

# Law and History Review

# Law and History Review

---

The purpose of *Law and History Review* is to further research and writing in the fields of the social history of law and the history of legal ideas and institutions. The Review is sent to all members of the American Society for Legal History.

Back issues of *Law and History Review* may be ordered directly from *Law and History Review*, Cambridge University Press, Journals Fulfillment Dept., One Liberty Plaza, New York, NY 10006-4020, USA.

**Editorial Office:** Department of History, University of Florida, Keene Flint Hall, Gainesville, FL 32611, USA. Elizabeth R. Dale, Editor; telephone: 352-273-3387; e-mail: edale@ufl.edu

Address all general editorial correspondence to Elizabeth R. Dale, Editor, *Law and History Review*, University of Florida, Keene Flint Hall, P.O. Box 117320, Gainesville, FL 32611, USA (tel: 352-273-3387; e-mail: edale@ufl.edu). Address books for review and correspondence regarding book reviews and reviewing on the Americas to Felice Batlan, Associate Editor, *Law and History Review*, IIT Chicago-Kent College of Law, 555 W. Adams, Room 765, Chicago, IL 60661, USA (tel.: 312-906-5341; fax: 312.906.580; email: fbaltan@kentlaw.edu). Address books for review and correspondence regarding book reviews and reviewing on the non-Americas to Will Hanley, Associate Editor, *Law and History Review*, Florida State University, Department of History, P.O. Box 3052200, Tallahassee, FL 32306, USA (tel.: 850-912-9143; fax: 850-644-6402; email: whanley@fsu.edu).

**Publishing, Advertising, and Subscription Offices:** Cambridge University Press, One Liberty Plaza, New York, NY 10006-4020, USA. (for USA, Canada, and Mexico); or Cambridge University Press, The Edinburgh Building, Shaftesbury Road, Cambridge CB2 8RU, UK (for UK and elsewhere).

*Law and History Review* (ISSN 0738-2480) is published four times a year, in February, May, August, and November by Cambridge University Press, One Liberty Plaza, New York, NY 10006-4020, USA / Cambridge University Press, University Printing House, Shaftesbury Road, Cambridge, CB2 8BS, England for the American Society of Legal History. Annual institutional subscription rates for Volume 35 (2017) USA, Canada, and Mexico / Elsewhere are \$279 / £164 for print and electronic subscriptions. Single part: \$80 / £47. Prices include postage and insurance. *Law and History Review* and all other Cambridge journals can be found at <http://journals.cambridge.org/>.

© The American Society for Legal History, Inc. 2017. All rights reserved. No part of this publication may be reproduced in any form or by any means, photocopying, electronic, or otherwise, without permission in writing from Cambridge University Press. Policies, request forms, and contacts are available at: <http://www.cambridge.org/rights/permissions/permission.htm>.

Permission to copy (for users in the USA) is available from the Copyright Clearance Center (CCC), <http://www.copyright.com>, email: [info@copyright.com](mailto:info@copyright.com).

Forwarding and return postage guaranteed, address correction requested. Postmaster: Send address changes in the USA and Canada to *Law and History Review*, Cambridge University Press, Journals Fulfillment Dept., One Liberty Plaza, New York, NY 10006-4020, USA. Send address changes elsewhere to *Law and History Review*, Cambridge University Press, University Printing House, Shaftesbury Road, Cambridge, CB2 8BS, England.

Abstracting and Indexing Information: America: History and Life; CSA Worldwide Political Science Abstracts; Current Law Index; Current Abstracts; SocIndex; SocIndex with Full Text; TOC Premier; Scopus; Family Index; Academic OneFile; General OneFile; InfoTrac Custom; LegalTrac; Biography Index; Index to Legal Periodicals & Books; Historical Abstracts.

# Law and History Review

---

Volume 35, Number 3

August 2017

---

*Published four times a year by Cambridge University Press for the  
American Society for Legal History*

**Editor**

Elizabeth R. Dale  
*University of Florida*  
 Department of History, Levin  
 College of Law  
 P.O. Box 117320  
 Gainesville, FL 32611  
 352.273.3387  
 FAX: 352.392.6927  
 EMAIL: edale@ufl.edu

**Associate Editor  
(Book Reviews, Americas)**

Felice Batlan  
*IIT Chicago-Kent College of Law*  
 555 W. Adams, Room 765  
 Chicago, IL 60661  
 312.906.5341  
 FAX: 312.906.580  
 EMAIL: fbaltan@kentlaw.edu

**Associate Editor  
(Book Reviews, Non-Americas)**

Will Hanley  
*Florida State University*  
 Department of History  
 P.O. Box 3062200  
 Tallahassee, FL 32306  
 850.912.9143  
 FAX: 850.644.6402  
 EMAIL: whanley@fsu.edu

---

**Editorial Board**

David Anderson  
*University of Warwick*  
 Constance Backhouse  
*University of Ottawa*  
 Edward J. Balleisen  
*Duke University*  
 Stuart Banner  
*University of California,  
 Los Angeles*  
 Lauren Benton  
*Vanderbilt University*  
 David Bernstein  
*George Mason University*  
 Elizabeth Borgwardt  
*Washington University  
 in St. Louis*  
 Holly Brewer  
*University of Maryland*  
 Thomas Buoye  
*University of Tulsa*  
 Christopher Capozzola  
*Massachusetts Institute  
 of Technology*  
 Amy Chazkel  
*Queens College, CUNY*  
 Li Chen  
*University of Toronto-  
 Scarborough*  
 Andrew Wender Cohen  
*Syracuse University*  
 Simon Cole  
*University of California, Irvine*

Jane Dailey  
*University of Chicago*  
 Simon Devereaux  
*University of Victoria*  
 Laura F. Edwards  
*Duke University*  
 Thomas Ginsburg  
*University of Chicago*  
 Ariela J. Gross  
*University of Southern California*  
 Sally E. Hadden  
*Western Michigan University*  
 Amalia Kessler  
*Stanford University*  
 Daniel M. Klerman  
*University of Southern  
 California*  
 Elizabeth Kolsky  
*Villanova University*  
 Carl Landauer  
*Lead Counsel, Sixup PBC Inc.*  
 Adriaan Lanni  
*Harvard University*  
 Kenneth F. Ledford  
*Case Western Reserve University*  
 Kenneth W. Mack  
*Harvard University*  
 Rebecca McLennan  
*University of California, Berkeley*

Ajay Mehrota  
*American Bar Foundation*  
 M. C. Mirow  
*Florida International University*  
 Devin Pendas  
*Boston College*  
 Linda Przybyszewski  
*Notre Dame*  
 Gautham Rao  
*American University*  
 Stephen Robertson  
*Roy Rosenzweig Center for  
 History and New Media*  
 Richard J. Ross  
*University of Illinois, Campaign-  
 Urbana*  
 Ruell Schiller  
*University of California,  
 Hastings College of Law*  
 Trevor Stack  
*Hastings College of Law*  
 Kristin A. Stilt  
*Harvard University*  
 Alexander Tsesis  
*Loyola University*  
 John Wertheimer  
*Davidson College*  
 James Q. Whitman  
*Yale University*

# Contents

Law and History Review

Vol. 35, No. 3, August 2017

Full text available at <http://journals.cambridge.org/lhr>

## In This Issue

v

### Articles

- Natural Rights Dissected and Rejected: John Lind's Counter to the Declaration of Independence  
Neil L. York 563
- "The Law of the New Hebrides is the Protector of their Lawlessness": Justice, Race and Colonial Rivalry in the Early Anglo-French Condominium  
Kate Stevens 595
- The Hounds of Empire: Forensic Dog Tracking in Britain and its Colonies, 1888–1953  
Binyamin Blum 621
- Enemy Women and the Laws of War in the American Civil War  
Stephanie McCurry 667
- 'My land is worth a million dollars': How Japanese Canadians contested their dispossession in the 1940s  
Jordan Stanger-Ross and Nicholas Blomley 711
- Spectral Legal Personality in Interwar International Law: On New Ways of Not Being a State  
Natasha Wheatley 753
- Culture and the Courts in France: the *Plaidoirie Sentimentale* in the Nineteenth and Early Twentieth Centuries  
James M. Donovan 789
- ### Book Reviews
- The Futility of Law and Development: China and the Dangers of Exporting American Law*—Jedidiah Joseph Kroncke  
reviewed by Rande Kostal 829
- John Henry Wigmore and the Rules of Evidence: The Hidden Origins of Modern Law*—Andrew Porwancher  
reviewed by Michael Ariens 831

<i>Louis D. Brandeis: American Prophet</i> —Jeffrey Rosen reviewed by Joel K. Goldstein	833
<i>The Great Leveler: Capitalism and Competition in the Court of Law</i> —Brett Christophers reviewed by Judge Glock	835
<i>Equality on Trial: Gender and Rights in the Modern American Workplace</i> —Katherine Turk reviewed by Catherine L. Fisk	837