used in conjunction with other material. For example, it is important that students do not assume that Fielding as a novelist necessarily felt himself bound to treat crime in the same way in his fiction as he did in his serious pamphleteering. At the beginning of the package the user is asked to read a lengthy extract from "Tom Jones" in which a highway robbery is central. They are asked to note the way in which justification is offered for the highwayman's crime and the sympathetic way in which he is treated by the hero after his attempted robbery fails and he is disarmed. They are then requested to read the several passages of the "Inquiry" brought to the screen by entry of 'highwayman', 'highwaymen' or 'highway robbery'. The question then put is whether Fielding's treatment of highway robbery as a novelist differs from his view of it as a pamphlet-writing magistrate. If they enter the 'incorrect' response, i.e. 'correct' response is entered the computer then asks them to enter, briefly, what the differences are. It will analyse their response using 'fuzzy-matching' techniques.

Contemplation of the novel raises the interesting question of the way the popular discourse over crime and criminals is coloured by of stock and stereotyped images in literary sources. The package takes this a little further. In a powerful passage in the "Inquiry" Fielding describes the extent and consequences of gin drinking in a series of horrifying verbal images. Students are asked to read the passage and then to bring onto the screen William Hogarth's famous allegorical engraving 'Gin Lane', which was published in 1751, the same year as the "Inquiry". They can then enter their view as to whether the writer and the artist are making the similar comparative analysis of the passage and the engraving, pointing out that the writer and the artist employ very similar images and even in some cases the same ones. There are other points in the package where prints and passages from poems or novels are used to help separate the particular views of Fielding from those which were the common assumptions of his time.

It is important that Fielding's assertions be tested not only against other testimonies, but where possible against available statistical evidence. A major paradox of the eighteenth-century criminal code in England is that although it was the most 'bloody' of its time in the number and range of property offences which brought mandatory capital sentences, that most of those so convicted did not in fact hang. To Fielding the tendency of juries to acquit many of those indicted was compounded by the excessive willingness of those with influence to secure pardons for those who were convicted. If these two tendencies are added to the fact that even those who actually reached Tyburn Tree were allowed to die as heroes of the populace, with great swagger and bravado, then, he concluded, public hangings were an ineffective deterrent. Since indictment, conviction and execution figures are available for London over the first half of the eighteenth-century, this assertion of Fielding's can be tested. Students are asked to consider his argument alongside a graph showing the ratio of executions to capital convictions.

A sentencing system which did not have long term imprisonment among its options, clearly needed an alternative if large numbers of convicted felons were not in fact treated with the full severity allowed by the law. Students are invited to reflect on what it was. Some will from previous reading, or even from general knowledge straightaway enter 'transportation' or some close equivalent, others will be helped towards that knowledge by the computer's responses to incorrect entries. Here the package, as at several other points, reinforces knowledge. As well as acknowledgement of the correctness of the student's entry, a table is shown indicating the rise of transportation over the first half of the century and, which surprises many, the very slight role played by imprisonment in the

treatment of convicted felons. Students who enter 'sent to Australia' are told that they are thinking on the right lines, but gently reminded that in Fielding's time it was to the North American colonies that convicts were despatched!

### **After Fielding**

"Henry Fielding and Crime" was designed for use at an early stage in the course, so that students can both be helped to feel comfortable with primary historical evidence, and to become familiar with some of the major issues which will be explored over the course. Further packages on eighteenth-century crime and punishment are being developed. These will explore statistical possibilities to a greater extent and to a greater depth and will perhaps stress other applications than the concordance, using database management software to analyse the content of the criminal biographies provided by the multi-volumed "Newgate Calendar".

The HiDES software has proved very adaptable to the needs of different forms of sources and texts, allowing freedom in this respect even within a single package. The availability of 'authoring' software will allow for significant modification towards the needs of individual teachers. In the case of 'Fielding' the prime purpose was to familiarise students with a major, but lengthy text, but to do so in a way which raised some important questions asked by historians about eighteenth century crime, and which involved consideration of other sources of evidence alongside the central text.