Ready Steady Goes Live.
The Internet, the *Law and History Review*,
and the American Society for Legal History

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Growing up in 1960s England, my marker for the beginning of the weekend was an hour-long Friday evening TV show, *Ready Steady Go!* RSG was launched in 1962 on ITV (independent television). It was soon the major mass audience showcase for the bands and fashions of the era. RSG was where new mod groups like The Who, The Kinks, The Animals, and scores of others went to plug their latest releases, and where kids fresh from Carnaby Street and the King’s Road went to show off the latest gear and to dance. RSG was unique among the staid and safe radio and tv “pop” shows of the 1960s—“Juke Box Jury,” “Pick of the Pops,” “Top of the Pops,” and so on—all hosted by distinctly middle-aged (to my eyes) recycled radio DJs. Almost from the outset RSG was fronted by Cathy McGowan, an unknown who was little older than the show’s audience. For a while she became one of Swinging London’s standouts.¹

Maybe two years after the show was launched with the slogan, “The Weekend Starts Here!” Cathy began to push a new one, “Ready Steady Goes Live!” In the show’s original format, the bands had mimed to their own canned studio recordings. The new format announced something very different—live performance, with all its uncertainties and improvisations. What would The Troggs sound like outside a recording studio? The build-up to the first live broadcast was huge, the risks of a flop enormous, the change a wild success. Audience ratings shot up.

I have been reminded of “Goes Live” many times over the last fifteen months. The analogy, admittedly, is imperfect. Nevertheless, in our own

¹. Others clearly have fond memories of this show. An enthusiastic account of its importance and influence can be found at <www.psychoshack.freeserve.co.uk/ready.htm>.

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deceptively quiet neck of the woods, the American Society for Legal History and the Law and History Review have been debating a development just as momentous on our scale as RSG’s change of format nearly forty years ago—namely whether to take the LHR on-line. As editor I have long been persuaded that such a development is not only inevitable, but—under the right circumstances—would be positively advantageous to the journal. I am delighted to report that those circumstances are now in place and that, with the approval of the Society’s Board of Directors, secured at the ASLH annual meeting last October in Princeton, the LHR has indeed “gone live.” With this issue, the first for the year 2001, the Law and History Review becomes fully available on-line at <www.historycooperative.org/>.

In a loose sense, the Law and History Review has already been available on-line for several years, in that its contents have long been accessible to users of Lexis and Westlaw. This will continue. For several years, too, we have been mounting tables of contents, article abstracts, and the full text of each issue’s “forum” feature on our University of Illinois Press website, at <www.press.uillinois.edu/journals/lhr.html>. Lexis and Westlaw, however, are designed to facilitate legal-professional and legal-academic research. Neither offers an interface that is particularly well-suited to historical research. Nor does either offer the LHR (or any other journal) an opportunity to establish an identity for itself. Therefore the LHR has continued to search for the most appropriate means to identify itself on-line as an authoritative source for historical, and particularly legal-historical knowledge, represented in a form specifically tailored to those who engage in historical scholarship or search for historical information. That search is now, successfully, over.

The journal’s quest for the most appropriate means to “go live” was answered last year by the formation in early 2000 of an organization known as “The History Cooperative.”2 After months of intensive discussion, beginning in 1999, the American Historical Association, the Organization of American Historians, the University of Illinois Press, and the National Academy Press jointly agreed to establish a consortium and a website to disseminate, archive, and market electronic versions of premier English-language history journals. The two historical associations and the two presses are the Cooperative’s founding partners and principal underwriters. The investment they have made is considerable, amounting jointly to some $200,000 to date, with a similar sum committed over the course of the next two years. Since April 2000, the Journal of American History and the American Historical Review have both been available on-line on the Co-
operative website <www.historycooperative.org/>. During the course of the year other journals were invited to become associate members of the cooperative—The History Teacher, the journal of the Society for History Education and the most widely recognized journal in the United States devoted to the teaching of history in the secondary and higher education classroom; the William and Mary Quarterly, known to all of us as the premier journal of early American history and culture; and the Law and History Review. Last October, at the Society’s annual meeting in Princeton, the Cooperative’s invitation was accepted on behalf of the LHR by the American Society for Legal History’s Board of Directors.

Addition of the History Teacher, the William and Mary Quarterly, and the Law and History Review will complete the Cooperative’s first round of expansion beyond the AHR and the JAH. Others, however, will follow: the History Cooperative’s goal is to recruit the leading general and special-interest English-language history journals throughout the field and throughout the world.3

To join the Cooperative as an associate, a journal, or more accurately its sponsoring society,4 must agree to pay for the conversion of its electronic production files to the common specifications developed for use on the Cooperative website, which render each journal’s files fully compatible with every other journal on the site. Much of the cost of file conversion is attributable to the insertion of tags and commands that render every journal’s content fully searchable through the site’s own site-wide search engine. Associate members are not asked to contribute to the expense of creating and running the site as a whole.

For some years, the electronic publication and dissemination of scholarly information has been the subject of intense discussion among academic journal editors.5 In the humanities and most social sciences, the trend to

3. The Cooperative proposes to add up to seven leading history journals with common aims and standards each year, both U.S. and international. In each case the Cooperative will produce an electronic edition of the journal, making it available to all subscribers. The Cooperative will accumulate and archive a fully searchable backset of each journal’s electronic edition, and the backsets will be cross-searchable. For further information, see “frequently asked questions” at <http://www.historycooperative.org/faq.html>. For a more complete account of the Cooperative Project and its implementation, see Michael Grossberg, “Devising an Online Future for Journal of History,” Chronicle of Higher Education (21 April 2000), B6–7, full text available at <http://chronicle.merit.edu/weekly/v46/i33/33b00601.htm>.

4. At this time, the Cooperative has no plans to include journals that are not association-based.

5. This has been a matter of some interest to me. See Christopher L. Tomlins, “Wave of the Present: The Scholarly Journal on the Edge of the Internet.” American Council of Learned Societies Occasional Paper no.43 (1998), 5 (full text available at <http://www.acls.org/op43.htm>). This essay first appeared in final form as “The Wave of the Present: The Printed
electronic publication has lagged behind other fields—computer science, the physical sciences, medicine, economics, law—in which the imperative of speed in the availability and exchange of information is such a marked characteristic. But humanities journal editors have not been idle. In history, field-wide discussion of appropriate approaches to the matter began at a working conference of history editors held in Bloomington in August 1997 under the auspices of the AHA, the OAH, and the Mellon Foundation. It was there that the concept of a concerted effort—a cooperative—was born.6

I believe that the decision to join the History Cooperative is a crucial development in the Law and History Review’s own history, a move of fundamental importance that will enhance the journal’s viability and visibility in an information environment that increasingly emphasizes on-line availability. Not only does the Cooperative fulfill the model of associated development mooted in Bloomington, this particular consortium offers the further decided advantage that it is being developed by a combination of scholarly organizations and university presses in a dynamic fashion that grants the content providers (the journals) significant presence in the government of the venture and the plotting of its future course. Although the four original partners have an investment to safeguard, they have demonstrated a commitment to consensus that will offer a voice and a vote to those who join as associates.7 As we commit to this venture, it is reassuring that our partners share much cultural background with us. Our partners are two


7. In the words of Michael Grossberg, editor of the American Historical Review and a leading proponent of the History Cooperative, “the Cooperative is indeed a Cooperative. That is, we have operated on the basis of consensus thus far and I expect it to continue in the future. None of these policies are written in stone and all of them will be subject to continuing analysis and discussion. Joining makes the LHR part of the discussion.” Personal communication, Grossberg to Tomlins, 12 September 2000.
academic presses (one of them our own publisher) and numbers, hopefully increasing, of strategically placed, association-backed, scholarly journals. University presses and scholarly societies are not immune from criticism, but if our partners were Reed-Elsevier/Wolters-Kluwer, or Pergamon, or Blackwells, we might have less confidence that we would enjoy meaningful influence over the policy of the venture.

Under the terms of the Cooperative, all subscribers to each member journal will continue to receive a print copy of the \textit{LHR} through the journal’s existing subscription/fulfillment system. Indeed, it is important to emphasize that print remains the \textit{LHR}’s primary medium of reference. We are not becoming an e-journal. Rather, we are adding significantly to the services we offer our subscribers. All subscribers gain unlimited password-controlled access to the journal on-line through the Cooperative web site. The site is fully searchable across all constituent journals but unlimited free access is to be had only to those journals to which the searcher (or home institution) has a subscription. Prior to January 1 (that is, during its initial eight months of operation), the site was free to all comers and attracted significant usage. Such access is now no longer available. Instead, from January 1, 2001, non-subscribers who wish to use a journal on-line have been able to buy time-limited access, at a rate of $5 for two hours (if the user is a subscriber to at least one of the Cooperative’s member journals) or $10 for two hours (if a subscriber to none of the member journals). Proceeds from pay-per-view access are returned to the Cooperative, in part to offer some alleviation of the expenses incurred by the founding partners, in part to fund future development.

Cooperative policy grants each member journal exclusive editorial control over its electronic content. Thus it is a matter of editorial decision whether the electronic edition should be allowed to diverge in any particular from the print edition. In our case I intend to proceed cautiously in the early stages in allowing differences to appear between the two editions. On-line publishing offers authors and editors innumerable opportunities for experimentation in appearance, format and form of argumentation that go far beyond the representational capacities of the printed paper page.\footnote{See, for example, Robert Darnton’s AHA Presidential Address, “An Early Information Society: News and the Media in Eighteenth-Century Paris.” As is customary, the address was printed in the \textit{American Historical Review} 105.1 (February 2000): 1–35. It was also presented in an enhanced version on the \textit{AHR}’s web site (<www.indiana.edu/ahr/darnton/>). The article site contains an electronic version of the presidential address with links to a digitized map of Paris that includes cafés where police gathered information about political activities, police reports from those cafés, illustrations from the era, audio of versions of songs that conveyed political news, texts of the song lyrics, an essay by Darnton analyzing those songs, and the record of an on-line discussion of Darnton’s address that the \textit{AHR} hosted online.} These
opportunities are intoxicating in their attractiveness and will become increasingly common in our field. The journal must move to accommodate them and encourage them. But it can only do so within the bounds of available editorial and material resources. Hence, it is likely that, in the short term at least, the electronic edition of the journal that appears on the Cooperative web site will simply be a fully searchable electronic reproduction of the print edition.

On-line publishing also offers the opportunity for an electronic version of an article to depart from the printed version in certain matters of substance (for example, the publication of evidentiary appendices or supplements considered nonessential in the print edition). Here, too, the course we will follow, initially, will be one of cautious experimentation. At the very least, links that an author incorporates in text or notes will be rendered “live” in the electronic version. In time we might be able to mount supplementary data sets or other kinds of supplementary materials that support or expand upon articles. Data on usage and feedback from subscribers, however, will be essential in informing decisions to move further in this direction. And it is worth pointing out that “supplementary” materials still have to be prepared, copyedited, and converted—all of which will be reflected in our production costs.

The History Cooperative’s most obvious and immediate contribution lies in its potential to create a substantial “footprint” for scholarly history on the Internet and to make that scholarship readily and easily available not simply to scholars but to all interested users, worldwide. Scholarly journals have considerable value, not simply to the small peer groups of scholarly professionals who are their core subscribers, but potentially to anyone seeking enriched authoritative knowledge. “We have entered an intellectual environment in which the immensely expanded accessibility of information produces an equally immense need for efficient means to dis-

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March 13–27, 2000. Darnton’s is the first electronic article produced by the American Historical Review. For a second example, which suggests what might be possible specifically within the field of legal history, see Thomas Thurston, “Hearsay of the Sun: Photography, Identity, and the Law of Evidence in Nineteenth-Century American Courts” (http://chnm.gmu.edu/aq/photos/index.htm). Thurston writes in his introduction: “The primary documents used in this hypertextual essay represent a relatively contained selection of materials concerning the body of legal reasoning on the subject of photography and evidence during the period under consideration. Anglo American case law and the treatise tradition, with its emphasis on precedent and commentary, is a literary form well suited for hypertext. It is my hope that this hypertextual experiment may help to establish standards in incorporating primary texts into critical essays, foster collaboration among scholars from different disciplines, and perhaps lead to the development of more ambitious legal-historical hypertexts.”
It has never been clearer than in today’s indiscriminate information world that the evaluative and editorial functions performed by scholarly journals, and in particular the simple bestowal of their imprimatur, add considerable value to the information they publish. Hence, journal editors and scholarly societies are continuously courted by bundlers, by subscription agencies, by commercial sponsors of electronic libraries, all of whom recognize, and wish to exploit, the value inherent in the scholarly journal’s core functions—the recruitment, improvement, and above all authorization of knowledge. The History Cooperative allows us to pursue the same opportunities that these other would-be players seek to exploit, while remaining true to the essential altruism at the core of the scholarly editorial enterprise.

Full exploitation of the medium, and of the promise of the Cooperative, will lead us far beyond the initial exercise of putting a lot of authoritative words on a website. I have already mentioned the representational opportunities that the medium offers, opportunities with the potential to alter the very form of historical exposition. In addition, the on-line environment offers individual journals major opportunities for self-improvement at the less visible, more internal, editorial levels of their operation. There has been a tendency for humanities editors to look at the Internet and on-line publication as if the only realizable efficiency in our current environment lay in distribution—the e-edition. But this is simply not the case. First, web-based technologies allow us to realize innumerable efficiencies in editorial interaction with authors, referees, and subscribers. Over the last year, for example, the Law and History Review has begun to resort to a form of Internet-assisted peer review in an effort to speed up the process of manuscript review while reducing its cost. The process has been concocted by us and is not particularly sophisticated, but it is saving the journal both time and money. Fully integrated web-based systems of editorial management are already available commercially, but for most scholarly journals in the humanities the costs of employing them are prohibitive, at least on a stand-alone basis. Cooperation among numbers of journals within a field, however, brings this efficiency within reach. Cooperation in dissemination, I believe, leads logically to cooperation in aspects of journal production.10

Second, in the long term, cooperation in the dissemination and in aspects of the production of knowledge has major implications for the organization of scholarly fields. To some historians, in recent years, the field of

history has never appeared more balkanized and fragmented, its accepted master narratives and hierarchies of significance thrown into disorder by claims made on behalf of previously marginalized standpoints and narratives. This is a situation they abhor. Others celebrate the unparalleled diversity of effort and research in contemporary historical scholarship. My own sensibility inclines me to the latter rather than the former—more fool the editor with a closed mind and agenda. But the more important point to note here is that cooperation in the production and dissemination of knowledge, plus radical enhancement of opportunity for research across the innumerable modalities of doing history, all represented in the simple existence of a diversity of journals appearing together on a single site, their content fully cross-searchable, is an effective institutional response to the field’s feared fragmentation that does nothing to inhibit diversity in inquiry. In drawing its participants closer to each other in the ways we disseminate what we produce, the History Cooperative creates an extraordinarily promising framework for intellectual cross-fertilization across multiple domains of historical scholarship.

In all this there are, of course, challenges as well as opportunities. Journals made available to institutional subscribers in electronic form will be read and used free throughout that institutional subscriber’s community of access. In formal terms this is no change from the status of a print copy of an issue on a library shelf: anyone can take it to the nearest photocopier and, with dimes and patience, reproduce it. In practice, however, the means to undertake access are hugely expanded. Will that, or the alternative pay- per-view scheme, undermine our individual subscriber base? Personally, I think not. As long as we produce an attractive and useful journal, enhanced access to it is likely to result in more, rather than fewer, individual subscribers. Indeed, we should realize that we have the opportunity as never before to reach a world-wide audience of scholars and interested others, at least some of whom may wish to establish ties with us. Such data as exist on the relationship between on-line availability of content and a journal’s subscription base tend to suggest that subscriptions rise rather than fall after a journal appears on-line. We will not preserve our journals in an information-rich age by restricting access to their content. Rather, their success will be contingent upon our capacity to make authoritative historical research as widely available as possible. That, not incidentally, will also be the long-term salvation of history as a profession.

Nevertheless, to the extent that enhanced access to the *LHR* persuades individuals that they have fewer reasons to become or remain a member of our society, the situation challenges all of us to find additional reasons that will persuade all those who consider themselves legal historians, or who are interested in what legal historians do, to join us. Certainly the *Law and History Review* must ever be creative in finding ways to enhance its quality and appeal in order to retain its subscribers. But the journal is not the sum of a subscription. What individual subscribers are buying is membership in the ASLH. Thus the challenge here is to the Society as well as to the journal. The Society must also work hard to make itself attractive so as to retain its existing members and recruit new members.

Over the years the ASLH has invested considerable time and money in the *Law and History Review*. The efforts of successive editors have helped it to become a very good journal. Now, the trajectory of development confronting scholarly journals has established on-line dissemination of journals as a going concern. The ASLH has chosen to participate in this development and it is absolutely right to have done so. To fail to join in would be to limit ourselves significantly in the audiences we hope to reach and in the means we can employ to do so and, in the long term, do a real injury to the *LHR*. “Going Live” means we have embarked on a new and exciting phase of growth that, I am confident, will prove significant and beneficial to both the Society and the *Review*. 