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## Tropical Inequalities

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proprietary rights that were enforceable by law would come later with emancipation and the enactment of the *Civil Rights Act of 1866* which explicitly stated that the newly freed African American population would have the same rights as White people to hold property and to make and enforce contracts.

It was this aspect of the legal revolution in the wake of the Civil War that would survive in the 20th century after the loss of the political and social gains made during Reconstruction. Voting, the possibility of equal education, even the effort at equal access to public accommodations all fell before the onslaught of Jim Crow and disenfranchisement. But the right to hold property and the ability to make binding contracts remained, albeit subject to discriminatory courts and bigoted enforcement.

Black people in the Jim Crow South were, despite the very real prejudices of the day, legal actors and ones to whom the courts had to pay attention. This status depended less on the fairness and benevolence of the White judges and minor court officials who decided their cases and more on the fact that adverse rulings that contradicted prevailing doctrine in the law of contract and particularly property would also leave the rights of White property holders unsettled. Penningroth's discussion of the issue of chain of title and

how a failure to enforce the rights to title of Black property holders would make problematic the rights of subsequent White purchasers is particularly insightful in this regard. The law of property and contract had to have a certain consistency, or it would work for nobody.

Penningroth goes on to show that this ability to use private law played a role in allowing some African Americans to become property holders and that those property rights played an important role in not only sustaining individuals and their families, but also in providing economic support for Black institutions, including Black churches and colleges. Penningroth's discussion of African American use of corporate law, particularly the use of the law of non-profit corporations, is particularly important for understanding not only African American legal history, but business and organizational history as well.

*Before the Movement* gives us an important history of the role that the ordinary business of private law played in sustaining the lives of a significant number of African Americans, particularly in the South during the Jim Crow era. In doing so, Penningroth has helped to enlarge our understanding of what should be included in the term »civil rights«.



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## Tropical Inequalities\*

The historian João Fragoso explores the causes and consequences of social and economic inequalities in *A Sociedade Perfeita: as origens da desigualdade social no Brasil*. He argues that inequality played a central role in shaping Brazilian social organisation between the 16th and 18th centuries, functioning not as a flaw to be corrected but as a foundational principle of the social order. Crucially, the book challenges the notion that inequal-

ity in Brazil was an inevitable legacy of European colonialism, presenting instead the idea that it was an active social construction – moulded by specific political and cultural choices made within the context of the Portuguese pluricontinental monarchy. In that period, inequality was seen as a natural condition, legitimised by divine will, and served to justify the actions of specific historical agents – both individuals described as *peçoas de*

\* JOÃO FRAGOSO, *A Sociedade Perfeita: as origens da desigualdade social no Brasil*, São Paulo: Editora Contexto 2024, 352 p., ISBN 978-65-5541-394-6

*qualidade*<sup>1</sup> and institutions – who activated mechanisms that structured society around unequal relationships.

In the early modern world, the notion of a perfect society was far removed from what are today considered ideal foundations for contemporary societies – such as the fundamental guarantees of equality and freedom enshrined in the 1988 Brazilian Constitution. From today's perspective, the early modern perfect society was cruel, exclusionary and haunted by the fear of the supernatural. Social relations were grounded in political and religious frameworks, in which the ideal society was conceived through hierarchical structures among the social groups that composed European monarchies. The existence of society depended on a *political head* (*cabeca política*) – whether the king himself or his representatives in local communities. The monarch shared authority with social groups considered *peças de qualidade*, establishing a relationship of dependence and reciprocity. Members of the political community received honours and privileges through *distributive justice*, but in return owed services to the Crown. Governance was reserved for the »qualified«, thereby reinforcing and reproducing social hierarchies.

According to João Fragoso, the functioning of society in the early modern Portuguese world was not limited to the structures of government or Crown administration. Social control – and with it, the maintenance of social order – was also justified through intangible means, such as the dogmas propagated by the Catholic Church. By promoting a normative framework of values and conduct, the religious sphere played a central role in legitimising hierarchies and sustaining the prevailing social order.

Despite the undeniable relevance of the theme and the thought-provoking structure of the book's argument, it is important to recognise that there is no single way to approach the origins of social inequality in Brazil. Fragoso adopts a clearly defined theoretical and methodological framework –

one he has consistently defended in his broader body of work – centred on the idea of the construction of an *Ancien Régime* in the Tropics (*Antigo Regime nos Trópicos*). Within this framework, he re-examines economic relations and political, religious and administrative practices in territories under Portuguese rule. In doing so, he challenges long dominant macro-structural interpretations that tended to portray the colony as a passive or homogeneous extension of metropolitan power. Rather than treating colonial Brazil as a hegemonic body shaped solely by external forces, Fragoso foregrounds the complexity of local dynamics and the active role of colonial elites in the shaping of early modern social structures.

Starting in the late 20th century, a new historiographical perspective – strongly influenced by the work of João Fragoso – began to emphasise the specific social and economic contexts in which relationships were formed across the various localities of the Portuguese overseas empire. This approach marked a rupture with earlier macro-structural interpretations that had long dominated analyses of Brazil's colonial past. Rather than viewing the colony as a passive or homogeneous extension of metropolitan power, this perspective foregrounds local dynamics and the agency of colonial actors. Fragoso's work, in line with this broader shift in Brazilian historiography – often referred to as the *Antigo Regime nos Trópicos* framework – has become one of the most influential expressions of this reinterpretation. As a result, his ideas have shaped generations of historians working on the social and political structures of colonial Brazil. His contributions to the historiography of the Portuguese monarchy and early modern Brazil are, by now, indispensable.

Fragoso argues that within the conceptual framework of the *Antigo Regime*, the ideal political order was hierarchical: the king was the political head of the body politic, but not an absolute ruler. The Crown functioned as the central institution of society but should not be equated with the person

1 *Pessoas de qualidade* is an expression from the Luso-Brazilian *Ancien Régime* used to designate individuals belonging to the upper strata of the social hierarchy, generally associated with nobility, Old Christian status, property ownership, and proximity to institutions of power. More than a

formal legal category, it functioned as a marker of social distinction, recognised through moral, familial and economic attributes, and was often mobilised to legitimise access to positions, privileges and political influence.

of the monarch. This distinction was grounded in the shared nature of royal authority, which depended on cooperation with established political communities. In the Portuguese kingdom, these communities consisted of lordships and municipalities; in colonial Brazil, they included the *nobreza da terra* (nobility of the land). According to Fragoso, this shared exercise of authority allowed so-called intermediate bodies to negotiate with the monarch by means of services rendered – administrative, judicial, military or fiscal – in exchange for honours, privileges and royal favours. It was through these negotiated relationships, underpinned by the principle of distributive justice, that a wide range of governing practices were implemented. These arrangements played a crucial role in sustaining the pluricontinental Portuguese empire.

Another key point of the book lies in Fragoso's interpretation of the economy – or rather, the economic system – of Portuguese America, which he situates and expands within the broader dynamics of the Atlantic world. His renewed focus on the economy as a field of inquiry not only reflects his background as an economic historian but, more importantly, reinforces his theoretical stance. Fragoso explicitly challenges world-system theory, which posits the emergence of a global capitalist system beginning in the 16th century – structured around the international division of labour and driven primarily by European merchant capital as the central force shaping economic life in Portuguese America. He firmly rejects the notion that European merchant capital was »the great maestro of the transformations witnessed at the time, both in Europe and in the New World« (126; *English translation by K. M. M.*). Instead, he foregrounds the role of local actors – especially the *nobreza da terra* – and their capacity for negotiation both within local political communities and at the imperial level, in dealings with the Crown. Fragoso argues that the economic life of Portuguese America was sustained not by external capitalist forces but through the construction of an internal market and by political dynamics mediated through office-holding and the cultivation of familial ties. In his view, these constituted the fundamental pillars of the colonial economy.

At this point, Fragoso reaffirms his broader vision of the early modern world, offering an interpretation of economic systems that goes beyond market logic. He presents the economy as a

historically contingent structure shaped through negotiation, grounded in traditions derived from the political and religious treatises disseminated by the Catholic monarchies.

According to Fragoso, the mercantile and pre-capitalist nature of the economic system in the early modern world enabled the establishment of social relations based on constant negotiation among the various agents that composed the social strata of the Portuguese pluricontinental monarchy. These relations were shaped by asymmetrical exchanges marked by dependency, which were enacted through mechanisms of reciprocity and legitimised by a system of gift-giving. In this system, economic interactions were not guided by notions of equivalence or market equilibrium, but rather by social obligations and symbolic exchanges that reinforced hierarchies and bonds of loyalty. As such, the modern concepts of supply and demand – the very foundations of the capitalist system – are inadequate for explaining the organisation of economic life in early modern societies.

Furthermore, Fragoso argues that the mercantile and pre-capitalist character of the economy reflected the governance networks that interconnected the territories under Portuguese Crown rule. These networks were simultaneously political and familial, and were legitimised by the principle of distributive justice. The political sphere, therefore, functioned as a mediating force in economic activity during the early modern period. Participation in these networks required one to *ser*, that is, to possess a recognised social quality or status that enabled access to a dynamic shaped by reciprocity, negotiation, exchange and dependence. The overseas market was deeply entangled with political structures, which, in turn, played a crucial role in shaping society and generating social hierarchies and inequalities.

The concepts associated with the historiographical turn in Lusophone historical studies – such as distributive justice, reciprocity, negotiation, grace and *dádiva* (gift) – are central to Fragoso's analysis. He consistently draws on them to explain the production and reproduction of inequality. According to Fragoso, the logic underlying the functioning of *Ancien Régime* societies was not only operative but also mobilised to justify and perpetuate inequality. These inequalities, in turn, were constitutive of a hierarchical society that was perceived as naturally ordered and perfect.

Fragoso deliberately employs the term »concentration« to highlight the unequal control over three key elements: land, souls (compulsory labour) and the Catholic faith. The concentration of these factors in the hands of members of the political communities – who were responsible for shaping society and regarded as the only legitimate governors of Portuguese America – gave rise to the deep and still insurmountable gap in income distribution that continues to reproduce the glaring inequalities present in Brazilian society today.

The book's principal contribution lies in its analysis of inequality in Brazil as a legacy of social formation during the early modern period. In this context, social relations were not structured according to market logic but were shaped by a set of traditions that enabled a specific social segment – the *nobreza da terra* – to exert control over land, labour and even belief, all under the justification of the *bem comum* (common good). Through these mechanisms, this group was able to perpetuate unequal dynamics that were regarded as natural within that social framework, founded on relationships of reciprocity and guided by distributive justice.

Although the book makes an important contribution to understanding the origins of inequality, it is worth reflecting on certain absences that remain insufficiently explored. Two points in particular offer opportunities to deepen and strengthen the arguments presented. The first concerns Fragoso's well-known opposition to interpretations of the *sentido da colonização* (the »meaning of colonisation«) as proposed by Caio Prado Jr., the *Antigo Sistema Colonial* (»Old Colonial System«) according to Fernando Novais, and the world-systems theory of Immanuel Wallerstein. However, Fragoso chooses not to engage with more recent historiographical works that corroborate his research but are based on theoretical-methodological perspectives he rejects. These include, for example, Rafael Bivar Marques' studies on the global history of Atlantic slavery. A future dialogue between these debates and the arguments developed in this book could open new avenues for innovative discussions, particularly by fostering a more nuanced understanding of the complexities of colonial power structures and economic relations in the early modern Atlantic world. Such exchanges have the potential to significantly advance the historio-

graphical field by bridging established and emerging perspectives.

The second point to emphasise is that the author's arguments could be enriched by incorporating recent contributions from legal history. While Fragoso addresses normativity, he does not sufficiently engage with the historiographical developments concerning the production of knowledge of normativity. Studies on the historicity of normativities demonstrate that this production did not occur in a homogeneous manner – as Fragoso seems to imply – but was shaped by asymmetrical relations that both reflected and reproduced structural inequalities. Considering customary law as a dynamic construct – formed through processes of translation and adaptation of norms, rules, customs and practices by historical agents in the early modern period – would enable Fragoso to recognise an important additional element in his analysis: the capacity of certain members of the social order, especially the member of the political communities – to produce knowledge of normativity, which acted as a determining factor in the structuring of inequalities. Attention to this production of knowledge of normativity reveals how local actors did not merely apply a set of apparently common norms but actively appropriated, reinterpreted and re-signified them according to specific social contingencies and dynamics.

The debate on inequality as a fundamental element in the formation and maintenance of early modern empires remains essential. Fragoso's work makes a significant contribution to this discussion by highlighting the historical roots of social disparities in Brazil, while also opening important avenues for future research through the integration of legal-historical perspectives and engagement with recent historiographical debates. By demonstrating that inequality was not an inevitable legacy of European colonialism but rather a historically situated outcome of deliberate political and cultural choices within the Portuguese pluricontinental monarchy, *A Sociedade Perfeita* challenges deterministic interpretations and invites further reflection on the active construction of social hierarchies in the early modern world. It is hoped that the book will stimulate further research that deepens and broadens these reflections.

