

# Contents

*List of Contributors* page vii

Introduction 1

THOMAS DUVE AND TAMAR HERZOG

1. What Is Legal History of Latin American Law  
in a Global Perspective? 18
  - 1.1 How Was and Is Latin American Legal History Written? 18  
CARLOS PETIT
  - 1.2 What Is Legal History and How Does It Relate  
to Other Histories? 39  
TAMAR HERZOG
  - 1.3 How Is Law Produced? 54  
THOMAS DUVE
  - 1.4 What Is Global Legal History and How Can It Be Done? 73  
MARIANA DIAS PAES
  
2. How to Approach Indigenous Law? 95  
CAROLINE CUNILL
  
3. How to Approach Colonial Law? 141
  - 3.1 A Civil Law for a Religious Society 141  
TAMAR HERZOG
  - 3.2 Religious Normativity for Colonial Empires 182  
THOMAS DUVE
  - 3.3 The Domestic Sphere 220  
ROMINA ZAMORA
  
4. Independence(s): What Is a Revolutionary Law? 250  
TAMAR HERZOG

*Contents*

5. The Coming of States? The Nineteenth Century 283
- 5.1 Constitutions 283  
JOSÉ MARÍA PORTILLO
- 5.2 Codifications 321  
AGUSTÍN PARISE
- 5.3 Contestations and Exclusions 345  
MONICA DANTAS AND ROBERTO SABA
6. The Omnipresence of the State? The Twentieth Century 389
- 6.1 Toward the Administrative State 389  
EDUARDO ZIMMERMANN
- 6.2 Dictatorships 422  
CRISTIANO PAIXÃO
- 6.3 Transitional Justice and Human Rights 460  
RUTI TEITEL AND VALERIA VEGH WEIS
7. Beyond the State: Can State Law Survive  
in the Twenty-First Century? 485  
DANIEL BONILLA MALDONADO

*Index* 542