



## Call for Papers

Workshop / Publication

### OWNERSHIP REGIMES IN THE IBERIAN WORLD, 1500-1850

Max Planck Institute for Legal History and Legal Theory

Frankfurt am Main, 1-2 September 2022

Seeking a maritime route to Asia in the late 15th century, the Iberian crowns of Portugal and Castile connected diverse peoples and communities across Africa, Asia, Europe, and the Americas. In doing so, they transformed the questions of how to own and how to use land, for the first time, into an issue of global dimensions. At the apex of the relations between people and land, stood the Crown by creating diverse kinds of land holdings tied to what legal historians have called the ‘economy of grace’. By granting lands to conquerors and colonists in reward for their services, by distributing land for the creations of towns, villages, and cities, and by recognizing the land titles of native communities, the Crowns of Portugal and Castile generated the relations of gift and obligation that were at the basis of political rule in the early modern world. These grants, however, beyond generating the relations between the Monarchy and its subjects, did little to define the ways in which lands would be held. Once lands were granted, they became simultaneously regulated through different orders of norms that included legal doctrine (*ius commune*), the laws of kingdom (*ius patrium*), the customs of towns and villages, the rules of the domestic sphere (*oeconomia*), and the practices of culturally diverse systems of kinship and succession. This guaranteed that the land tenure arrangements that resulted from the global expansion of the Iberian empires did not tend towards homogeneity. Rather, the interaction between the elements of so-called ‘European law’ and the local forms of social and political reproduction in the colonial territories led to a wide variety of regional forms of land tenure.

The objective of this workshop is to explore how the idea of *Ownership Regime* can help organize a different way of observing the relations between people and land that moves away from traditional perspectives centered on royal laws, legal doctrine, and theories of property. While the traditional focus on legal categories provides depth and



nance to the ways in which notions of ownership have been historically defined and conceived, it ignores the concrete socio-historical conditions that surround these categories and, as such, give them their normative substance. The holding of land was not only regulated through doctrine, laws, customs, and grace, but was bound to corporate bodies and kinship ties that varied according to the region and the local forms of social and political reproduction. The combination of these diverse orders of normative structuring can be defined as the *Ownership Regime*. Moving from a focus on law to a focus on historical regimes of normativity implies understanding law and juridical normativity as one component within a complex and dynamic ensemble of practices, institutions, and social, religious, and cultural norms that produced historically efficient and consolidated normative arrangements. Such a perspective demands that historians and legal historians interested in studying land tenure in the different regions of the Iberian world focus more carefully on how the combination of these normative sources produced specific arrangements in the ways in which land was held, owned, divided, regulated, and how conflicts were adjudicated.

We are calling for contributions that deal with these issues in any region of the former Portuguese and Spanish empires in Asia, Africa, Europe (incl. Italy and the Netherlands), and the Americas. The contributions may explore the role of families, marriage, kinship, corporations (the Church, *cabildos/concelhos*, *pueblos*, etc.), and other kinds of institutions in the regulation of land. Case studies, comparisons, as well as methodological and analytical approaches are particularly welcome. A selection of the papers presented at the workshop will be published as a volume of the Brill series [Max Planck Studies in Global Legal History of the Iberian Worlds](#).

#### Submission:

Please send your book chapter proposals in Spanish, English, or Portuguese to Dr. Manuel Bastias Saavedra ([bastias@lhlt.mpg.de](mailto:bastias@lhlt.mpg.de)) until **October 31, 2021**. A full manuscript will be required before the conference.

Proposals should include the following information:

- Author's name and institutional affiliation
- Email
- Title of the contribution
- Summary of between 300 and 500 words