



Change over time in the Iberian Worlds: stabilising regimes of normativity

Legal change has been an important topic since people began to formulate norms, and it has been addressed and interpreted in different manners and given different connotations. For the legal and historical disciplines, we can assume that almost every legal philosophical current and any interpretation of the past has had to deal with the question of change. This is because investigating change touches on structural matters that reflect the nature of social relationships, the forces that cause law to change, and leads us to the most fundamental questions of the field: what is law, how is it created and how can we explain change within it? Therefore, legal theory, sociology of law, comparative law, International Law, legal anthropology and legal history have offered both similar and different explanations and reflections on legal change and on the reasons for change.

This call for papers focuses on the topic of legal change and how legal history can offer a particular perspective for understanding legal change. Legal change has already been explained in terms of: how people follow laws that are imposed on them; desire to follow prestigious models; reforms; development; economic performances; transplants; respecting principles; motivation to obey the law; the efficacy of change and the compliance with norms – social change, practices, and acceptance; the evolution of law or its progress; transformation of legal systems; different forms of reception; transcendental motivations triggered by religious, moral and philosophical influences; legitimacy of the legal authority and the rule of law; legal validity and reassurance of democracies; political justification, decisions and law-making. Other approaches focus on particular historical factors to explain changes, eg the introduction of the possibility of divorce in England during the time of Henry VIII; the uses of Roman law in medieval and modern law; the law in different colonial contexts; the law of the Soviet Union and Eastern Europe; and the law and empires (in their broadest sense).

In this conference, however, we intend to reflect on legal change according to the [understanding of law](#) developed in the Department [Historical Regimes of Normativity](#) of the Max Planck Institute for Legal History and Legal Theory. We conceive of legal history as the history of the creation of normative knowledge by a cultural translation process, a process which we can observe by looking at a combination of different regimes of normativities.

In these terms, law is not exclusively produced by learned jurists or the nation state, for example, but is considered to be constructed by other actors as well, both individual or collective, jurists and non-jurists. Law is a cultural product, continually in the making, shaped by social processes that can happen through the state, but also by different social communities, beyond transnational borders and through practices.

Therefore, normative orders – such as social, moral, juridical, political norms etc – are the result of continuous cultural and social constructions by actors that live in a specific field of action. Normativities are thus always produced in a very practical context. The knowledge produced in such circumstances is a continuous process of cultural translation of discourses, practices, rules, norms and principles. It gives law stability but also allows for changes in concrete situations, eg the cultural translation of information into normative knowledge.

Many factors influence this translation process: the economy, power relations, social relations, culture, norms related to households as a domestic unit, relations between people and things, dependencies, different forms of government, religious beliefs and practices, long-standing traditions... These conditions affect the translation of the normative information that would become normative knowledge. Any changes to these conditions are the driving force that enables the creation of new normative knowledge.

As a way to observe this process of producing normative knowledge by means of cultural translation, we propose axes of analysis called regimes. Regimes are modes of observation of



the entire process that influence the translation. They are stable configurations of these discourses, practices, principles, rules and norms in a specific field of action in time. However, although stable, they cannot be considered to be static. Change within time and space has its own dynamics of transformation. As time does not stop, we avoid using linear schemata that risk reducing the ongoing possibility of change – the only permanent possibility. Normative knowledge, then, is also considered to be permanently in motion regarding its content.

In this understanding, change does not only happen top-down in written legal documents or in books; nor does it happen only on the ground, in action. It cannot be separated in theory or practice. Change works together with these and relies on a broad understanding of knowledge, which in turn is composed of implicit and explicit knowledge. The transformation of law happens in all these spheres: between internal and external factors, between the rules of operation already established by the system and the norms behind the norms. That is why change is deeply connected to the idea of law as a normative knowledge, because legal history is understood as a process of creation through the acceptance, recreation and transformation of this normative knowledge. The process of cultural translation is never essentialist, but is always in motion as new normative knowledge is being created. In order to closely observe this translation process, one needs to look at localised situations, at ordinary people and the actions they perform in everyday life.

Therefore, to widen the space of influence of connected local situations, and in order to overcome ethnocentric and Eurocentric perspectives in understanding the creation of norms as a cultural translation, the *Glocalising Normativities* project aims to construct a global history of normative production in a vast historical space that includes places in Asia, Africa, Europe and the Americas, giving emphasis to localised observations of the histories of normativities within a global horizon. As a project centred on the glocal, we focus on local sources to look for the global. Global legal history is seen as a history of many processes of cultural translation of normative knowledge in different places and fields of action. We give local emphasis with global aspirations.

Combining a global perspective on legal history with local case studies based on detailed analysis of archival sources, we rely on [five regimes](#) as analytical axes to integrate the normative experiences of different regions of the Iberian Worlds: governance, diversity, tradition, dependency, and ownership. Using these regimes as modes of observation of specific fields of action, we aim to move away from metaphysical concepts as exclusive ways to explain change, such as invisible forces, legal culture or legal tradition. Rather, we want to employ the historical regime of knowledge to create normativity, emphasising the local production of law in concrete fields. However, as they are stable but not static, the regimes change over time and develop according to their own dynamics of transformation. We are interested in this change.

Therefore, we welcome contributions that focus on the regimes the project works with – dependency, diversity, governance, tradition and ownership – preferably in a long-term perspective in the sphere of the early modern Iberian Worlds (any region of the former Portuguese and Spanish empires in Asia, Africa, Europe, and the Americas). Case studies, comparisons, long-term perspectives as well as methodological and analytical approaches, particularly in conversation with the long-standing tradition of discussions on legal change, are appreciated. Contributions may explore forces that triggered changes and factors that contributed to stability (the influences of elites, strategies of governance, trade agreements, travels, wars, resistance, religious motivations). Papers should address questions such as: How can one characterise a scenario of stability (including the role of sources of legal change and archives, materiality, textuality, media and norms)? How do people perceive motion and change? Who participates in the change (including gender-sensitive, subaltern and bottom-up perspectives)? Is there a tool to measure legal change? When and how can we say that law has changed? How long does it take until law changes again? What is the role of periodisation in legal history? What moves the change, what are the vectors of legal change (eg colonialism, transfers,



adaptations, appropriation, translations of norms)? Why did one specific legal change happen in a specific moment? How can we connect and relate legal changes with social change and social conditions? How do we measure the speed, frequency or absence of legal changes?

The selected papers will first be discussed as drafts in a virtual meeting to be held in April 2022. The final drafts will be discussed in person (if possible, depending on the pandemic situation) in Frankfurt am Main on 19–21 October 2022. The final papers presented at the workshop will be submitted for publication in 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 Luisa Stella Coutinho (coutinho@lht...) by **15 January 2022**. A full manuscript will be required before the Annual Conference.

Proposals should include the following information:

- Author's name, institutional affiliation and email address
- Title of the contribution
- Summary of 300 to 500 words