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The Spine of American Law: Digital Text Analysis and U.S. Legal Practice

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Abstract

In the second half of the nineteenth century, the majority of U.S. states adopted a novel code of legal practice for their civil courts. Legal scholars have long recognized the influence of the New York lawyer David Dudley Field on American legal codification, but tracing the influence of Field's code of civil procedure with precision across some 50,000 pages of statutes is a daunting task. By adapting methods of digital text analysis to observe text reuse in legal sources, this article provides a methodological guide to show how the evolution of law can be studied at a macro level—across many codes and jurisdictions—and at a micro level—regulation by regulation. Applying these techniques to the Field Code and its emulators, we show that by means of a combination of creditors' remedies, the code exchanged the rhythms of agriculture for those of merchant capitalism. Archival research confirmed that the spread of the Field Code united the American South and American West in what scholars have taken to calling a “Greater Reconstruction.” But instead of just a national political development centered in Washington, we show that Reconstruction was also a state-level legal development centered on a procedure code from the Empire State of finance capitalism.

Keywords: [legal history](#), [capitalism](#), [digital history](#), [text analysis](#), [courts and procedure](#)

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