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# History and the Law

Focusing on everyday legal experiences, from those of magistrates, novelists and political philosophers, to those of maidservants, poor and pauper men and women, down-at-heel attorneys and middling-sort wives in their coverture, *History and the Law* reveals how people thought about, used, manipulated and resisted the law between the eighteenth and the twentieth centuries. Supported by clear, engaging examples taken from the historical record, and from the writing of historians including Laurence Sterne, William Godwin and E. P. Thompson, who each had troubled love affairs with the law, Carolyn Steedman puts the emphasis on English poor laws, copyright law and laws regarding women. Evocatively written and highly original, *History and the Law* accounts for historians' strange ambivalent love affair with the law and with legal records that appear to promise access to so many lives in the past.

Carolyn Steedman is Emeritus Professor of History at the University of Warwick. Her previous books include *Landscape for a Good Woman* (1986), *Dust* (2001), *Master and Servant* (Cambridge, 2007), *Labours Lost* (Cambridge, 2009), *An Everyday Life of the English Working Class* (Cambridge, 2013) and *Poetry for Historians* (2018).

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# History and the Law

## *A Love Story*

Carolyn Steedman
*University of Warwick*

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This is the kind of law
history loves, which contains
its own demise.

Stephen Dunn, 'History', *The New Yorker*, 10 March 2008.

If you have mind to have Law you shall have enough …

Judges Notebooks of the First Earl of Mansfield, *c.* 1742–1785.

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# Abbreviations

| | |
|---|---|
| ASSI | Assize Court |
| BM | British Museum |
| BMNL | British Museum Newspaper Library |
| ECCO | Eighteenth-Century Collections Online |
| EED | Ernest Edward Dodd |
| EPT | Edward Palmer Thompson |
| HMSO | His/Her Majesty's Stationery Office |
| H&R | 'History and Romance' |
| KB | King's Bench |
| NA | Nottinghamshire Archives |
| PRO | The Public Record Office |
| QS | Quarter Sessions |
| SCH | Somerset Heritage Centre |
| TNA | The National Archives |
| TSCA | The Stationers Company Archive |
| WCRO | Warwickshire County Record Office |
| WMRC | University of Warwick Modern Record Centre |
| WO | War Office |



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# A Beginning: 'History', by Stephen Dunn

*It's like this, the king marries*
*a commoner, and the populace cheers.*
*She doesn't even know how to curtsy,*
*but he loves her manners in bed.*
*Why doesn't the king do what his father did,*
*the king's mother wonders—*
*those peasant girls brought in*
*through that secret entrance, that's how*
*a kingdom works best. But marriage!*
*The king's mother won't come out*
*of her room, and a strange democracy*
*radiates throughout the land,*
*which causes widespread dreaming,*
*a general hopefulness. This is,*
*of course, how people get hurt,*
*how history gets its ziggy shape.*
*The king locks his wife in the tower*
*because she's begun to ride*
*her horse far into the woods.*
*How unqueenly to come back*
*to the castle like that,*
*so sweaty and flushed. The only answer,*
*his mother decides, is stricter rules—*
*no whispering in the corridors,*
*no gaiety in the fields.*
*The king announces his wife is very tired*
*and has decided to lie down,*
*and issues an edict that all things yours*
*are once again his.*
*This is the kind of law*
*history loves, which contains*
*its own demise. The villagers conspire*



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*for years, waiting for the right time,*
*which never arrives. There's only*
*that one person, not exactly brave,*
*but too unhappy to be reasonable,*
*who crosses the moat, scales the walls.*

Stephen Dunn, 'History', *The New Yorker,* 10 March 2008, in *What Goes On,* W. W. Norton, New York, 2013, p. 172.

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