



VOLUME 41, NUMBER 1 = FEBRUARY 2023



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, American University, 4400 Massachusetts Avenue, NW, Washington, DC 20016, USA. Gautham Rao, Editor; telephone: 202-885-6745; e-mail: gauth.rao@gmail.com

Address all general editorial correspondence to Gautham Rao, Editor, *Law and History Review*, American University, 4400 Massachusetts Avenue, NW, Washington, DC 20016, USA (tel: 202-885-6745; e-mail: gauth.rao@gmail.com). Address correspondence regarding book reviews and reviewing on the Americas to Nate Holdren, Associate Editor, Drake University (email: nate.holdren@drake.edu). Address correspondence regarding book reviews and reviewing on Europe to Elizabeth Papp Kamali, Associate Editor, Harvard Law School (email: ekamali@law.harvard.edu). Address correspondence regarding book reviews and reviewing on Asia, Africa, and the Pacific to Jedidiah Kroncke, University of Hong Kong Faculty of Law (email: jkroncke@hku.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 41 (2023) USA, Canada, and Mexico / Elsewhere are \$367 / £218 for print and electronic subscriptions. 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. 2023. 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.

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 41, Number 1

February 2023

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

Editor

Gautham Rao American University Department of History 4400 Massachusetts Avenue, NW Washington, DC 20016 202.885.6745

FAX: 202.885.6166

EMAIL: gauth.rao@gmail.com

Associate Editor (Book Reviews, Asia, Africa, Pacific)

Jedidiah Kroncke University of Hong Kong Faculty of Law

EMAIL: jkroncke@hku.edu

Associate Editor (Book Reviews, Americas)

Nate Holdren

Drake University

EMAIL: pate holdren

EMAIL: nate.holdren@drake.edu

Associate Editor (Book Reviews, Europe)

Elizabeth Papp Kamali Harvard Law School EMAIL: ekamali@law.harvard.

Editorial Board

David Anderson
University of Warwick

Constance Backhouse University of Ottawa

Edward J. Balleisen Duke University Nicholas Barreyre

L'ecole des Hautes Etudes en

Sciences Sociales

Felice Batlan

ITT Chicago-Kent College of Law

Fihad Bishara University of Maryland

Holly Brewer University of Maryland

Thomas Buoye University of Tulsa

Christopher Capozzola Massachusetts Institute of Technology

Amy Chazkel

Queens College, CUNY

University of Toronto-Scarborough

Li Chen

Andrew Wender Cohen Syracuse University

Rohit De Yale University Alejandro de la Fuente Harvard University

Laura F. Edwards Duke University

Carole Emberton
University at Buffalo

Lisa Ford

University of New South Wales
Sally E. Hadden
Western Michigan University

Amalia Kessler Stanford University

Daniel M. Klerman University of Southern

California

Elizabeth Kolsky Villanova University

Adriaan Lanni Harvard University

Kenneth F. Ledford

Case Western Reserve University

David Lieberman

University of California, Berkeley

Assaf Likhovski Tel Aviv University

Rebecca McLennan University of California, Berkeley Ajay Mehrota

American Bar Foundation

M. C. Mirow

Florida International University

Devin Pendas
Boston College
Intisar Rabb
Harvard University
Stephen Robertson

Roy Rosenzweig Center for History and New Media

Lena Salaymeh Tel Aviv University

Reuel Schiller Hastings College of Law

Karl Shoemaker University of Wisconsin

Karen Tani

University of California, Berkeley

Heather Ann Thompson University of Michigan

Stefan Vogenauer

Max Planck Institute

James Q. Whitman

Yale University

Anders Winroth
Yale University

Will Hanley

Florida State University

Contents

Vol. 41, No. 1, February 2023 Law and History Review Full text available at http://journals.cambridge.org/lhr Articles The Making of Modern US Citizenship and Alienage: The History of Asian Immigration, Racial Capital, and US Law Hardeep Dhillon 1 Legal Limbo and Caste Consternation: Determining Kayasthas' Varna Rank in Indian Law Courts, 1860-1930 Havden J. Bellenoit 43 The Redefinition of Clandestine Marriage by Sixteenth-Century Lutheran Theologians and Jurists Paolo Astorri 65 How Hermann Kantorowicz Changed His Mind About America and Its Law, 1927-34 Katharina Isabel Schmidt 93 Creating Law through Regulating Intimacy: The Case of Slave Marriage in Nineteenth-Century New York and the United States Lauren Feldman 119 Concrete Leviathan: The Interstate Highway System and Infrastructural Inequality in the Age of Liberalism 145 Teal Arcadi "No Quixotry in Redress of Grievances": How Community Abatement of Public Nuisances Disappeared from American Law 171 William B. Meyer Re-Reading Morant Bay: Protest, Inquiry, and Colonial Rule Jonathan Connolly 193 **Review Essay** Genuine Concern for Animals in England's Nineteenth-Century Animal Protection Movement: The Case Against Reductionist Interpretations Women Against Cruelty: Protection of Animals in Nineteenth-Century Britain-Diana Donald Angela Fernandez 217

Book Reviews	
The Trials of Allegiance: Treason, Juries, and the American	
Revolution—Carlton F. W. Larson	
reviewed by Susan Brynne Long	225
The Best Beloved Thing is Justice: The Life of Dorothy Wright	
Nelson—Lisa Kloppenberg	
reviewed by Patricia I. McMahon	227
Marriage Litigation in the Western Church, 1215–1517—	
Wolfgang P. Müller	
reviewed by Charles Donahue Jr.	229
State and Family in China: Filial Piety and Its Modern Reform—	
Yue Du	
reviewed by Qiliang He	231
Police Matters: The Everyday State and Caste Politics in South	
<i>India, 1900–1975</i> —Radha Kumar	
reviewed by Partha Pratim Shil	233
Corrigendum	
How Hermann Kantorowicz Changed His Mind About America	
and Its Law, 1927–34 – CORRIGENDUM	
Katharina Isabel Schmidt	237
Legal Limbo and Caste Consternation: Determining Kayasthas'	
Varna Rank in Indian Law Courts, 1860–1930 – CORRIGENDUM	
Hayden J. Bellenoit	239