1. Record Nr. UNINA9910723700503321 Autore Yannakakis Yanna Titolo Since Time Immemorial: Native Custom and Law in Colonial Mexico / / Yanna Yannakakis Pubbl/distr/stampa Durham:,: Duke University Press,, [2023] 2023 **ISBN** 1-4780-9357-9 Descrizione fisica 1 online resource (353 p.) Disciplina 347.72/0108997 Soggetti Customary law courts - Mexico - History Indians of Mexico - Legal status, laws, etc - History Indians of Mexico - Politics and government Justice, Administration of - Mexico - History HISTORY / Latin America / Mexico Lingua di pubblicazione Inglese **Formato** Materiale a stampa Monografia Livello bibliografico Nota di contenuto Frontmatter -- Contents -- Acknowledgments -- A Note on Orthography -- Maps -- Introduction -- Part I. Legal and Intellectual Foundations Twelfth through Seventeenth Centuries -- 1 Custom, Law, and Empire in the Mediterranean-Atlantic World -- 2 Translating Custom in Castile, Central Mexico, and Oaxaca -- Part II. Good and Bad Customs in the Native Past and Present Sixteenth through Seventeenth Centuries -- 3 Framing Pre-Hispanic Law and Custom -- 4 The Old Law, Polygyny, and the Customs of the Ancestors -- Part III. Custom in Oaxaca's Courts of First Instance Seventeenth through Eighteenth Centuries -- 5 Custom, Possession, and Jurisdiction in the Boundary Lands -- 6 Custom as Social Contract: Native Self-Governance and Labor -- 7 Prescriptive Custom: Written Labor Agreements in Native and Spanish Jurisdictions -- Epilogue -- Notes -- Bibliography --Sommario/riassunto In Since Time Immemorial Yanna Yannakakis traces the invention of Native custom, a legal category that Indigenous litigants used in

disputes over marriage, self-governance, land, and labor in colonial Mexico. She outlines how, in the hands of Native litigants, the European

category of custom-social practice that through time takes on the normative power of law-acquired local meaning and changed over time. Yannakakis analyzes sources ranging from missionary and Inquisition records to Native pictorial histories, royal surveys, and Spanish and Native-language court and notarial documents. By encompassing historical actors who have been traditionally marginalized from legal histories and highlighting spaces outside the courts like Native communities, parishes, and missionary schools, she shows how imperial legal orders were not just imposed from above but also built on the ground through translation and implementation of legal concepts and procedures. Yannakakis argues that, ultimately, Indigenous claims to custom, which on the surface aimed to conserve the past, provided a means to contend with historical change and produce new rights for the future.