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*Humans are Made of Mud: the Genealogy of
Farmland Legal Protection in Religious Tradi-
tions*

ABSTRACT

Questo articolo esplora le origini sacre della protezione giuridica dei terreni agricoli, con l'obiettivo di mettere in luce i rituali e le credenze che hanno storicamente plasmato il rapporto dell'essere umano con la terra e i suoi usi agricoli. Sul piano metodologico, il contributo combina l'analisi giuridica con approcci di carattere storico e religioso-cognitivo. Tale impostazione consente di evidenziare come le norme che tutelano i terreni agricoli generino al contempo modalità durature di concepire la terra, la coltivazione, le comunità e il diritto. Collocando la terra all'interno di concezioni ontologiche e religiose, l'articolo cerca inoltre di spiegare i conflitti legati al possesso delle terre, la cui intensità spesso sfugge ad un'interpretazione puramente razionale o economica. Infine, la ricerca mira a promuovere un dialogo interistituzionale volto a categorizzare i terreni agricoli non soltanto attraverso la moderna concezione liberale di "bene giuridico", ma quali "risorse sociali" delle comunità che li coltivano e, al tempo stesso, danno loro valore.

This article explores the sacred origins of the legal protection of farmland, seeking to illuminate the rituals and beliefs that have historically shaped human relationships with land and, more specifically, agricultural land. Methodologically, the paper combines legal analysis with historical and religious-cognitive approaches. This method reveals how rules governing farmland protection can generate enduring ways of conceptualizing land, cultivation, community, and law. By situating land within ontological and religious frameworks, the article also seeks to explain the intensity of land-based conflicts, which often resist purely rational or economic explanations. Ultimately, the research aims to foster an interinstitutional dialogue that recognizes agricultural land not only through the modern liberal category of a "legal good," but also as a genuine "social resource" deeply embedded in, and constitutive of, the communities that confer value upon it.

PAROLE CHIAVE

Regime dei terreni agricoli, Terra e sacro, Agricoltura e religione, Risorse sociali.

KEY WORDS

Farmland legal protection, Land and the sacred, Agriculture and religion, Social resources.

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LEGAL PROTECTION IN RELIGIOUS TRADITIONS*

SUMMARY: 1. Introduction. 2. Sacralising the Land: Combining Historical and Religious-cognitive Methodology in Legal Research. 3. Sacred Trees, Forests, Groves and Food Gathering in the Ancient World. 4. The Farmland Legal Protection in Religious Laws. 5. Farmlands in the Contemporary: The Challenge of Agrarian Reform in the View of the Pontifical Council for Justice and Peace in 1997. 6. Conclusions.

1. Introduction

The evocative title “Humans are made of mud” seeks to encapsulate a profound, ancient connection between humanity and the Earth, a bond that often transcends mere and private material utility¹. Farmland plays vital roles in natural cycles and in the life of rural communities: the soil stores and transforms energy and matter, supports vegetation, provides habitat for terrestrial life, and helps produce food. These functions were also understood through religious and generational observation, which often depicted farmland as an organic, powerful entity that nurtures the seeds sown within it. Narratives such as the creation of Adam from dust exemplify how deeply this connection is embedded in foundational religious texts. Many other creation myths link human origins to earth. Myths of this kind have served to ground a community’s values and sense of identity: Greek, Mesopotamian,

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¹ An abridged version of this paper was discussed at the 2026 “Inter-Civilisational Dialogue from a European Perspective” hosted by IFIT (Institute for Integrated Transitions) in Barcelona, 8th of May 2026, “Food and Land” Session, and at the 2026 “Food Law Academics Network (FLAN) Conference” – hosted by the University of Parma, 12th of May 2026. I also thank Jens Karsten for discussing this topic with me at an early stage of my research in 2025.

Hindu, Christian, and Quranic traditions all describe humans or material existence as emerging from dust, clay, mud, soil often animated by divine power. These narratives gave rise to moral principles in which farmland is situated within a holistic conception of community and environment. Moreover, in ancient times, the transition from a nomadic way of life to a settled agricultural society was often reflected in changing modes of knowing nature. In that context, agricultural production was framed within a broader cycle of interdependence and exchange within the ecosystem. The activities involved in preparing the land for a bountiful harvest, carried out in accordance with ritual practices and the obligations of religious law, highlighted the interweaving of the natural order with the social and legal orders. From these traditions, systems of rules emerged, not necessarily law in the modern legal sense, but prescriptive norms and moral injunctions that were crucial for ensuring the long-term survival and flourishing of the religious communities. This discipline can be reinterpreted at present day and the resulting system challenges prevailing modern liberal paradigms – where property rights are dependent on the state of nature of individuals² – by revealing the profound values embedded in land stewardship across diverse religious traditions³.

² J. LOCKE, *An essay concerning the true original, extent and end of Civil Government*, in P. LASLETT (ed.), *Two Treatises of Government*, Cambridge University Press, Cambridge 1960, 116. Online resource on <https://www.yorku.ca/comminel/courses/3025pdf/Locke.pdf>.

³ Faith communities play a vital role in promoting environmental stewardship, climate justice, and care for the Earth. Their engagement in climate action encompasses education, advocacy, sustainable practices, community mobilization, and the application of religious teachings and ethical principles. Across religious traditions, numerous organizations and initiatives are advancing these efforts. A brief overview of contemporary key initiatives includes: Bahá'í International Community: Environment and Sustainability: <https://www.bic.org/focus-areas/environment-and-sustainability>; Christianity: Laudato Si' Movement, inspired by Pope Francis' encyclical *Laudato Si'*: <https://laudatosimovement.org>, and World Council of Churches – Climate Justice and Sustainable Development: <https://www.oikoumene.org/what-we-do/climate-justice-and-sustainable-development>; Islam: Islamic Foundation for Ecology and Environmental Sciences (IFEES): <https://www.ifees.org.uk>, Al-Mizan: A Covenant for the Earth, an Islamic environmental charter: <https://www.almizan.earth>; Indigenous Perspectives: United Nations Environment Programme (UNEP) – Indigenous Peoples and the Environment: <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/indigenous-peoples>, United Nations Permanent Forum on Indigenous Issues, <https://www.un.org/development/desa/indigenouspeoples>.

This article delves into the sacred origins of farmland legal protection, aiming at advancing a critical understanding of land not merely as a modern and liberal “legal good” but as a deeply embedded societal “resource”: when land today is primarily viewed through economic or political lenses, regarded as a fungible asset or a source of conflict⁴, religious laws have historically categorized farmlands emphasizing their social value and protecting the function that they have in the food production. Taken together, historical and religious understandings of soil, land, and farmland offer potent insights for contemporary challenges and suggest several critical research questions:

1. Is this genealogy a sort of archaeology of contemporary food sovereignty?⁵

By tracing the sacralization of farmland and its central role in sustenance, it is possible to uncover historical precedents for the concept of food sovereignty. Religious injunctions often prioritized community access to and stewardship of productive land, ensuring that sustenance was a communal right rather than a market commodity. Examining these ancient frameworks can provide a deeper, perhaps more foundational, understanding of the principles underpinning modern food sovereignty movements.

2. Can these norms offer an anthropological and evolutionist warning against land grabbing and land conflicts? Beyond their religious and moral implications, these historical norms might harbour an anthropological, and more precisely, an evolutionist warning. The collective, sacred relationship with land, rooted in self-preservation and community cohesion, inherently militates against predatory practices such as land grabbing. Recovering this wisdom, particularly in contexts like Europe where such practices are emerging, could provide a powerful counter-narrative and ethical framework against the unregulated commodification and appropriation of land. Moreover, understanding this genealogy is essential for a critical approach to land governance and try to explain the intensity of land-based conflicts that often defy rational explanations⁶. By pegging

⁴ B. WEHRMANN, *Land Conflicts. A practical guide to dealing with land disputes*, GTZ, Eschborn 2008, <https://ifcsia.org/wp-content/uploads/pdf/publications/A-practical-guide-to-dealing-with-land-disputes.pdf>.

⁵ Thanks to Philip McDonagh for suggesting me this insight and the perspective of the dialogue of civilizations, see also P. McDONAGH, K. MANOCHA, J. NEARY, L. VÁZQUEZ MENDOZA, *On the Significance of Religion for Global Diplomacy*, Routledge, London 2021.

⁶ I deeply thank Professor Subrata K. Mitra for such a deep and insightful interpretation on this point.

land to its connection to deep ontology and religion, it is possible to assess big battles like *Kurukshetra* war in the Mahabharata⁷, or for that matter, the current war in the occupied territories in the West Bank in the connectivity of land, religion, and identity⁸.

3. Can the debate on farmland be a priority topic for discussion and the substance of meetings that take place under Article 17 of the Treaty on the Functioning of the European Union? Given the profound ethical and historical insights offered by religious traditions regarding land, this discourse could serve as a vital catalyst for a renewed dialogue between religions and European institutions, as envisioned by Article 17 TFUE. Shared religious values concerning land stewardship, intergenerational responsibility, and communal well-being could form a common ground for developing more ethically informed and sustainable land policies at the European level. Recovering the religious perspective within the contemporary framework of interinstitutional dialogue can certainly enrich the value-based policy agenda of European institutions as a form of “dialogue of experience”.
4. To what extent can this dialogue contribute to the design of normative instruments capable of reconciling the diverse interests underpinning the legal protection of farmland within current European Union and domestic frameworks? Agricultural land, as a finite and strategic resource, is increasingly exposed to pressures stemming from market liberalisation, foreign investment, and speculative dynamics. In response, Member States have adopted a range of regulatory measures aimed at safeguarding agricultural use, preventing excessive land concentration, maintaining viable farming structures, and preserving rural communities. At the same time, these measures must operate within the legal constraints of the EU internal market, where the free movement of capital and the freedom of establishment remain fundamental principles. This Article advances the argument that underlying religious values may integrate the internal constitutional provisions that already grant special protection to agricultural land, resulting in a more collectivist interpretation of farmland protection. Moreover, they can contribute to define the farmland protection in terms of the overriding public interests that

⁷ <https://www.ashoka.edu.in/wp-content/uploads/2023/08/Kurukshetra.pdf>.

⁸ <https://gltn.net/publications/land-governance-and-land-rights-palestine>.

are necessary to put restrictions to economic fundamental freedoms, as the free movement of the capital. Such an approach can reinforce both European and national restrictions on farmland acquisition, while contributing to the development of regulatory tools that remain compatible with EU law when carefully calibrated. In this perspective, emerging EU policies in this field may serve as a strategic counterweight to global land grabbing practices that threaten food security in various regions worldwide.

To explore these questions further, after the introduction, this paper first presents the specific methodology adopted for the investigation. It then examines the body of norms regulating food gathering and protection of farmland in religious traditions, before recalling the contemporary interpretation of analogous issues. Finally, it offers some concluding remarks.

2. Sacralising the Land: Combining Historical and Religious-cognitive Methodology in Legal Research

This article investigates the body of norms that regulated farmland protection across different religious legal traditions. To achieve this aim, its methodology combines legal research with historical and religious-cognitive approaches, which are briefly presented in this section.

The historical approach may be described by reference to the definition of the “historical method” offered by the distinguished historian Romila Thapar in a book-length interview published in 2025⁹. According to Thapar, historical inquiry begins with questions, namely with the identification of a subject worthy of research. It then proceeds through the collection and verification of sources, the interrogation and organization of evidence so as to reveal patterns, usually arranged chronologically, and finally the formulation of provisional propositions that remain open to dialogue with other historians. In this sense, comparing historical cases in order to analyse similarities and differences makes it possible to identify patterns and to propose meaningful, though not definitive, interpretations within the institutional

⁹ R. THAPAR, N. ARORA, *Speaking of History: Conversations about India's Past and Present*, Allen Lane, New Delhi 2025.

frameworks of historical facts and conceptions. Here, such a historical method is combined with a new trend of the science of religions that emphasize the role that religion may play in the cognition of reality.

New currents in this field emphasize that religion is not just a cultural construct but also a byproduct of essential human cognitive processes. From this perspective, religions are complex adaptive systems that effectively respond to evolving social, economic, and environmental conditions. The so called "Cognitive Science of Religion"¹⁰ is a relatively new academic field that focuses on the role of basic human cognitive functions in the formation and transmission of religious beliefs¹¹. This approach is a highly interdisciplinary project composed of scholars of various fields. Cognitive/evolutionary trends are among the several approaches that are collected in this new field of studies and underscore the role of religious frameworks in fulfilling essential evolutionary and self-preservation functions for human groups, especially in conflict management and promoting social cohesion¹².

Combining historical and religious-cognitive approaches is necessary in order to move beyond a positivist and merely rational explanation of land-based controversies, which often resist purely rational accounts. Farmland and its food production are essential to the basic survival of communities so that farmland protection is a core value for religious norms. Not surprisingly, in many religious legal traditions, agricultural activities are closely associated with acts of worship. Some examples can explicate better these points.

The survival of the religious community is a basic interest of every religion. According to some comparative studies concerning some communes of the 19th century, religious communities were far more likely to outlive similar communities across time. For any given year, religious communities were four times as likely to survive in comparison to secular communities¹³. In this perspective religion matters as a form of adaptation and as a resource for groups' survival: Gods reward and punish in ways that transcend imperfect natural justice, thereby reinforcing morality more effectively than secular

¹⁰ J.A. VAN SLYKE, *The Cognitive Science of Religion*, Routledge, London and New York 2011; D.J. SLONE, W. MCCORKLE JR. (eds.), *The Cognitive Science of Religion. A Methodological Introduction to Key Empirical Studies*, Bloomsbury Academic, London 2019.

¹¹ J.A. VAN SLYKE, *The Cognitive* cit., 1.

¹² See J. BULBULIA, *The cognitive and evolutionary psychology of religion*, in *Biology and Philosophy* 19 (2004) 655-686.

¹³ J.A. VAN SLYKE, *The Cognitive* cit., 147.

alternatives. Conflicts can arise intensely within fundamental groups such as families, tribes, or religious communities, and these groups face the challenge of resolving internal disputes to prevent fragmentation¹⁴. This moral process can be implicit and intertwined with religion. In some situations, individuals may not adhere to the moral and religious principles they publicly profess, or they may act according to the consequences associated with their violations:

In a society dominated by certain (religious) moral rules, adhering to them must often bring respect and acceptance, while rejecting them can cause isolation and failure. People will therefore usually embrace publicly accepted moral rules, but rational, “selfish” individuals are not expected to follow all moral rules all the time, especially if following a certain moral rule in a certain situation would seriously hurt self-interest. But there are times, as with the threat of another, hostile society, when moral rules rise in importance, and it is then that we expect a measurable effect of a belief in moralizing gods, and of morality in general, on the frequency of internal conflicts¹⁵.

In other terms, religions inherently produce their own systems of law, not necessarily in a modern legal sense, but as prescriptive norms and moral injunctions. These religious laws are crucial for maintaining internal discipline, safeguarding group integrity, and ensuring the long-term survival and flourishing of the community. They often dictate behaviours and relationships that are vital for collective well-being. In this vein, evolutionary theories of Cognitive science of religion emphasize the role that the religious sanctions have for the functioning of society and religious groups:

One important challenge that people face everywhere is building and maintaining stable cooperative relationships. In small communities, the context which most of our evolutionary history has occurred, people are remarkably interdependent, and they rely on reciprocal relationships to help them when in need. In such communities, if you are a chronic rule breaker and fail to engage in cooperative behaviour, you might be ostracized or suffer other punishments as a consequence. So some researchers have suggested

¹⁴ F.L. ROES, M. RAYMOD, *Belief in Moralizing Gods*, in *Evolution and Human Behavior* 24 (2003) 127.

¹⁵ *Ivi*, 133-134.

that natural selection may have favoured strong cognitive connections between gods and social regulation, because these connections would have contributed to cooperation that aided survivorship and reproduction. According to this theory gods function as ways to help us to avoid very real punishment; religion reduces the costs involved in secular punishment precisely because gods gets us to behave. This prediction is part of what has become known as the supernatural punishment or supernatural monitoring hypothesis¹⁶.

Other interpretative layers stress the fact that religious cognition represents a distinct form of adaptation¹⁷. This model defines religion as by-product of cognitive adaptations that occurred during the evolution of the human species. Faithful groups operate as adaptive units, facilitating coordination among individuals who share common basic needs. In a competitive environment, many resources can only be acquired through the coordinated efforts of individuals, leading to the formation of human groups aimed at resource acquisition. These groups function effectively as adaptive units due to their moral systems, which are expressed through religious imagery and symbolism that regulate behaviour. The adaptive features of religion evolve through an ongoing process of cultural selection, where some religious practices and ideas thrive while others fade away. In this context, the coordination of individuals for resource acquisition is one of the key environmental challenges that religion addresses. By cooperating as a group, individuals can achieve benefits that are unattainable on their own. These benefits refer not to spiritual or psychological rewards, but to tangible, material gains such as food, prosperity, and health¹⁸. In other words, numerous features of certain religious groups promote their survival. In this regard,

¹⁶ B. PURZYCKI, R. SOSIS, *What Do People Think Omniscient Agents Know?*, in D.J. SLOANE, W. MCCORKLE JR. (eds.), *The Cognitive* cit., 27. In the same direction, see A. SHARIFF, K. LAURIN, *Do We Outsource Police Work to God?*, *ivi*, 146, in which it is examined how the theory of “supernatural punishment” also contributes to the cooperative effect, albeit through cultural mediation – in the sense that societies that did not attribute this function to the deity were perhaps less able to cooperate with one another: «If people believe God punishes the immoral, then not only should belief in this threat of supernatural punishment deter wrongdoing, it should also free people from the need to engage in punishment themselves».

¹⁷ J.A. VAN SLYKE, *The Cognitive* cit., 5.

¹⁸ See D. SLOAN WILSON, *Darwin's Cathedral: Evolution, Religion, and the Nature of Society*, University of Chicago Press, Chicago 2003, 125 ff.

the sacralization of the earth is a near-universal concept across various religions¹⁹ that, consequently, establishes specific rules for agriculture and farming. This sacralization serves as an “anthropological strategy,” reflecting the benefits that individuals and groups can gain from it. This was especially true in ancient times when land cultivation was vital for the preservation of the community. Sacred items and goods were effectively safeguarded by prohibitions established by religious laws²⁰.

For these reasons, the sacralization of the land has been also described as a process that distinguished a physical geographic terrain from profane land and was associated with unverifiable and unfalsifiable discourse²¹. Sacred land was often connected to ancestral, supernatural, and unverifiable agents. Such sacred lands often have counterintuitive and/or counterfactual attributes. For example, many myths recount a glorious past in which the sacred land was home to extraordinary prey or produce²². But after that, sacred lands were used as productive and communal resource, necessary for the benefit of a specific society.

This sacralization encompasses the very cycle of life, which is intrinsically linked to the earth. Not surprisingly, the myth that humans are created from mud (or clay) appears in many religious genealogies: in the Mesopotamian epic of Gilgamesh, the goddess Aruru created Enkidu from clay and blood to serve the gods²³. In Greek mythology, Prometheus fashioned humans from clay and water, while Athena breathed life into them²⁴. Land is one of the five elements in Hinduism: the foundation of all cosmic creation and material existence, including the human body. These elements are earth, water, fire, air, and space²⁵. As mentioned before, the Book of Genesis narrates how Adam was formed from the dust of the ground²⁶, a tale echoed in

¹⁹ M. ELIADE, *The Sacred and the Profane: the Nature of Religion*, Harcourt, Brace & World, New York 1959, 140.

²⁰ R. SOSIS, *Why Sacred Lands Are Not Indivisible: The Cognitive Foundations of Sacralizing Land*, in *Journal of Terrorism Research* 2.1 (2011) 18-19.

²¹ R.A. RAPPAPORT, *Ritual and religion in the making of humanity*, Cambridge University Press, Cambridge 1999.

²² R. SOSIS, *Why Sacred* cit., 20.

²³ <https://yalebooks.yale.edu/2020/04/30/the-epic-of-gilgamesh/>.

²⁴ <https://www.ebsco.com/research-starters/religion-and-philosophy/prometheus-deity>.

²⁵ https://ir.vidyasagar.ac.in/bitstream/123456789/6872/3/12_Moumita%20Bhattacharya.pdf.

²⁶ *Gen 2:7*, <https://www.sefaria.org/Genesis.2.8?lang=bi&aliyot=0>.

Christian teachings. Later, the Quran refers to creation from dust, sperm, and then a “chewed substance” (mud)²⁷.

Taking these considerations into account and bringing them into the present discussion, this paper symbolically represents the relationship between human beings and the land as a cyclical process of life and death: from soil to life, from life to death, and back to soil once again. More precisely, it identifies a four-stage life-soil cycle that moves from human beings to cultivation, from cultivation to plants, from plants to food, and from food to human nourishment. Within this cycle, land – and farmland in particular – occupies a central role, as it is connected to every element of the process. Under this light, the systems of rules resulting from the ancient myths reflect an intuitive understanding of the interconnectedness between autochthony (being indigenous or deeply rooted in the land) and the sustainable use of cultivable lands. This perspective is profoundly self-preservative and

²⁷ There are many terms used in the Quran, see M. BAHARUDDIN, A.F. ABU BAKAR, N.H. BIN AHMAD NAZIF, *Soil Conservation from Scientific and Islamic Perspectives*, in E-jurnal-Penyelidikan dan inovasi 12.1 (April 2020) 108-109, <https://ejpi.uis.edu.my/index.php/ejpi>: «Allah SWT has stated in the al-Quran that humans are created from the soil and clay. The understanding of the human creation by the soil is very important as it will bring us awareness on the importance of soil. In the al-Quran, there are 18 verses that are related to the origin of humans from the soil. From those verses, five words are used that are related to the soil, each with a different meaning. The first word is *al-Ard*, that are mentioned in surah al-Najm, verse 32. Islamic scholars defined the words as the whole earth, that includes the surface and the below. Some scholars define it more specifically with the meaning of the soil on earth surface, as it is the widest area that covers the earth. Scholars relates the word *Ard*, as earth and the relation with human is that human comes from earth and will be back to earth when we died. Second word is *al-Turab* or *Turab*, that are mentioned in 5 verses. Scholars defined the words with the meaning of soil as general, without considering the types and size of the soil. Some scholars describe the verses with this word as the creation of Prophet Adam AS while some other describe it as the origin of human that relates to the formation of sperm. Thus, it can be said that it bears the meaning of human origin from the soil generally. Third is *al-Hama'*, that are mentioned in a verse. The word can be defined as mud from the definition given by previous scholars. Next is *Salsal*, which are mentioned in 2 verses in the al-Quran. The word is defined as the type of soil like dried mud or clay. *Hama'* and *Salsal*, is described as the stage of human formation after the stage of *Tin*. The last word is *al-Tin*, that are being mentioned 7 times in the Al-Quran. *Tin* can bring some definitions, which are as a stage and types of soil in the creation of Prophet Adam AS, the characteristics of clay that becomes the test of faith, and as a element that are essential in revitalizing plants. From these verses and words, Allah SWT has used the words related to soil and earth and relates it to the origin of human, and each words have different meaning that can be interpreted in many ways».

community-oriented, encapsulated in the belief that farming is not only a survival activity but also an act of worship. Such beliefs not only regulate land use but also significantly elevate the perceived value of cultivable lands, fostering a robust theory of value rooted in spiritual significance rather than purely economic considerations. Understanding this genealogy is essential for developing a critical approach to land governance and for explaining the intensity of land-based conflicts, which often seem to defy purely rational accounts.

Concise examples can further illuminate this argument, where myths or alleged superstitions can enhance the connection between land, farmlands and communal identity.

In Hinduism, the agricultural field presents the dynamics of human interaction with the land and the natural environment, the production and consumption of food being one ecological factor that binds humans from birth to death²⁸. The “Lord of the field” is a deity invoked through hymns from the *Rg-Veda*, reflecting a divine presence that blesses the land’s fertility and bountiful harvests. This deity is seen as instrumental to successful agriculture. He is formally and elegantly implored to: «O Lord of the Field, like a cow yielding milk, pour forth for us copious rivers of sweetness, dripping honey like nectar and pure as pure ghee. May the Lords of the Law grant us mercy!» (*Rg-Veda*, IV. 57, 2)²⁹.

Taken together, other similar Hindu hymns describe a circular path, drawing attention to the fact that humankind and the Earth move in a cyclical rhythm, renewing one another through acts of exchange, partnership, and sacrifice, and sharing responsibility for maintaining the order of Creation³⁰.

In the Roman world, there are some instructions on how to protect the farmland from misfortune with the help of God, sacrificing three animals, a pig, a sheep, and a bull to Mars. In *De Agricultura* of Cato, paragraph 141, it is possible to read:

²⁸ J. SUCHITRA SARMA, *The Circle of Existence and Interdependence: Ecopoetry of the Vedic “Ksetra” or Field*, in *Interdisciplinary Studies in Literature and Environment* 11.2 (Summer 2004) 79.

²⁹ S.W. JAMISON, J.P. BRERETON, *The Rigveda: the Earliest Religious Poetry of India*, Oxford University Press, New York 2014, *Rgvedasamhitā* 4.57.

³⁰ J. SUCHITRA SARMA, *The Circle* cit., 80.

Father Mars, I pray and entreat you to be kindly and propitious to me, my house, and my household; therefore I have ordered these *suovetaurilia* to be led around my field, land, and farm. Do thou ward off and drive away visible and invisible sickness, barrenness, devastation, calamities and untimely disaster; that thou grant my crops, grain, vineyards and plantations to flourish and come to good outcome; preserve my shepherds and my flocks in health; and bestow good health and strength upon me, my house, and my household. For the purpose of purifying and making expiation for my farm and land, accept as a sacrifice these suckling victims; Father Mars, accept these suckling victims.

In Rome, the legal regulation of social dimensions reached its zenith and the sacralization of land was foundational. To a larger extent, the concepts of sacredness and holiness of the land and places (*loci*) served as religious tools to protect the inviolability of public and common goods, more than sacred objects (*res*)³¹. For example, the Roman jurist Aelius Marcianus, who wrote after the death of Septimius Severus, defined holy land as surrounded by the walls or precincts that enclosed it (*Sanctum est, quod ab iniuria hominum defensum atque munitum est*). In this view, the walls protected and defended the “sacred” by these walls from “*iniuria hominum*”. The jurist Ulpianus (who died in 228 AD) considered “holiness” secured by legal protection (*sanctus est quod sine poena violari non potest*). In Roman law, this inviolability became enforceable and progressively the sacred goods (*res sanctae*) transmitted to public goods (*res universitatum* or *communia civitatum*) the condition of not being subject to individual appropriation. The same occurred to sacred soil and land.

Elena Tassi Scandone traces the development of these ideas, distinguishing linguistically between the concepts of “holiness” and “sacredness” of the land and grounding that distinction in their territorial and spatial significance. She further characterizes “holiness” of public property as a functional category of non-appropriability, regardless of whether the property is used for worship (in which case it would also be deemed “sacred”). In earlier times, this characterization was established through rituals, such as plowing the boundaries of a city or temple, and later through the protection of the law (*sanctio legis*). Once this legal effect was firmly established, the sacred

³¹ E. TASSI SCANDONE, *Chapitre 6. Sacer e sanctus: quali rapporti?*, Publications de l'École française de Rome, 2017, <https://doi.org/10.4000/books.efr.3374>.

place, or *locus sanctus*, became classified as *res universitatum* or *communia civitatum*³².

For ancient Hebrews of Palestine, living in an agricultural and pastoral land that was often threatened by marauding desert tribes and raids, a walled city symbolized a refuge where one could find peace and security. As a result of this association, Hebrew writers envisioned heaven as a walled city with gates of pearl and streets of gold. Such a conception would not arise in the minds of people whose lives were marked by constant warfare and whose environment did not render the walled city a place of security, refuge, and aspiration³³.

Later, in Shia Islam, the veneration of Husayn's grave soil (*turbat al-Husayn*) emerged gradually after the Battle of Karbala (680 CE) and fostered the practice of taking soil from the graves of righteous figures. Even though Shia authorities explicitly prohibited the oral consumption of soil from all graves³⁴, this practice was permitted for Husayn's soil that was entitled of curative properties³⁵. At present day, the veneration of Husayn's grave soil played a crucial role in shaping Shia identity³⁶.

Conversely, in other religious traditions, negative deities are often associated with or even identified as malevolent powers affecting the soil, the earth, or agricultural practices³⁷.

Similar examples suggest that land itself may become a carrier of religious identity. The veneration of Husayn's grave soil in Shia Islam, the sacred agricultural field in Hinduism, and the protective rituals of Roman agrarian

³² *Ibidem*.

³³ R.H. WHITBECK, *The Influence of Geographical Environment upon Religious Beliefs*, in *Geographical Review* 5.4 (April 1918) 321.

³⁴ S.M. HADI GERAMI, A. IMRAN SYED, *Turbat al-Husayn: Development of a Tabarruk Ritual in Early Shi'i Community*, in F. GEHAD MAREI, Y. SHANNEIK, CH. FUNKE, *Shi'i Materiality Beyond Karbala. Religion That Matters*, Brill, Leiden-Boston 2024, 273.

³⁵ *Ivi*, 278.

³⁶ S.M.H. GERAMI, Z. AGHAGOLIZADEH, *Turbat al-Husayn: Modern Presentation of an Early Shi'i Practice*, in *Religions* 16 (2025) 98.

³⁷ R.H. WHITBECK, *The Influence* cit., 318-319 affirms: «The Satan of Egypt, according to Plutarch, was Typhon, a malevolent deity that sent the hot wind and dried up the pools and the soil and parched the vegetation. The Satan of India was Vritra, the serpent which, in the form of clouds, caught and held back the rain, for the ancient Hindus thought the rain fell from above the clouds and was caught by them. Indra, the beneficent god, pierced them with his lightning and liberated the rain. In Norway the evil deities were the frost giants (or mountains against whom Thor and Odin and other deities waged relentless war)».

religion all demonstrate that earth can function as a medium of healing, purification, protection, fertility, and belonging. Described myths establish a deep connection between autochthony and land governance. To be formed from the earth is to belong to it, and this belonging can shape collective identities, territorial attachments, and systems of obligation. Cultivable land becomes more than productive property; it becomes a site of origin, memory, divine presence, and communal continuity. This helps explain why land conflicts often acquire an intensity that cannot be understood through economic or strategic explanations alone. In this context, farming is not presented merely as labour or subsistence, but as a form of participation in cosmic order.

To conclude, the combination of historical and religious-cognitive approaches leads to a new interpretation of land-based conflicts and claims. The rules governing the protection of farmland can also be reconsidered in this light, as religious beliefs often extend beyond purely rational explanation: myths of human creation from earth, clay, mud, or dust are not merely symbolic accounts of human origins; they also generate durable ways of thinking about land, cultivation, community, and law. Across different traditions, the human body is imagined as materially continuous with the soil. This continuity gives land a sacred and genealogical value: the earth is not simply a resource to be possessed or exploited, but the very substance from which human life emerges and to which it remains bound.

3. Sacred Trees, Forests, Groves and Food Gathering in the Ancient World

The sacralization of the earth, extensively documented by Mircea Eliade³⁸, is a near universal phenomenon found in various religious traditions. Within the described religious and cultural framework, land, especially related to food production, often assumes a sacred significance. As discussed, the reasons for designating land as sacred can vary:

- land is sacred because it was intended for worship.
- Land is sacred because it was designated for cultivation, with the additional purpose of generating income for worship.
- Land is sacred because it aimed to preserve certain properties for an extended period (as their sacredness meant they could not be sold).

³⁸ M. ELIADE, *The Sacred* cit., 140.

Within these ancient norms, one can observe a profound “dialogue of experience” concerning food, sustenance, and community, reflecting humanity’s earliest understandings of survival and collective responsibility. One more example come from the sacralization of forests and groves among food-gathering communities. In earlier times, forests functioned as essential food reserves for their inhabitants. In this respect, they played a role comparable to that of farmland in agricultural communities. In this context, groves were dedicated to a deity, left uncut, and had a space for offerings and activities demanded by rituals focusing sometimes on a shrine located in the grove. The protection of the grove was sought by barring entry except on certain occasions. In such a condition, food was gathered from what the forest provided, and cultivation was marginal.

Forms of sacralization associated with trees, groves, and similar natural spaces were present in early India³⁹, where the forest served as the setting for at least three key activities: the hunt, the hermitage, and exile. In this environment, heroes and kings are often depicted as engaging in indiscriminate slaughter, laying waste to the land and clearing forests. At the same time, these spaces were inhabited by forest dwellers who resisted such incursions, obstructing hunting expeditions and harassing those attempting to establish settlements. In many epic narratives of the Hindu tradition, the violence and intensity of the hunt are sharply contrasted with the serenity of the hermitage, which «is set so deep in the forest that it is almost another world, enveloped in a translucent green of sun and trees»⁴⁰.

The forest hermitage, as a setting for asceticism and renunciation, carried multiple layers of meaning: it marked a withdrawal from settled civilization, fostered the pursuit of knowledge through isolation and meditation, and enabled a search for life’s meaning through engagement with the unknown. This emphasis on the solitary individual stood in clear contrast to the tightly interwoven social structure of the clan, which was essential for the performance of sacrificial rituals. The forest thus functioned as an intermediate space between the wilderness and organized society. Subsistence relied largely on gathering what the forest provided, with cultivation playing only a marginal role. At the same time, the significance of such spaces may be

³⁹ R. THAPAR, *Perceiving the Forest: Early India*, in *Studies in History* 17.1 n.s. (2001) 7.

⁴⁰ *Ivi*, 6.

seen as anticipating later developments, such as the granting of land to monasteries, whether in forests, wastelands, or even in already cultivated areas⁴¹:

The suggestion for a hermitage could have come from the existing sacred groves, located either on the peripheries, or in the dense areas of the forest. The former would be tended by the settlement and the latter by the forest dwellers. A small forest was dedicated to a deity, was left uncut, and had a space for offerings and activities demanded by rituals focusing sometimes on a shrine located in the grove. This would have been consistent with the way in which forest dwellers looked upon forests-as a source of nurture and a territory for sustenance, an appreciation which continues into later times and forms. The Buddha is often said to have been born in a grove of *Sāla* trees. [...] Sacred groves may even have been specially planted since the trees are sometimes specified, and believed to be sacred to particular deities. The protection of the grove was sought by barring entry except on certain occasions. Those infringing the prohibition suffered dire consequences, sometimes as extreme as a change of sex as in the well-known story of *Ila/Iḷā*. The normal activity of hunting associated with the forest was often forbidden in the grove⁴².

Another remarkable example coming from the ancient time were the *morai* of Athens in Greece. *Morai* were olive trees regarded as sacred property, not only by the citizens of Athens but also acknowledged by their enemies⁴³. The term *morai* explicitly connected the sacred nature of Athena's olive trees to the public share (*demasia moira*) collected from their fruit. These trees were enclosed in small precincts, called *temenoi*, physically separating them from other fields to enhance their sacredness in both symbolic and tangible ways⁴⁴. Also in Greece, their sacred nature and collective function designed the distinction between the sacred and public land and their legal status and protection: (1) sacred land was inalienable; (2) the revenues from sacred land were used specifically for cults; (3) sacred precincts (*temenoi*) were cultivable but there were also sacred properties distinguished by their uncultivability. However, while scholarly debate continues regarding wheth-

⁴¹ *Ivi*, 6.

⁴² *Ivi*, 7.

⁴³ See N. PAPAZARKADAS, *Sacred and Public Land in Ancient Athens*, Oxford University Press, Oxford 2011; D. ROUSSET, *Sacred Property and Public Property in the Greek City*, in *The Journal of Hellenic Studies* 133 (2013) 113-133.

⁴⁴ *Ivi*, 116.

er these trees were viewed as “securities” of the city, for sure their sacredness led to them being regarded as unalienable for an extended period⁴⁵.

Also in Rome, there are hints that, when engaging the Roman conception of the natural world, the legalistic model of sacrality fell short and that the sacredness of arboriculture was spontaneously perceived⁴⁶. For example, this is the case of the famous fig tree placed in the Roman Forum (*figus ruminalis*) that was venerated, and its prosperity was associated with the prosperity of the city⁴⁷. According to Ailsa Hunt⁴⁸, the verb *colitur*, as used by Pliny the Elder in reference to these plants, carries the dual meaning of “to cultivate” and “to worship”, showing that practical arboricultural care could help shape a religious understanding of the fig⁴⁹. In her book, Hunt focuses on other cases that specific lands in Rome could have religious implications⁵⁰. For example, many times groves (*luci*) were considered *de facto* sacred character, without the necessity to be formally consecrated, by virtue of belonging automatically to a deity⁵¹, maybe because acorns were a staple food in the early period of this civilization⁵².

4. The Farmland Legal Protection in Religious Laws

When it comes to the transition to the agricultural production, the protection of farmlands in religious laws clearly expresses the social value of

⁴⁵ Ivi, 114, 118 and 122.

⁴⁶ A. HUNT, *Reviving Roman Religion: Sacred Trees in the Roman World*, Cambridge University Press, Cambridge 2016.

⁴⁷ J. DEROSE EVANS, *The Sacred Figs in Rome*, in *Latomus* 50.4 (Octobre-décembre 1991) 798 ff.

⁴⁸ A. HUNT, *Reviving cit.*, 117.

⁴⁹ Pliny the Elder, *Naturalis Historia*, Liber XV, 77: *Colitur ficus arbor in foro ipso ac comitio Romae nata, sacro fulguribus ibi conditis magisque ob memoriam eius quae, nutrix Romuli ac Remi, conditores imperii in Lupercali prima protexit, ruminalis appellata, quoniam sub ea inventa est lupa infantibus praebens rumim, (ita vocabant mammam), miraculo ex aere iuxta dicato, tamquam in comitium sponte transisset Atto Navio augurante. nec sine praesagio aliquo arescit rursusque cura sacerdotum seritur. fuit et ante Saturni aedem, urbis anno sexcentesimo sublata sacro a Vestalibus facto, cum Silvani simulacrum subvertere.*

⁵⁰ A. HUNT, *Reviving cit.*, 135.

⁵¹ Ivi, 126-127. See, for example, the so called *lucus Pisaurensis*: U. AGNATI, *Per la storia romana della provincia di Pesaro e Urbino*, L'Erma di Bretschneider, Roma 1999, 202-209.

⁵² A. HUNT, *Reviving cit.*, 12.

these assets and the importance of the function that they have in the food production.

In Hindu law, this characteristic emerges from the latent conflict between public property (i.e. belonging to the king, *raja*) and private property in matter of farmland. This conflict was not only a matter of material power over lands and crops but was a key of the interpretation of the cosmic order of Hindu society. In ancient Hindu law, the four castes (*brahmin*, *kshatriya*, *vaishya*, *shudra*) were often portrayed as emanations of the divine or as part of the cosmic body, giving the hierarchy a sacral, ordained character, where each caste had specific duties and occupations; fulfilling those dharmic roles preserved social harmony and individual spiritual progress. Caste order functioned as a sacralised moral-legal schema linking duty, ritual status, nature and karmic consequences and social cohesion⁵³. Under this religious law, farmland is regulated under the topic of *svatva*, which is the word for ownership in the Kautilya's Arthashastra (an ancient Indian treatise on statecraft, economic policy, and political governance), where for the first time a connection between property and ownership is declared as a specifically legal matter⁵⁴. In the order of castes that regulates the ancient Hindu law, farmland, along with the house, are the fundamental assets of the legal subjectivity of the householder (*vaishya*), and they must be guaranteed even against the rule of the king. According to Narada Smṛiti (a classical Smṛiti text in Hindu law attributed to the sage Narada): «A householder's house and his field are considered as the two fundamentals of his existence. Therefore, let not the king upset either of them; for that is the root of house-holders»⁵⁵.

However, under Hindu law, farmland protection, as mentioned, depends on a latent conflict between public property – the land held by the *raja* (a *kshatriya*) – and private property – the land held by the householder (a *vaishya*). In turn, this tension reflects the reciprocal relation between the

⁵³ See W. MENSKEI, *Hindu Law: Beyond Tradition and Modernity*, Oxford University Press, Oxford 2003.

⁵⁴ See L. GOPAL, *Ownership of Agricultural Land in Ancient India*, in *Journal of the Economic and Social History of the Orient* 4.3 (December 1961) 240-263; T. LUBIN, *The Theory and Practice of Property in Premodern South Asia*, in *Journal of the Economic and Social History of the Orient* 61.5/6 (2018) 806.

⁵⁵ L. GOPAL, *Ownership* cit., 257.

castes⁵⁶. Kautilya's Arthashastra and Mimamsa (a classical school of Hindu philosophy and Vedic exegesis)⁵⁷ discussions show a legal culture that balanced peasant proprietorship with public duties of the ruler (protection, tax extraction) and moral limits on private use. Dharma-based obligations and caste-inflected duties created normative constraints on land use and emphasized social purpose over unfettered commodification. A debate on this point is present in the Mimamsa, whose commentators discuss the functional nature of the raja's sovereignty and the distinction between private and common property. In the 14th-17th centuries, the king's property is functional to labour. The reconstruction of the land ownership regime depends on the legal texts and epigraphs of the period. In light of these sources, an interpret argues that territorial sovereignty is dissociated from land ownership:

[...] the conquest of land merely produces the title of sovereignty, which is limited to protecting the kingdom and eradicating evil, and for that purpose only the realization of taxes from cultivators and of fines from offenders is legitimate, but no proprietary right on the land arises therefrom. Houses, fields, etc., acquired by purchase and so forth, may, however, become objects of gift⁵⁸.

In short, Hindu law, in its historical development and various textual and doctrinal traditions, oscillates between a concept of the king as the owner of all property and one that recognises individual land ownership as an absolute right and an essential right of the head of the family under the religious law:

Thus, though the general opinion of legal authorities favoured theory of peasant proprietorship, it would be wrong to there was no dissenting voice.

⁵⁶ The debate about whether there was private ownership of land in India remained unresolved for a long time due to the fact that definitions of ownership per se differed, complicating the question of how to map Indian concepts in relation to it. On this point see T. LUBIN, *The Theory* cit., 811.

⁵⁷ *Mimamsa*, one of the six systems (*darshans*) of Indian philosophy. *Mimamsa*, probably the earliest of the six, is fundamental to *Vedanta*, another of the six systems, and has deeply influenced the formulation of Hindu law. The aim of *Mimamsa* is to give rules for the interpretation of the Vedas, the earliest scriptures of Hinduism, and to provide a philosophical justification for the observance of Vedic ritual. <https://www.britannica.com/topic/Mimamsa>.

⁵⁸ L. GOPAL, *Ownership* cit., 250.

It appears that a group of not considerable in number, advocated State landlordism. The treatment of the point in *Mimamsa* works indicates that the question not free from some amount of controversy and discussion⁵⁹.

The limits of private property could certainly derive from the royal power to impose sanctions for the owner's failure to use the land for cultivation and social purposes⁶⁰. This concept is consistent with the logic of Hindu law and caste dharma, according to which the sovereignty of the king is primarily an expression of his duty to protect his subjects («the king sovereignty is only for protection»⁶¹). In this system, the use of force had to be socially (or religiously) justified and legalised to the extent that it was necessary for the protection of members of society⁶².

In Judaism, farmland legal protection was dependant on property rules, and these rules reveal a profound influence of Roman law, especially during the rabbinical period. *Kinyan* was the word for property⁶³. Its chief meaning was a mode of acquisition, thence an object of property, and rights of property. In this conception, where property depended on the concrete power of the owner over the land, land was always in the ownership (*hezakah*)⁶⁴ of the possessor when he was able to prove that he had eaten the fruits of the land for three consecutive years without protest. Going to farmland, In Jewish law, farmland was governed by several rules and regulations outlined in the Torah and the Talmud. The main legal source is *orlah*, tenth tractate in the

⁵⁹ *Ivi*, 259.

⁶⁰ T. LUBIN, *The Theory* cit., 810.

⁶¹ L. GOPAL, *Ownership* cit., 262.

⁶² *Ivi*, 263, quoting the Narasihtha Purdna: «By conquest, the earth became the property of the holy Para'urima; by gift, the property of the sage Ka'yapa; and committed by him to Ksatriyas for the sake of protection, became their protective property successively held by powerful conquerors and not by subjects cultivating the soil. But an annual property is acquired by subjects on payment of annual revenue: and the king cannot law- fully give, sell or dispose of the land to another for that year. But if the agreement be in the form "you shall enjoy it for years", for as many years as the property is granted, during so many years the king should never give, sell or dispose of it to another. Yet if the subjects do not pay the revenue, the grant, being conditional, is annulled by the breach of the condition and the king may grant it to another».

⁶³ Tractate *Kinyanim*: Modes of Acquiring People, Livestock, Land and More (*Mishnah Kiddushin* 1:1-6). G.J. WEBBER, *The Principles of the Jewish Law of Property*, in *Journal of Comparative Legislation and International Law* 10.1 (1928) 82-93.

⁶⁴ Act of ownership.

order *Zera'im* in the Mishnah. It deals with the law prohibiting the fruit of trees during the first three years after their planting (*Lev* 19:23-25)⁶⁵. Key principles that regulate farmland include:

- *Shabbat* (Sabbatical) year: every seventh year, the land is to be left fallow, and no agricultural work is permitted. This allows the land to rest and rejuvenate.
- *Shemittah* (Release): related to the sabbatical year, it involves releasing the land from agricultural use and cancelling debts.
- Tithes: farmers are required to set aside a portion of their produce for the priest, for the Levites, and for the poor.
- Land Management: rules about working the land, such as not harvesting crops in a way that exhausts the soil⁶⁶.

The strict legal dimension (*halakha*) was surrounded from a narrative dimension (*aggadah*) where the lands of Israel had special characteristics and an inestimable collective value. For example, *Midrash* places Israel at the centre of the world: «Just as the navel is found at the centre of human beings, so the land of Israel is found at the centre of the world...» (*Midrash Tanchuma*, *Kedoshim* 10). Moreover, in the *Gemarah*, the land of Israel is described as particularly rich and productive «[...] a region flowing with milk and honey» (*Ketubot* 111b), where rabbis can find peaches that fill the stomachs of six men or grapes large as calves (*Ketubot* 111b-112a).

On one side, these laws and narratives were promoting goals and values that correspond to contemporary social justice, environmental sustainability, and spiritual awareness. On the other side, halachic rules on agriculture could support an evolutionary conception of religion, especially in a tribal context such as that of the 12 tribes of Israel and a conflict over arable land of other populations. For example, in the Talmudic interpretation the link between the autochthony and agriculture is stressed⁶⁷. The Pentateuch itself, in a passage (*Deut* 6:11) on which various rabbis dwell⁶⁸, speaks of the

⁶⁵ https://www.jewishvirtuallibrary.org/orlah#google_vignette.

⁶⁶ In Mishnaic law, the minimum size of a vineyard represents the basic linear unit for all discussions and rules concerning agriculture, cf. T. NOVICK, “*Like an Expert Sharecropper*”: *Agricultural Halakhah and Agricultural Science in Rabbinic Palestine*, in *Association for Jewish Studies Review* 38.2 (November 2014) 310.

⁶⁷ *Ivi*, 318.

⁶⁸ «When the Lord your God brings you into the land he swore to your fathers, to Abraham, Isaac and Jacob, to give you a land with large, flourishing cities you did not build,

Israelites entering into a land already cultivated, with vineyards and olive trees. A passage from the *Orlah* (1:2) considers the legal status of plants that «our fathers» found when they came to Canaan, presuming continuity in agriculture between Jews in Israel and their Canaanite predecessors⁶⁹. This connection serves as a sort of justification of the conquered land and the sacredness of it. This example shows strategies that are in common for the sacralisation of ancient and present-day farmlands: indigenous or chthonic religions build their relationship with sacred lands through their ancestors. Global religions do so through theology, myth or justification⁷⁰. In the case of Israel, the sacralisation of the earth requires justification, which can be found in the founding myth.

In Islam the concept of land ownership was developed in accordance with the changes that came with Islam and the transformation of the Bedouin tribes into townspeople and into a mediterranean society where agriculture was traditionally present and farming was a basic economic activity⁷¹. In such a context, Islam conceptualised private ownership of land, unlike the previous concept based on Bedouin customs, which considered land to be the collective property of all members of the same tribe.

Although classical Islamic law never set out formal rules on farmland protection, such protections follow from broader principles of stewardship (*kehalifah fi al-ard*) bestowed by Allah in the Holy Quran (*Surah Al-Baqarah*, 2:30). From this duty of guardianship arise obligations of moderation in the use of soil and natural resources, and of justice among creatures, rooted in the Quranic teaching that all creation praises God and that humans must

houses filled with all kinds of good things you did not provide, wells you did not dig, and vineyards and olive groves you did not plant – then when you eat and are satisfied, be careful that you do not forget the Lord, who brought you out of Egypt, out of the land of slavery» (*Deut* 6:10-12).

⁶⁹ «If at the time when our ancestors came into the land and they found [a tree already] planted it was exempt [from the laws of *orlah*]. If they planted [a tree], even though they had not yet conquered [the land], it was subject [to *orlah*]. If one planted a tree for [the use of] the many, it is subject. But Rabbi Judah makes it exempt. If one has planted [a tree] in the public domain, or if a non-Jew has planted, or if a robber has planted, or one who plants on a boat, or [a tree] that has grown of itself, it is subject to *orlah*», see *Orlah* 1:2.

⁷⁰ R. SOSIS, *Why Sacred Lands Are Not Indivisible: The Cognitive Foundations of Sacralising Land*, in *Journal of Terrorism Research* 2.1 (2011) 34.

⁷¹ A.A. AL-KADER, *Land property and land tenure in Islam*, in *Islamic Quarterly* 5.1 (April 1959) 4.

respect one another. The overriding injunction is to avoid extravagance and excess in all things⁷².

To achieve practically this, the institution of *iqta'* (land reclamation) was used⁷³. *Iqta'* was the right of the state by virtue of which it can allot land to anyone. This innovation was introduced into Islam in order to establish private property by means of limits related to the owner's ability to cultivate the land. Since its origins, land property was not absolute, and allocation has been functional to the assignee's ability to cultivate it⁷⁴. Similarly to the Jewish law, the Islamic concept was based on the current possession of land by the owner. More precisely, the basic concept was to consider Allah as the owner of the land and the people as those who could use it and benefit from it. Therefore, individual ownership was not absolute and unconditional but related to the use of the land for the good of the owner or the community⁷⁵. *Iqta'* granted peasants land to cultivate, ensuring a reliable livelihood – especially for soldiers and other deserving community members – as payment for their service. Moreover, in case of uncultivated or waste lands (*mawat*), the land could be granted to assignee under certain conditions. If the assignee did not cultivate the land, it could be taken back from him at the close of third year. But in case of good cultivation and good care of the land, (in accordance with the contract), the lease period could be extended. According to Abu Yusuf (729-798), a famous jurist of early Islam, since *mawat* lands resembled charity lands, they could be assigned on a long lease basis and were to be treated as lands for tithe⁷⁶. Another classical jurist, Najm al-Din al-Razi (1177-1256) was interested in farmlands in function of a healthy society: according to him, agriculture was a trade with God and was the best of all industries and trade if carried on properly. The destruction of peasants could lead to the decay in economic affairs, which in turn would cause the decline of a society⁷⁷. The same idea was present in Nasir al-Din Tusi (1201-1274): in

⁷² See M. BAHARUDDIN, A.F. ABU BAKAR, N.H. BIN AHMAD NAZIF, *Soil Conservation* cit., 109.

⁷³ S.H. HAQ NADVI, *Al-"iqta'" – or theory of land ownership in Islam* الاقطاع, in *Islamic Studies* 10.4 (December 1971) 257-276, where this concept is interpreted in its connection with agriculture and prosperity of society.

⁷⁴ A.A. AL-KADER, *Land property* cit., 5.

⁷⁵ *Ivi*, 11.

⁷⁶ S.H. HAQ NADVI, *Al-"iqta'"* cit., 259.

⁷⁷ *Ivi*, 263.

his classification of society, he attached supreme importance to agriculture without which the continued existence of society was impossible. Being in the service of the Mongols, he cautioned these rulers that the decline of agriculture and practice of injustice would ultimately lead the kingdom to a total collapse⁷⁸.

On the ground of these early ecological practices and regulations, later more institutions emerged for the interest of conservation of farmlands and their soil: first, the concept of *hima*, a traditional Islamic land reserve system aimed at public benefit and resource protection, prohibiting activities like logging and hunting. Additionally, land *waqf* was used to preserve the productivity of the farmland: this Islamic concept involved dedicating land for charitable purposes, aligning with Islamic principles of stewardship and environmental preservation⁷⁹. The Islamic *waqf* system played a significant role in preserving agricultural lands as an indivisible form of charity. Traditionally, the authorities in Islamic countries sought to allocate a lot of land as *waqf*, and this helped to preserve large areas of agricultural land that continue to produce and achieve great prosperity to this day. For example, a third of Tunisia's land was *waqf*, half of Algeria's land, and nearly an eighth of Egypt's land. During the mid-19th-century Ottoman occupation, a substantial portion of land was established as *waqf* lands⁸⁰.

By dedicating land as *waqf* for soil conservation, it could be protected from degradation and ensure long-term soil quality and fertility. From a scientific viewpoint, land *waqf* enabled the implementation of sustainable farming practices such as crop rotation, conservation tillage, agroforestry, and organic farming. These practices improved soil health, reduced erosion, enhanced water retention, and promoted sustainable land use. More, crop and vegetation management were emphasized as effective measures: plants and their roots served as protective and stabilizing barriers, shielding the soil from erosion and runoff. Lastly, the *waqf* system provided a platform for establishing essential public infrastructure, like educational institutions, health centres, and irrigation networks, which were crucial for the compre-

⁷⁸ *Ivi*, 265.

⁷⁹ G. ANELLO, M. ARAFA, S.A. GRAMITTO RICCI, *Sacred Corporate Law*, in *Seattle University Law Review* 45 (2021) 442 ff.

⁸⁰ A. AL-TULAIBAWI, P. DE FRUTOS MADRAZO, P.A. MARTÍN-CERVANTES, *Waqf: An Advanced Approach to Combating Agricultural Land Fragmentation in Islamic Countries*, in *World* 5 (2024) 1388.

hensive development of societies⁸¹. From an Islamic perspective, these practices fully aligned with religious obligations to cultivate and preserve the land, reinforcing environmental stewardship⁸².

Following the earlier argument, the medieval period confirmed and developed the idea that religious law protected farmland by removing it, at least partially, from ordinary private circulation and by connecting landholding to collective, spiritual, and productive functions.

In medieval Christianity, monasteries became central institutions for the accumulation, administration, and protection of landed property⁸³. Monastic land did not belong to individual monks, but to the monastery as a perpetual legal entity⁸⁴. This gave ecclesiastical property a particular stability: it was not divided through inheritance, nor dispersed upon the death of individual administrators⁸⁵. As a result, monasteries could progressively build large and coherent estates, often through purchase, exchange, and consolidation of neighbouring plots⁸⁶. Religious institutions therefore became powerful actors in agricultural organization and land management⁸⁷. This protection was reinforced by canonical restrictions on the alienation of ecclesiastical goods. Episcopal authorization, collective approval, or outright prohibition limited the sale or transfer of Church property. These rules were designed to prevent waste, excessive generosity, or improvident disposal of assets dedicated to religious purposes. The consequence was a tendency toward the indefinite accumulation of land in ecclesiastical hands, sometimes productive and rationally organized, sometimes immobilized or economically inefficient. At the same time, monastic landholding also served secular family

⁸¹ *Ivi*, 1392.

⁸² M. BAHARUDDIN, A.F. ABU BAKAR, N.H. BIN AHMAD NAZIF, *Soil Conservation* cit., 115-116.

⁸³ A. DIEM, P. ROUSSEAU, *Monastic Rules (Fourth to Ninth Century)*, in A. BEACH, I. COCHELIN (Eds.), *The Cambridge History of Medieval Monasticism in the Latin West*, Cambridge University Press, Cambridge 2020, 181.

⁸⁴ See G. ANELLO, *Persone Capitali. Storie di entità giuridiche*, Marietti 1820, Bologna 2024, 111 ff.

⁸⁵ L. DUBOIS, *Proprietà monastica*, in *Dizionario degli istituti di perfezione*, VII, Edizioni Paoline, Roma 1983, 1005.

⁸⁶ B.H. ROSENWEIN, *To Be the Neighbour of Saint Peter: The Social Meaning of Cluny's Property, 909-1049*, Cornell University Press, Ithaca-London 1989.

⁸⁷ A. KIESER, *From Asceticism to Administration of Wealth. Medieval Monasteries and the Pitfalls of Rationalization*, in *Organization studies* 8/2 (1987) 103 ff.

strategies. Noble families founded monasteries not only for spiritual reasons, but also to preserve patrimonies from taxation, expropriation, and inheritance fragmentation. Through abbots, abbesses, widows, sons, or daughters, families could maintain indirect control over lands that had formally become religious property. Thus, religious protection of land could serve both communal and dynastic interests⁸⁸.

A comparable process occurred in medieval India. Land grants to Brahmins and temples transformed religious institutions into important agrarian authorities. These lands supported ritual services and teaching, but they were also productive assets⁸⁹. Often already inhabited by cultivators and craftspeople, temple lands placed local agricultural communities under the jurisdiction of religious beneficiaries⁹⁰. Like monasteries in Europe, Hindu temples became durable centres of agrarian wealth, social authority, and territorial administration⁹¹.

In the Islamic middle age, the settling of uninhabited lands became a primary goal for promoting the collective wealth in rural Muslim society, even with the support of the *sufi* saints and their followers. The surroundings of the Abdal Musa complex – an important Alevi-Bektaşî shrine in Antalya, Turkey from the 14th century – are full of lush and green farmlands. These resources are in turn associated with and rendered sacred via narratives associated with the saint. This association is often explained as a persistence of pre-Islamic beliefs and motifs. For example, it is said that Abdal Musa ordered a mountain to move and attack a local ruler (*bey*) who opposed him, that he survived an ordeal by fire, and that he made water flow by striking the ground⁹². In the same context, trees – including also pine, beech, olive, fir, amber, and

⁸⁸ See G. ANELLO, *Persone Capitali* cit., 127.

⁸⁹ Some temple inscriptions show an established, legitimate trade in consecrated food (*prasada*). Leaseholders called *prasadakkarar* obtained rights, by paying an annual fee, to acquire temple-distributed food from managers or donors and sell it to pilgrims. Donors could also sell or transfer a one-quarter share of consecrated food, and the presence of wealthy leaseholders indicates this was a regular, accepted practice, see B. STEIN, *The Economic Function of a Medieval South Indian Temple*, in *The Journal of Asian Studies* 19.2 (February 1960) 173.

⁹⁰ *Ivi*, 163-176.

⁹¹ T. LUBIN, *The Theory* cit., 819.

⁹² CH. GRUBER, *Wishing Trees and Whirling Rocks. Eco-material Rituals at the Alevi Shrine of Abdal Musa*, in F. GEHAD MAREI, Y. SHANNEIK, CH. FUNKE, *Shi'i Materiality* cit., 373 ff.

oleander – form an essential component of Alevi-Bektaşî devotional beliefs and practices stretching to the present day⁹³.

To summarize, the comparison of Hindu, Jewish, and Islamic legal traditions shows that farmland was never treated as a merely economic asset. Across these religious legal systems, agricultural land acquired a distinctive normative status because it was directly connected to subsistence, social order, collective identity, and divine obligation. Its protection therefore did not depend only on rules of ownership, but on a broader religious understanding of land as a resource entrusted to human beings for the preservation of society. Taken together, these traditions reveal a common principle: religious law tends to protect farmland by subordinating property rights to higher social, moral, and spiritual purposes. Land ownership is recognised, but it is rarely absolute. The owner, whether a householder, possessor, assignee, ruler, or community, is bound by duties of cultivation, moderation, preservation, redistribution, and protection of the vulnerable. The broader conclusion is that ancient religious legal systems anticipated many concerns that today are expressed through the language of food security, sustainable agriculture, environmental conservation, and social justice. Farmland was protected not simply because it produced crops, but because it sustained the moral and material order of society. Its legal regulation therefore reveals a recurring idea across religious traditions: agricultural land is a sacred or quasi-sacred resource, and its use must serve the continuity of the community rather than the unlimited freedom of the individual owner.

The medieval follow-up therefore shows a common pattern across religious traditions: farmland protection increasingly passed through religious institutions with perpetual existence. Monasteries, temples, Brahmin settlements, shrines, and waqf-like foundations functioned as mechanisms for preserving land from fragmentation, ordinary market circulation, and short-term exploitation. Religious law and religious authority gave landed property continuity, stability, and social purpose⁹⁴.

⁹³ *Ivi*, 374-375.

⁹⁴ See G. ANELLO, *Persone Capitali* cit., 153.

5. Farmlands in the Contemporary: The Challenge of Agrarian Reform in the View of the Pontifical Council for Justice and Peace in 1997

The religious protection of farmland did not disappear in modern Catholic social teaching. Rather, it was reformulated through the language of social justice, human dignity, agrarian reform, ecological responsibility, and the universal destination of goods. The described historical meanings and values of land, farmlands and distribution are echoed in a more recent document of the Catholic Church. Given the relevance of Catholicism in the European context, this document deserves specific attention when addressing the contemporary dimension of the topic⁹⁵: the 1997 *Towards a better Distribution of Land. The Challenge of Agrarian Reform*⁹⁶ of the Pontifical Council for Justice and Peace condemns the concentration and misappropriation of land as a grave social, economic and ethical injustice that fuels poverty, hunger, violence and environmental degradation. More properly, the Pontifical Council defines *latifundia* as «large land holdings, often belonging to absentee owners, where the land is worked on by hired labour, using out-dated farming techniques»⁹⁷.

Drawing on Scripture and Catholic social teaching, this document affirms the universal destination of goods and that private property carries a social mortgage. It calls for urgent, comprehensive agrarian reform, not just land redistribution but sustained support: legal recognition, credit, appropriate technology, infrastructure, education, cooperatives, and protection of indigenous and women's rights. States and international bodies are urged to adopt policies that promote family-sized farms, justice in labour, and equitable development. Paragraph 4 recognizes the historical origin of the disbalances that characterize the situation of some developing countries affirming that:

The agrarian structure of developing countries is often characterized by a two-tier form of distribution, with a small number of large landowners possessing most of the arable land, while vast numbers of very small owners, tenants and settlers farm the remaining land, which is often of inferior quality. Large holdings are still a feature of many such countries' land systems.

⁹⁵ See for other religious traditions in the contemporary, *supra*, footnote 3.

⁹⁶ https://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_12011998_distribuzione-terra_en.html

⁹⁷ See paragraphs 32 ff.

The historical origins of the process of land concentration vary from region to region. It is particularly relevant to our own reflections to note that, in areas that came under colonial rule, concentration of land in large holdings really started to develop in the second half of the nineteenth century, through gradual private appropriation of the land, favoured by laws which introduced serious distortions into the land market [...]. This situation has basically not improved in recent decades and, in many cases, has steadily deteriorated, despite the fact that daily experience shows what a negative impact it has on economic growth and social development⁹⁸.

Chapter II of the document is fully dedicated to the biblical sources of ownership of land in connection with agricultural uses, according to the catholic interpretation. Paragraph 22 states:

The first page of the Bible tells of the creation of the world and of the human person: “God created man in his own image, in the image of God he created him; male and female he created them” (*Gen* 1:27). Solemn words describe the task that God entrusts to them: “Be fruitful and multiply, and fill the earth and subdue it; and have dominion over the fish of the sea and over the birds of the air and over every living thing that moves upon the earth” (*Gen* 1:28). The first task that God gives them – clearly a fundamental one – concerns the attitude that they should have toward the earth and all creatures. “Subdue” and “have dominion” are two easily misunderstood concepts and can, in fact, seem to justify the type of despotic and unbridled domination that takes no care of the earth and its fruit, but despoils it for personal advantage. However, in biblical language, they are used to describe the rule of a wise king who cares for the well-being of all of his subjects⁹⁹.

According to this document, the contemporary situation derives from an anthropocentric view of the Earth and nature, because the right and duty of the human being to have dominion over the Earth is derived from being the image of God. But in the same Bible, man is placed in the garden to till it and keep it (cf. *Gen* 2:15), so that he can nourish himself of its fruit. However, in the catholic view, the biblical message on the ownership of the Earth can

⁹⁸ *Ibidem*.

⁹⁹ *Ibidem*.

be reinterpreted as a collective matter, rather than an individual one. The paragraph 24 remembers that:

Israelites had the right to ownership of the earth, which the law protected in many ways. The Ten Commandments state: "You shall not desire your neighbour's house, his field, or his manservant, or his maidservant, his ox, or his ass, or anything that is your neighbour's" (*Deut* 5:21). It can be said that an Israelite felt truly free and fully Israelite only when he had his own plot of land. However, the Old Testament insists that the earth is God's and that God has given it as a heritage to all the children of Israel. It is therefore to be shared among all the tribes, clans and families. Man is not the true master of his land, but rather an administrator. God is the true master. Thus, the book of Leviticus states: "The land shall not be sold in perpetuity, for the land is mine; for you are strangers and sojourners with me" (*Lev* 25:23)¹⁰⁰.

Under this interpretation, it is clear that the religious law introduces numerous limitations to the right of ownership, for example the ban on picking the fruit of a tree during its first four years (cf. *Lev* 19:23-25), the call not to reap right to the edges of the field, and the prohibition on gathering up fruit and ears that have been forgotten or fallen on the ground, since they belong to the poor (cf. *Lev* 19:9-10; 23:22; *Deut* 24:19-22). The issue of property is taken into consideration when the Bible condemns the abuses of the rich who force the poor and small farmers to give up their family holdings. The Prophets are particularly energetic in their condemnation of such abuses: «Woe to those who join house to house, who add field to field», (*Is* 5:8); «They covet fields, and seize them; and houses, and take them away; they oppress a man and his house, a man and his inheritance» (*Mic* 2:2).

Finally, attention is paid to the phenomenon of expropriation of indigenous lands. Paragraph 11, for instance, declares:

In recent decades, various forms of economic activity based on the use of natural resources have steadily expanded into land traditionally occupied by indigenous populations. In most cases, the rights of the indigenous inhabitants have been ignored when the expansion of large-scale agricultural concerns, the establishment of hydroelectric plants and the exploitation of mineral resources, and of oil and timber in areas of expanding

¹⁰⁰ *Ibidem*.

agricultural frontiers have been decided, planned and implemented. The law is respected while all this is taking place. However, the property rights upheld by the law are in conflict with the right of use of the soil deriving from an occupation and ownership of the land the origins of which are lost in memory. In the culture and spirituality of indigenous populations, land is seen as the basis of every value and as the unifying factor that nourishes their identity. However, when the first great landholdings were formed, these peoples lost the legal right to ownership of land on which they had lived for centuries, which means that they can now be dispossessed without warning whenever the old or new holders of legal title to the property want to take physical possession, even if they have shown no interest in it for dozens of years¹⁰¹.

In sum, the contemporary Catholic teaching transforms the ancient and medieval religious concern for farmland into a modern doctrine of socially conditioned property. Landowners, states, and international institutions must ensure that property serves food security, equitable development, labour justice, environmental care, and the rights of marginalized communities¹⁰².

Thus, the 1997 document represents a modern continuation of the broader religious tradition examined in the previous sections. Hindu, Jewish, Islamic, and medieval Christian institutions protected farmland by linking it to divine order, collective welfare, stewardship, and institutional continuity. Catholic social teaching restates the same principle in contemporary terms: land must be distributed and used according to the common good.

¹⁰¹ *Ibidem*.

¹⁰² For a critical review of this document supporting the western libertarian or classical liberal position, see W. BLOCK, G. YEATTS, *The Economics and Ethics of Land Reform: A Critique of the Pontifical Council for Justice and Peace's "Toward a Better Distribution of Land: The Challenge of Agrarian Reform"*, in *Journal of Natural Resources & Environmental Law* 15.1 (1999-2000) 37 ff. To critically assess this criticism in turn, it is striking that the *Critique* does not consider the perspective of religion and values at any point, but reads the document solely through technical and economic lenses. For example, this is a part of the conclusive paragraph: «If the church wishes to promote the interests of the poor, if it desires to take to heart "the preferential option for the poor," instead of continually urging socialistic welfare schemes that only impoverish them, it must make itself more knowledgeable about economics», 69.

6. Conclusions

A historical and cognitive based investigation into land and the sacred is crucial for re-evaluating the contemporary interpretation of farmlands in the present age. By re-examining how diverse spiritual traditions sacralised land and integrated its use into intricate systems of duties and values, it is possible to gain a critical perspective on modern land governance. This paper tries to highlight that farmlands are not merely legal assets within religious laws. Instead, there is a nuanced conception that shifts from viewing land as commodities to recognizing it as resources, suggesting a transition from exclusive ownership to functional use. The concept of dominion, characterized by exclusivity, treats land as a “thing” in the strict sense, an element of the external world that can be controlled by a legal entity and is capable of generating economic utility. However, the sacralization of land in religious laws marks the step toward moving away from a materialistic and economistic understanding of assets. It paves the way for a new metaphysical perspective, recognizing land as a means or capacity, embodying either a material or spiritual reserve, or an aptitude to adequately meet existential needs.

To some extent, contemporary international legal interpretations of the right to land increasingly underscore its interlinkages with the right to food, leading to readings that resemble those found in religious legal traditions. In making the case for the explicit recognition of the right to land in international human rights law, international lawyers recall the current pressures on land; examine the protection of land users in their existing access to natural resources; and discuss whether food law may be seen as a component of the progressive realization of the emerging human right to land¹⁰³. According to these interpretations, the right to land is not grounded only on the concept of liberal property and surrounding property rights but it is connected to other human rights¹⁰⁴. Accordingly, in certain cases, the right to land may be seen as a self-standing right, whether it is protected as an element of the right to property, whether it is grounded on the special relationship of indigenous peoples to their lands, territories and resources, or whether it is a

¹⁰³ <https://www.ohchr.org/en/calls-for-input/2025/call-input-interlinkages-between-land-rights-and-right-food>.

¹⁰⁴ The famous opinion of jurist De Schutter leans towards the latter, cf. O. DE SCHUTTER, *The Emerging Human Right to Land*, in *International Community Law Review* 12.3 (2010) 303-334.

component of the right to food. In contrast, in some other cases, the right to land may be said to be instrumental to the right to food: it is protected as an indispensable means through which people can produce food, for their own consumption or as a source of income allowing them, in turn, to purchase food. Consensus on this point has been broadening more and more in recent times¹⁰⁵.

Also in the domestic law, under the global threat of land grabbing practices¹⁰⁶, the protection of private farmland is undergoing a significant process of reinterpretation, culminating in the integration of its traditional defensive nature, of liberal origin, with principles of good administration and institutions aimed at improving the quality of decision-making processes and the content of administrative decisions¹⁰⁷. This new form of protection derives also from the risk of large land grabbing practices. Even questionable, a working definition of this follows:

Land grabbing can be defined as being the control (whether through ownership, lease, concession, contracts, quotas, or general power) of larger than locally-typical amounts of land by any person or entity (public or private, foreign or domestic) via any means ('legal' or 'illegal') for purposes of speculation, extraction, resource control or commodification at the expense of peasant farmers, agroecology, land stewardship, food sovereignty and human rights¹⁰⁸.

¹⁰⁵ Very recently in 2026 the UN Special Rapporteur on the right to food, Michael Fakhri, has submitted a new report to the Human Rights Council highlighting how growing land concentration and commodification of natural resources are undermining the realisation of the right to food worldwide, see online <https://www.farmlandgrab.org/post/33298-land-and-the-right-to-food>.

¹⁰⁶ Data on the continuing increase (from the "global south" to the "global north" as well) in these practices, B. YANG, J. HE, *Global Land Grabbing: A Critical Review of Case Studies across the World*, in *Land* 10 (2021) 324. <https://doi.org/10.3390/land10030324>.

¹⁰⁷ F. CAPORALE, *Land Grabbing e diritto amministrativo. I diritti umani come rimedio all'accaparramento delle risorse naturali e il loro impatto sulle amministrazioni nazionali*, in *Munus. Rivista giuridica dei servizi pubblici* 3 (2018), disponibile online <https://www.rivistamunus.it/federico-caporale-land-grabbing-e-diritto-amministrativo-i-diritti-umani-come-rimedio-allaccaparramento-delle-risorse-naturali-e-il-loro-impatto-sulle-amministrazioni-nazionali/>.

¹⁰⁸ C. LOMBARDONI, *Land grabbing e conflitti interni: le acquisizioni di terra su larga scala come fattore di instabilità dello Stato*, in *Il Politico* LXXXVI/1 (2022) 94.

It should be remarked that even though similar practices can be lawful, nevertheless large-scale acquisition processes are largely considered a sort of “new colonialism” that also exploits certain legal weaknesses in land ownership regimes, in addition to the economic reasons that allow land to be purchased by buyers¹⁰⁹. For many reasons, land grabbing can be seen as a factor affecting the sovereignty and the democracy of a state. This is aggravated by the fact that internal conflict or strife can turn into a specific form of land conflict¹¹⁰. Moreover, an imbalance in the distribution of wealth (or rather, land) can easily translate into an imbalance in the democracy of a collective body or international entity.

In this complex and realistic scenario, the journey back to the “mud” from which human beings are made for several religious traditions reveals the meaning and the reasons for a stronger legal protection of farmlands. This historical lens challenges the reductionist view of land as mere “legal good” and instead highlights its inherent value as a “social resource” imbued with religious, social, and communal significance. As one confronts contemporary challenges like land degradation, food insecurity, and escalating land grabbing, retrieving these ancient wisdoms, whether in the form of an archaeology of food sovereignty, a warning against exploitative practices, or a basis for inter-institutional dialogue, becomes not just an academic exercise but a vital step towards fostering a more just, sustainable, and reverent relationship with the Earth.

In conclusion it is time to return to the research questions that were posed in the introduction, trying to outline some answers:

1. Is this investigation an archaeology of food sovereignty? The answer is yes: the semantic processes recorded within religious rights concerning land ownership have a direct or indirect impact on the valuation of land ownership and its processes¹¹¹. As mentioned, land grabbing practices

¹⁰⁹ *Ivi*, 96.

¹¹⁰ *Ivi*, 104, *de relato*: «“Land and natural resource issues are almost never the sole cause of conflict. Land conflicts commonly become violent when linked to wider processes of political exclusion, social discrimination, economic marginalization, and a perception that peaceful action is no longer a viable strategy for change” [...] “Communities, therefore, can readily mobilize around land issues, making land a central object of conflict”».

¹¹¹ F. VIOLI, *Permanent sovereignty of states over natural resources and the practice of land grabbing: a European Union perspective*, in C. FIAMINGO (ed.), *Problems and Progress in Land, Water & Resources Rights, at the beginning of the Third Millennium*, Edizioni Altravista, Broni 2016, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3330839.

may not be illegal in themselves, and therefore cannot be considered negative or undesirable for the food security. Food sovereignty is roughly defined as the right of peoples to nutritious and culturally appropriate food that is accessible, produced in a sustainable and environmentally friendly manner, and also the right to decide on their own food and production systems. In particular, the risks for the population are related to increasingly limited access to land and access to food supplies. However, in light of international experience and case studies, it is also plausible that they may be characterised by risk factors for the food sovereignty, such as the extent of the land, the lifespan of the contractual obligation, and low rents.

Under the review of the historical legacy of religious laws, these practices pose certain challenges to the principle of permanent sovereignty by the state over its natural resources:

This is particularly relevant to the internal dimension of permanent sovereignty over natural resources, which we connect to 1) the principle of self-determination, and respect of 2) the legitimizing criterion of the “well-being” of the population when stipulating land deals, which we relate to respect for the human rights of the host states own territorial community¹¹².

Moreover, in the event of a crisis in international organisations, what role can domestic legislations play in limiting the negative effects of large-scale land acquisition processes? In what ways can the experience of the religious regulations serve as a warning to safeguard countries and individuals affected by similar processes? In this sense, even national legislators seem to be bypassed by economic powers in the context of a materialistic and economistic conception of legal assets. Religious laws can play a substitute role in providing a collectivist and holistic meaning and inspiration for the public discourse on farmlands.

2. Can these legacies offer an anthropological and evolutionist warning against land grabbing? The answer is yes: these findings are crucial for re-evaluating the contemporary interpretation of farmlands, tracing their evolution from communal to private assets, and from an intrinsic good to a utilitarian resource. One of the most important aspects of this essay

¹¹² *Ivi*, 47-48.

is to show the comparative significance of the link of land and legitimacy of the state via collective memory, identity, religion and the legal system on the basis of case studies of different religions. The “anthropological” significance of the land grabbing phenomenon has so far been traced back to the spiritual and cultural value of land in relation to the cultural identity of dispossessed populations but, it is possible to argue, it should be connected with the cultural characteristics of land as a sacred asset, which are unique and common to countries in both the global north and south, in a secular age as well. This interpretation suggests the symmetry between the conflicts of the past and the Palestinian peasants defending their olive orchards against the violent settlers, fired up by their religious zeal based on the Old Testament¹¹³.

In any case, land is understood as a sacred good, notably a good that, due to its characteristics, cannot be evaluated solely in terms of exchange, since it is a good that, even when viewed from the perspective of economic exploitation, cannot be reduced to a mere commodity, as is the case with any other good. It would therefore be necessary to detach these goods from an individualistic interpretation and postulate criteria of solidarity and cooperation, a joint action by all participating parties¹¹⁴. When individualism took place, it became one of the main characteristics of the crisis of the modern world, deprived of its spirituality because of the prevalence of modern and rational Western thinking. The diverse manifestations of individualism in the religious field in the modern times are a reason of the disappearance of the collective reasoning that was in the background of the religious mentality¹¹⁵. This evanescence is apparent in the field of farmlands and their regulations. However, a preservation of the religious tradition remains in a latent form, for this reason it is always possible to rediscover its meanings, even though no one may be fully aware of it at the present time.

3. Can this debate foster a renewed dialogue between religions and European institutions? The answer is yes: after modernity religion has become a synonym of moralism and actually in the age of relativism, reli-

¹¹³ Thank to Professor Subrata K. Mitra for these remarks.

¹¹⁴ G. SPOTO, *La difesa dei beni comuni contro il fenomeno del Land Grabbing e del Water Grabbing*, in *Cultura e Diritti* (2020) 91.

¹¹⁵ R. GUÉNON, *The Crisis of the Modern World*, Sophia Perennis, Hillsdale 2004, 63-64.

gions maintain a moral eye on reality, that is not present with the same strength in the modern knowledge¹¹⁶. As mentioned, recovering the religious perspective in this topic can certainly enrich the value-based policy agenda of European institutions not only in terms of organizational and institutional dialogue but as a deeper form of “dialogue of experience.” Actually, dialogue is already planned in fundamental provisions of European law. For example, this matter could be a point of the strategy of dialogue that is currently being developed in the EU under the umbrella of the Article 17 of the Treaty on the Functioning of the European Union¹¹⁷.

Generally speaking, article 3 of the Treaty on European Union (TEU) and Article 9 of the Treaty on the Functioning of the Union (TFEU) introduced a specific reference to promoting the well-being of European citizens and included a “social clause” stating that the EU must pursue social objectives through the dialogue between the European institutions and the religious denominations¹¹⁸. The dialogue has evolved from informal contacts to a structured scheme of meetings, with a legal basis in Article 17 of the Treaty on the Functioning of the European Union. Today, a “Dialogue Design” model requires the definitions of some key-points about the nature of the dialogue and its quality, such as defining the purpose of the dialogue, identifying appropriate participants, and setting clear objectives.

EU officials often refer to “inter-religious dialogue” when discussing Article 17, which is misleading. Events and documents sometimes describe it as a dialogue between different religions, but in reality, Article 17 mainly involves discussions between EU institutions and religious or non-religious organizations. This misrepresentation oversimplifies and inaccurately portrays the true nature of the dialogue, especially if the goals are the European integration and policy shaping. According some

¹¹⁶ *Ivi*, 65.

¹¹⁷ European Parliament, *Article 17 TFEU: Dialogue with Churches, and Religious and Philosophical Organisations – The EP Implementation* <https://www.europarl.europa.eu/at-your-service/files/be-heard/religious-and-non-confessional-dialogue/home/en-article17-the-ep-implementation.pdf> accessed 30 Novembre 2025.

¹¹⁸ See the booklet, P. PAVLOVIC (ed.), *Poverty, Wealth and Ecology in Europe*, Conference of European Churches, Bruxelles 2011, online resource <https://ceceurope.org/storage/app/media/uploads/2015/07/View-INCEC.pdf>, <https://iifa-aifi.org/en/56085.html>

scholars, under Article 17, «EU institutions acknowledge the fact that those stakeholders represent a significant voice in society and are often of a specific nature, one that goes beyond a mere civil society organisation», that it is «a dialogue of values», and that it «allows the different actors to bring their specificity into it»¹¹⁹.

The Guidelines on Article 17 bring a novel condition, the adherence to European values, which seeks to complement the «specific contribution» mentioned by Article 17. On this point, Article 17 is a space for a moral approach debate on complex issues. The provision addresses both Churches and philosophical associations. Both serve as carriers of moral visions of life and have established rules to morally regulate complex issues. This suggests that Europe views this article as a dialogical place for fostering cooperative processes on topics that require a moral form of “cognition” for proper regulation. Once a year (regularly), two separate informal meetings with the representatives of the religious and not religious institutions usually take place on the same topic but actually EU institutions make publicly available very little information regarding priority topics for discussion and the substance of those meetings, contrary to the requirement of openness and transparency¹²⁰. The regularity of the dialogue appears not to go beyond formal meetings, as there is no concrete outcome and follow-up to these meetings. On the contrary, this dialogue should cut across all policies of the EU institutions that could have relevance to the parties. Certainly food security and land related matters could be among these topics¹²¹.

4. To what extent can this dialogue contribute to the design of normative instruments capable of reconciling the diverse interests underlying the legal protection of farmland within current EU and domestic frame-

¹¹⁹ A. PORTARU, *Europe. In Search of a Soul? Article 17 TFEU and Its Functioning*, in Nottingham Law Journal (2017) 37 ff.

¹²⁰ Usually, dialogues have been dealing with issues concerning religious communities, like islamophobia, antisemitism, hate speech, advancing rights that are enshrined in the EU Charter of Fundamental Rights, but also awareness of disinformation and foreign influence, fundamental human values, artificial intelligence, housing, intergenerational dialogue. Normally these sessions are decided by the EU, while the counterparts have suggested the need for a common content preparation prior to the events as well as any subsequent follow-up.

¹²¹ <https://www.vaticannews.va/en/pope/news/2025-10/pope-leo-xiv-fao-80-anniversary-world-food-day-address.html>

works?¹²² Religious values may play a significant role in reinforcing constitutional provisions that already grant special protection to agricultural land, thereby fostering a more collectivist understanding of farmland as a protected resource. It should be noted that religions tend to be long-term oriented, and this may be one of their distinctive contributions in a constitutional perspective.

As noted, in many constitutional systems and legislative frameworks, agricultural land is regarded as a finite and strategic asset, warranting specific forms of legal protection. At the European level, the Court of Justice of the European Union (CJEU) has consistently acknowledged this perspective¹²³. In particular, the Court has recognized the specific nature of agricultural land and, in its jurisprudence on the acquisition of agricultural real estate, has identified a range of overriding public policy objectives capable of justifying restrictions on investment in farmland. These include enhancing the economic viability of land holdings and preventing speculation; preserving agricultural communities and a balanced distribution of land ownership conducive to viable farming and sustainable land management; maintaining traditional farming structures, particularly through owner-occupancy; and ensuring the stability of rural populations and economic activities in the general interest, including regional planning objectives.

Building on these principles, Court of Justice of the European Union case law has shaped a spectrum of permissible regulatory mechanisms – such as prior authorisation schemes, pre-emption rights in favour of farmers, and price control measures – which seek to strike a balance between the protection of farmland as a special asset and the fundamental principle of the free movement of capital.

This article advances the argument that underlying religious values may further substantiate the conception of farmland as a collective and public good, already reflected in constitutional traditions, and deserving of enhanced protection vis-à-vis the imperatives of market liberalisation. In this sense, religious denominations, as socially embedded actors, may

¹²² J. KARSTEN, *Food Security: EU Policies Emerging Between Denial and Urgency*, in European Institute for Food Law Working Paper Series 2 (2023), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4542605.

¹²³ See for a resume of this jurisprudence, the Commission Interpretative Communication on the Acquisition of Farmland and European Union Law (2017/C 350/05), paragraph 3.

contribute – through their value systems and practices – to the articulation of overriding public interests capable of justifying restrictions on economic freedoms. Such a value-informed and socially cohesive interpretation at the European level could support the development of a renewed regulatory paradigm, particularly relevant in addressing global land acquisition dynamics that pose risks to food security and sustainable development.