Law’s Imagined Republic

Law’s Imagined Republic shows how the American Revolution was marked by the rapid proliferation of law talk across the colonies. This legal language was both elite and popular, spanned different forms of expression from words to rituals, and included simultaneously real and imagined law. Because it was employed to mobilize resistance against England, the proliferation of revolutionary legal language became intimately intertwined with politics. Drawing on a wealth of material from criminal cases, Steven Wilf reconstructs the intertextual ways Americans from the 1760s through the 1790s read law: reading one case against another and often self-consciously comparing transatlantic legal systems as they thought about how they might construct their own legal system in a new republic. What transformed extraordinary tales of crime into a political forum? How did different ways of reading or speaking about law shape our legal origins? And, ultimately, how might excavating innovative approaches to law in this formative period, which were forged in the street as well as in the courtroom, alter our usual understanding of contemporary American legal institutions? Law’s Imagined Republic tells the story of the untidy beginnings of American law.

Steven Wilf is Joel Barlow Professor of Law at the University of Connecticut. He is the author of The Law Before the Law (2008), which examines how legal systems address the problem of existing law prior to a law-giving moment, and numerous articles in law and history. Professor Wilf’s research focuses on intellectual property law, historical jurisprudence, and legal history.
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Law’s Imagined Republic

Popular Politics and Criminal Justice
in Revolutionary America

STEVEN WILF

University of Connecticut School of Law
For Guita
After the leaves have fallen, we return
To a plain sense of things.
It is as if
We had come to an end of imagination,
Inanimate in an inert savoir.

Wallace Stevens
“The Plain Sense of Things”
# Contents

**Acknowledgments**  
*page xi*

Introduction  
1 Criminal Law Out-of-Doors  
2 “The Language of Law Is a Vulgar Tongue”  
3 Local Justice, Transatlantic Justice  
4 The Problem of Punishment in an Age of Revolution  
5 The Statute Imagined  
Conclusion  

*Bibliography*  

*Index*  

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>1 Criminal Law Out-of-Doors</td>
<td>14</td>
</tr>
<tr>
<td>2 “The Language of Law Is a Vulgar Tongue”</td>
<td>56</td>
</tr>
<tr>
<td>3 Local Justice, Transatlantic Justice</td>
<td>105</td>
</tr>
<tr>
<td>4 The Problem of Punishment in an Age of Revolution</td>
<td>138</td>
</tr>
<tr>
<td>5 The Statute Imagined</td>
<td>165</td>
</tr>
<tr>
<td>Conclusion</td>
<td>193</td>
</tr>
<tr>
<td>Bibliography</td>
<td>197</td>
</tr>
<tr>
<td>Index</td>
<td>233</td>
</tr>
</tbody>
</table>
More than anyone else in the academy, Charles Maier is responsible for my becoming an historian, and thus he bears part of the blame for this book. The original topic emerged out of discussions with Linda Colley, whose work I deeply admire, and I have benefitted considerably from her commitment to a transatlantic history that is simultaneously granular and global. Over the years, John Demos has been most supportive – and most persistent – in pressing upon me his particular views about the importance of storytelling. The use of the micronarrative of the legal case, as opposed to the microhistory of local settlements, reflects our agreements, and disagreements, about how to write history. Jon Butler, David Brion Davis, Thomas Green, Edmund Morgan, William Nelson, Kent Newmyer, John Reid, Avi Soifer, and Carol Weisbrod contributed to the project at important junctures. Robert Gordon and Morton Horwitz have been ideal mentors. Our many wide-ranging discussions over the years demonstrate that conversation, like well-kept wine, only becomes better over time.

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