

# Fighting for lands and reframing the culture

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Indigenous lands and territories have attracted little attention in studies on the peoples and cultures of the South American lowlands. They are usually presented as credible information, similar to the climate or political regime. A component of the landscape where social life occurs, mentioned by careful ethnographers, but never addressed as a social and political phenomenon to be adopted as the central focus of research.

Justifications for such, often only implicit, can vary widely, suggesting that they are the subject of other disciplines (geography, law, or political science), which supposedly have more appropriate methods and concepts. At other times, the argument for rejection rests on the assumption that lands and territories are involved in questions of an exclusively practical nature, directly connected to the administrative interests and political demands of groups and individuals. The subject thus, covered with passions and contradictory formulations, does not constitute a favourable object for scientific investigation and the advance of anthropology.

The set of works that integrate this Dossier advance in precisely the opposite direction. They affirm indigenous lands and territories as the object of an ethnographic view, striving to establish procedures of method and propose concepts and hypotheses that can serve as a beacon for investigation, contributing to a more dynamic and in-depth understanding. This could not be achieved without a critical effort to rethink the classical tradition of anthropology, recovering its potentialities and seeking to overcome its limits. Moving away from a strict *mimesis* of this tradition, seeking to incorporate experiences in the construction of other anthropologies, drawing in particular on formulations and existing lines of research in the Latin American and Brazilian context.

## Territory as an object of ethnographies

In contrast to the lack of emphasis on this theme in Americanist ethnology of the last few decades, territory has been the object of much attention in the ethnographies conducted by Africanists and Oceanists and has been part of central theoretical discussions and those that the discipline is founded on.

Regarding this aspect, we could begin with the famous essay on the social morphology of Eskimos by Marcel Mauss (1904/5), analysing the interrelations between the forms of occupation of space and the modes of sociability. Although it was based exclusively on written sources and not on fieldwork, it expressed deep concern for the spatial and ecological dimension as an inseparable component of social organisation, something non-existent in French sociology at that time. In defining his refusal of a reductionist determination, which he attributed to anthropogeography (Ratzel, 1882), he reaffirmed his theoretical affiliation to the sociological school, while highlighting the originality of his concerns.

In the decades that followed, English anthropologists explored the subject very carefully, initiating the realisation of specialised ethnographies. In fieldwork conducted by Africanists (Wilson, 1936; Malinowski, 1938; Richards, 1939; Barnes, 1954 and Colson, 1971), the individual disputes over land and the consequences of policies imposed by the colonial administration (labour migration, urbanisation, the formation of reserves). Beyond the African continent, the anthropologist Edmundo Leach (1961) developed an exemplary ethnography of the relationship between economic practices, kinship and local power in Ceylon.

Theoretical and methodological advances should also be recorded. Evans-Pritchard (1974 and 1973) [1949 and 1939] granted great centrality to territory, both in his description of the Nuer, indicating the seasonal displacements in their relationship to a hierarchical structure of lineages, and in the study of the Sanusi, in which he analysed the incorporation of native forms of spatial occupation within colonial structures. This last work in particular paved the way for the historical consideration of broader social phenomena, such as forms of colonisation, wars, and migrations. It is entirely compatible with the author's theoretical postures (Evans-Pritchard, 1962 and 1964), explicitly outlined in his essays, where he distances himself from structural-functionalism and interrelates anthropology and history.

Max Gluckman, in turn, showed the impact of land disputes in Lozi political life (Gluckman, 1943), as well as in judicial disputes between the Barotse (Gluckman, 1955a), indicating a new path for anthropology through situational analysis (Gluckman, 1955b). He also strongly criticised Malinowski's functionalism, which excludes precisely the broadest historical contexts from the universe of inquiry, thus forfeiting their comprehensive potential and limiting such research to describing intercultural exchanges of strictly local scope.

French Africanists have also devoted considerable interest to the subject of territory. An important mark in this regard was the work of Georges Balandier<sup>1</sup>, who had an enormous repercussion and numerous followers, inspiring a revision of the colonial category of *ethnie* and the social processes that it brings with it (Amselle, 1985). Attention to the territorial dimension, fuelled by the use of Marxist categories, was encountered in Claude Meillassoux's (1970) monograph on the Gouro and in Gerard Althabe's (1972) work on the Congo. More recently, Oceanists, such as Alban Bensa (1995; Bensa e Leblic 2000), Michel Naepels (1998), have worked extensively on the uses and native conceptions of territory, investigating the multiple levels of conflict that arise therein.

In the final decades of the century, a number of symposia, books, articles and collections came to debate territory based on ethnographic studies from different regions of the world. In a comparative effort, Eleanor Leacock and Robert Lee (1982) pointed out that even people who live in micro-units ("bands") in Australia, Africa, and America maintained perceptions and practices concerning territory.

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<sup>1</sup> For a current view of Balandier's contribution to anthropology, see Benoît de L'Étoile 2017.

In other collections, Dyck (1985), and Dyck and Waldram (1993), respectively, apply the notion of “fourth world” to different continents and address public policy in Canada. In monographic books and articles, Hugh Brody (1981), Fred Myers (1986), Linda Parker (1989), Edwin Wilmsen (1989), Gerald Sider (1993), Elizabeth Povinelli (1993), and Nancy Munn (1996) dealt with social formation of traditional territories in diverse national contexts, including Canada, Australia, Hawaii, and the United States.

In a collection on indigenous peoples in Latin America, David Maybury-Lewis (1991) discussed nation-states as modern re-editions of the Leviathan, promoting the incorporation of indigenous territories by the mercantile economy and creating restrictive forms of citizenship exercise by autochthonous peoples. Territory was also an important theme in the book organised by Greg Urban and Joel Sherzer (1991). Latin American production has appeared more extensively in collections published in Spanish by Stefano Varese (1996) and by Bosa, Santamaria and Wittersheim (2008).

### **Territory in the foundation of anthropology**

To recover the relevance of territory to the central formulations of anthropology, however, we must return to the classics and the foundational texts at the inception of the discipline itself. In “Ancient Law” (1861), Henry Walter Maine, the first to occupy a chair of Anthropology, while analysing the evolution of political ideas and functions, called attention to two organising principles of social life – kinship by blood (consanguinity) and contiguity of place (territory). He described the passage from one to the other as the most radical revolution that occurred in the field of politics. For the first time in human history, it transpired that people “exercise political rights in common simply because they happened to live within the same topographical limits”. It is important to emphasise that with this formulation, Maine denatured forms of social organisation and questioned why kinship and family are thought of as their universal basis.

A later formulation, elaborated by Lewis Morgan (1877), submitted all forms of government in history to the distinction between “societas” and “civitas”<sup>2</sup>. The first is characteristic of earlier evolutionary phases of humanity, focusing on social organisation as composed of people who are members of kinship groups, whereas “civitas”, characteristic of civilisation, considers political organisation to be founded on territory and property, that is, societal forms besides kinship are well-grounded in the management of scarce resources.

In a collection that became a reference for the research of English anthropologists, as well as for the teaching and research in the discipline, Meyer Fortes and Evans-Pritchard (1975 [1940]) divided African political systems currently in operation into three types: simple, small-scale societies, in which kinship is the dominant principle; segmental societies, with lineage systems; and centralised societies, with proto-state formations. The triadic division can appear to correspond to a simple specification of the dual classification proposed by Maine and Morgan; however, the intention of Fortes and Evans-Pritchard (1975 [1940]) was to replace an evolutionary approach with a synchronic, comparative view.

Similarly averse to an evolutionary perspective, Isac Schapera (1967 [1955]) had previously argued that kinship and territory were organising principles that could occur as associated forms. Supported by the notion of “political community”, he emphasised that the social organisation of nomadic hunters could not be explained by consanguineous kinship or alliances alone, rather by the inclusion of migrations, exclusions and conquests.

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<sup>2</sup> Broad dissemination of Morgan’s work, and its partial incorporation by the Marxist tradition, occurred through Friedrich Engels, 1884.

A third principle of organisation was mentioned by Schapera – a personal connection with the chief. This principle could assume great importance in small African societies (as he himself observed), as well as in the Pacific and elsewhere (Sahlins, 1963). The continued research on African political systems has also led to greater diversification in the identification of ordering principals and control over territory. John Middleton and David Tait (1964) indicated that in segmented societies different structures (religious, secret societies, age, rituals, etc.) could assume this control.

In recent decades, concern has been expressed not so much with the empirical diversification of control modalities over territory, but with the resumption of basic concepts. The incorporation of a new conception of relationships between power, knowledge and territory has been sought within the anthropological work (Foucault, 1979 and 1982). In this sense, some works, like those of Bhabha (1994), Mignolo (1995), Akhil Gupta and James Ferguson (1997), Setha Low and Denise Lawrence-Zúñiga (2003) and Dawson, Zanotti and Vaccaro (2014) resume the debate over territory on a more generic, abstract plan. A new effort to revise the colonial bases of the discipline was initiated by Talal Asad (1973), Johannes Fabian (1983), Clifford & Marcus (1986) and Stocking Jr. (1991). It is from this perspective that we seek an approximation with the formation of indigenous territories in Brazil, while also maintaining a dialogue with Latin American anthropology.

### **Territoriality versus territory**

A review by Bohanan (1967) of the place occupied by territory in African political systems shows that in many of these it plays a secondary role, embedded in kinship, in lineage structure, in relationship with the chief or associated with other possible organisational principles. Care must be taken not to naturalise territory, assuming that it is something homogenous and determinant, attributing to it a centrality that is absent in segmental systems.

A certain context exists, however, in which this changes drastically and territory assumes a hegemonic role in relation to other organising principles of social life. This happens when a people lose their condition of relative autonomy and, usually as a function of wars, unfavourable trade exchanges or massive religious conversion, a colonial status is established<sup>3</sup>. Lands and environmental resources that this people previously had access to in plenitude, become integrated into a frontier, that is, a region of economic expansion, in which external agents establish a new form of usufruct and administration.

Parallel to these economic and political processes, the autochthonous population starts to become the object of a process of othering<sup>4</sup>, in which an unknown form of social classification is imposed on them, which deprives them of previous rights and expectations, placing them in a situation of suspicion, criminality or even locating them outside the threshold of humanity.

The strategic dimension for thinking about the incorporation of indigenous populations within a nation-state is, in my view, territorial, and not that of cultural exchanges<sup>5</sup>. From the perspective of a state organisation and the bureaucracy that embodies it, administration is about managing the territory and the population (Elias, 1987), it is about dividing them into smaller and hierarchically related spatial units (Revel & Anastácio, 1989), it is about defining boundaries and demarcating borders (Bourdieu, 1980).

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<sup>3</sup> The category of “colonial situation”, coined by Balandier (1955) for African peoples subjected to European domination in the twentieth century, is often thought of too narrowly in terms of political sovereignty. Populations that are afflicted by colonialism are not always those that have been or are located within another nation, or are thought to be formed by a unity of this nature. In Latin American anthropology, often the qualification of colonialism also applies to forms of colonialism practiced within the political limits of the same nation (Casanova, 1963; 2003; Cardoso de Oliveira, 1978 [1966]).

<sup>4</sup> Here I follow the use of the notion of “otherness” by J. Fabian (2006), which does not constitute a simple synonym for alterity. This notion draws attention to the fact that the condition of otherness is often constructed from the interests, forms of feeling and thinking of a particular social agent, who thereby constructs and institutes an “other”.

<sup>5</sup> Here, it is important to remember Barth (1969), and his critique of approaching research on ethnic groups in strictly cultural terms.

The notion of *territorialisation* presented below aims to describe an intervention of the political sphere that prescriptively associates individuals and groups to well-defined geographical boundaries. It is this act of state power, constitutive of ethnic objects and institutions of arbitration and conflict resolution, which we are proposing to use as a starting point for anthropological research on the indigenous peoples and cultures of Brazil.

Territorialisation refers to broad processes of social reorganisation that, based on the establishment of a connection between social subjects and a spatial segment, imply: 1) the creation of a new social unit and the emergence of a differentiating ethnic identity; 2) the constitution of specialised political norms and instruments; 3) the redefinition of social control over land, environmental resources and labour; 4) the re-elaboration of culture and its relationship with the past<sup>6</sup>.

It should be clarified that in speaking of territorialisation, we are not proposing an approach in terms of “territoriality”, popularised by a line of geographers (Raffestin, 2009) inspired by the French Sociological School. In other uses, territoriality corresponds to a spatial of the customs and practices of a group of individuals possessing internal forms of sociability (Sack, 1986). A group of English anthropologists with research on different continents has analytically explored the notion of landscape (Hirsch & O’Hanlon, 1995), which seeks a more critical view of the relationship between humans and space, including trying to open up to analysis in terms of reflexivity.

Working with the notion of territory and territorialisation requires more than analytically exploring the socio-spatial dimension. First, the boundaries of this place need to be clearly defined; second, they somehow need to be recognised by those who live there; third, they establish a distinction between those who consider themselves their rightful owners and those outside that space. In other words, speaking about territory implies the work of delimitation of political communities, the presupposition of a collective identity, the establishment of rights.

## **Indigenous territories in Brazil**

An anthropologist in Brazil conducting field research and relying on ethnography regarding the organisation and cosmology of an indigenous people, while also resorting to information on and analysis of their history, could project what constitutes their territoriality. This is the case, for example, in preliminary (anthropological and environmental) studies that aim to inform the administrative process for the creation of indigenous lands in Brazil<sup>7</sup>. Although the term lands is the same used for the private form of land appropriation, the legal definition leaves no doubt that they are lands appropriated by a collective (“an indigenous community”), under permanent ownership and exclusive, and which cannot be transferred (bought or sold) to another party.

Before finalising their report, attaching a map of delimitation, the anthropologist should submit the proposal for community assessment, incorporating their corrections and drawing up a map resulting from “consensus with the community” and that, in fact, reflects their current political will. This report, as well as the accompanying delimitation plan, will be read and reviewed by technicians and leaders of the indigenist agency and a summary of the final version will be published in the official archives. The administrative process will follow successively through several governmental instances, through new readings and

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<sup>6</sup> Pacheco de Oliveira, 2016 (p. 203).

<sup>7</sup> This process is described in detail, together with its social consequences, in collections such as Pacheco de Oliveira, 1998; 2005; and Souza Lima and Barreto Filho, 2005.

re-delimitation proposals (usually implying deletions and changes). Only at the end of all this, and if accepted by the appropriate authorities (ministers and President of the Republic) can an indigenous land be decreed, and later demarcated and regularised as part of the network lands that form the national territory.

A proposal for delimitation that is still in the fieldwork stage is often confronted with assessments and political projects of the indigenous people today, as well as with threats from people and groups that feel prejudiced by it. Later on, the indigenous people will also play a leading role, pressuring the indigenist agency to continue the administrative procedure and seeking allies in public opinion and in government sectors. In later phases, this proposal will inevitably be confronted with private interests and governmental plans, which are derived from numerous other form of thinking concerning territoriality within the political and economic space of the Brazilian nation.

Indigenous lands, even when demarcated and recognised by the State, remain the dominion of the Union; the original peoples and communities have no effective right of property, rather their right is that of tenure and usufruct. Although the 1988 Constitution recognised indigenous peoples' right to free association and representation and did not return to the institution of tutelage<sup>8</sup> in the sphere of their civil rights, the territories they inhabit remain under the responsibility and power of the State. The institutional horizon provided by the State for indigenous peoples is that of a peasantry whose existence is under a tutelary regime<sup>9</sup>.

The entire administrative process is supported by a chapter of the Federal Constitution (1988) and by legislation and bureaucratic routines that are rigorously described and defined, so that the creation of an indigenous land implies legal and juridical recognition. However, there is a huge gap between a right broadly established by the state and its materialisation in diverse political contexts, in which successive governments do not show equal concern with law enforcement, and are affected very differently by the protests and claims of third parties (including powerful business groups) who feel disadvantaged by the creation of indigenous lands.

## Processes of territorialisation

It is precisely on the confluence of all these demands and pressures developed at multiple scales that the investigations gathered here unfold, under the title of processes of territorialisation. It is a question of directing ethnographic work and the exercise of anthropological analysis in order to understand, simultaneously and in association, how the definition of a place of existence and reproduction of specific indigenous communities and the formation of collective subjects takes place. This means anchoring anthropological analysis in the social and political units that constitute the peoples, as they present themselves in present-day Brazil<sup>10</sup>.

The territoriality attributed to an autochthonous collectivity varies depending on the specialist used and the agency that defines it, reflecting the specific historical moment in which the expertise is conducted, the political conjuncture of governments, and the degree of rigidity of legal and administrative procedures<sup>11</sup>. It is always situational and dependent on the social and political conditions in which these rights are materialised.

8 In Brazilian anthropology, there is a line of research that considers the institution of tutelage as a fact central to understanding the forms of organisation and socio-cultural dynamics of indigenous societies (see Pacheco de Oliveira, 1988, 1999; Pacheco de Oliveira & Moreira Santos, 2003; Souza Lima, 1992 e 1995).

9 On the characterization of Indians as a form of peasantry, see Cardoso de Oliveira, 1978, and regarding the notion of tutelary regime, see Pacheco de Oliveira, 1988; 1999; 2016.

10 In my opinion, this proposal converges with concerns manifested by Ramos (1995).

11 On anthropological expertise, see Pacheco de Oliveira, 1994; Pacheco de Oliveira, J; Mura, F; and Silva, A.B. (eds); Associação Brasileira de Antropologia (ABA), 2015.

In speaking of territorialisation, we are referring not to the specific, circumstantial and often antagonistic territorialities, but to complex political processes, occurring at various scales and propelled by actors driven by distinct and even contradictory interests and ideologies. In reality, we are pointing in a direction analogous to that indicated by Dawson, Zanotti and Vaccaro (2014), whose recent collection treats territoriality as a process of negotiation, bringing together case studies from different continents.

Territorialisation voices the reasons of the State, but the interests of private groups and the voracity of capitalist expansion throughout the world are also clearly expressed in the same; on the flip side of the coin, indigenous conceptions of time, person and the nature of the world, the construction of new sagas and utopias emerge. The theory that political order emanates from an absolute and sovereign power (Hobbes, 2014 [1651]) leads to the supposition that the recognition of the territory can only occur at a higher instance, the State, which acts as an arbiter with respect to the rights of groups. The position adopted here is different, since in several of the articles in this Dossier, it is the mobilised indigenous communities that delimit and enforce respect for their territories.

It is this conflicted political field<sup>12</sup>, distended in time and integrating the recent history of Brazil and its global connections, which we are denominating territorialisation. In its dialectic, every process of territorialisation implies conflict and overlapping territories (Said, 1999), in diasporic movements (Brah, 1996; Clifford, 1997), as well as in deterritorialisations and reterritorialisations (Deleuze & Guattari, 1976). An ethnographic and analytical work of the greatest signification can be conducted on this<sup>13</sup>.

This notion dialogues and incorporates critical orientations of current anthropological theory, absorbing concerns with ethnography of the exercise of power (Marcus, 1998), with analysis of variation as central for cultural actualisation (Barth, 1993), with the creativity of social subjects (especially of the dominated) (Scott, 1990; Comaroff, 2006).

Contrary to what is usually supposed, the hypothesis that we develop in this Dossier is that the struggle of an indigenous people or community for the acquisition and recognition of a territory that it conceives as its own constitutes the key point for the apprehension of the meaning of the transformations in that they are involved. This profoundly affects their customs, the current manifestations of their knowledge and their expressions of identity, which cannot be ignored by an anthropological investigation.

## Forms of territorialisation

The forms of territorialisation by which a nation is constituted, seizing the territories of indigenous populations, exploiting them through slavery and forced labour, can also be an important indicator for understanding the uniqueness of a country.

Without a general comprehension of the different forms of territorialisation of the autochthonous population in Brazil, it is not possible to think of indigenous peoples as effective social actors, either as constructors of their own culture, form of social organisation and future projects that are actualised on a local scale and in their daily life, or as the protagonists of struggles for territory and citizenship on a national and transnational scale.

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12 For the notion of political field, see Swartz, 1968; Turner, 1974; and Bourdieu, 1974.

13 Processes of deterritorialisation have been the object of systematic study by Brazilian geographers (Haesbart, 2002; Souza, 2009). The overlapping of territories, in turn, calls attention to classificatory disputes (see Almeida, 1994, for an interesting study on the Amazon).

## Commercial areas and confinement areas

The territory now known as Brazil was officially declared “discovered” in 1500 by a fleet of twelve Portuguese ships that were on their way to the Indies and only stayed here for a few days for the purpose of resupplying provisions and drinking water. There was no news of antagonism between the Europeans and the natives in this first meeting. The letter from the scribe Pero Vaz de Caminha to the king of Portugal communicating the “*achamento*” [lit. finding] (the term used at the time) of that land praised the abundance of food, raw materials and springs, and described its fantastic inhabitants in very favourable terms, as beautiful, strong and healthy<sup>14</sup>.

For almost five decades European ships – not only Portuguese but also French and Spanish – explored the coasts of the country, arriving at a precise cartography of the coast. They did not find precious metals. They maintained barter relationships with the Indians, exchanging timber, birds and animal skins, for merchandise of little value. The Europeans did not establish towns nor install military installations, creating only commercial warehouses and small hamlets. This was the first form of territorialisation of the Indians.

Population displacements, the productive system, and the autonomous political structure of the Indians suffered only limited impacts. The Portuguese and French participated as external allies of disputes among the natives, promoting preferential alliances with some of those “nations” (as was the term used at the time) and confronting the subjects and Indian allies of other kingdoms.

With the founding of the city of Salvador, in 1549, the capital of the Portuguese colonial empire in South America, relations between the natives and the Portuguese changed substantially. Military operations were developed against the Tupinambá villages of the Bahian concave<sup>15</sup>, the families were moved to areas under the control of religious orders<sup>16</sup>, the old indigenous territories were occupied by mills and plantations that spread out from the urban nucleus.

When colonisation began, the labour force was based solely on compulsory work by the Indians who lived in missions or were imprisoned during combat, who were transformed into temporary slaves. Later, following the massive importation of African slaves into sugarcane plantations – an activity that made huge profits for rich merchants and also generated dividends for the Crown – the Indians began to be directed towards less valued economic circuits (food production) or for unpaid work (public works, extractive expeditions, militias).

This second form of territorialisation, which was self-legitimizing on a religious level, as a crusade for the catechisation of the former inhabitants of the colony, evidently sustained the presupposition of denying the political, economic and cultural autonomy of autochthonous populations. These began to live on lands that did not belong to them, which was under the control of religious orders (mission lands). Outsides of these, if they were on land donated to settlers<sup>17</sup>, they had no rights to the land nor to any production generated thereon.

The images and narratives produced on the Indians in this context were extremely unfavourable, attributing them an otherness that emphasised bellicosity, cruel practices, and the primitiveness of their forms of economy and religion. The indignant accounts of anthropophagy, polygamy, and shamanism

<sup>14</sup> In the brief historical excursion of this item and the next three, I rely on chapters 1 and 2 from Pacheco de Oliveira, 2016.

<sup>15</sup> These were the so-called “just wars”, based on a martial and civilizing tradition that traces back to struggles on the Iberian peninsula between Christians and “Moors”.

<sup>16</sup> These forced departures were called “*descimentos*”.

<sup>17</sup> Parcels of land were donated to colonial settlers by the King of Portugal or his representatives.



served as the source and justification of all colonial violence. The Portuguese government demanded military submission and religious conversion, even at the risk of possible extermination, by attributing to such actions – which they called “pacification” – a humanitarian and redemptive motivation.

The Indians who succeeded in surviving the path laid out were to accept the exercise of missionary tutelage, which progressively transformed them into useful and loyal subjects. The fate and horizon of the Indians for almost three centuries in the colonial period (1549 to 1822) thus contrasted completely with accounts of the previous period.

### **Aestheticisation of the Indian and assimilation**

The most significant difference brought about by Independence was due to the emergence of another regime of alterity. Wars against the Indians were forbidden, the policy of incorporation was to be conducted with gentleness and persuasion, relying not on weapons but on reason and the “redemptive virtue of free trade”. When mobilising against the dominion of the Portuguese, the new elite began to revalue the autochthonous population, which they judged extinct.

The Indians who preceded colonisation were transformed into an aesthetic and moral ideal of whom the new elite was intended to be the natural heirs. The earliest reports on the Indians, forgotten during the colonial period, were rehabilitated, associated with a nationalist and romantic otherness, which was prominent in literature and the arts, especially during the long second reign (1840 to 1889).

In terms of political and economic relationships, the process of national formation (19<sup>th</sup> century) did not favourably affect the way of life of indigenous people within the new country. In the more distant regions, characterised by the weak presence of the market economy, the Indians continued to be considered objects of tutelage by the missionaries, for all practical purposes, while still being characterised as “brave Indians” (“*índios bravos*”, i.e. those not sedentarised) or “*tapuias*” (Christian Indians).

However, in areas of earlier colonisation and denser settlements (northeast), the mission lands were extinguished on the grounds that the residents were now “*mestiços*”, of mixed race and no longer “Indian”. Consequently, these lands were divided and sold to individuals. If the Indians came to be considered legally indistinct from the rest of the population, they actually became second-class citizens. At the local level, they were strongly discriminated against because of their ancestry, they were called “*caboclos*” and had to limit the exercise of their traditions to the domestic context and to clandestine, camouflaged practices. They were reduced to the condition of landless peasants, tenants or partners of large landowners, in what was a third form of territorialisation, which was very common throughout the northeastern region, but also in other areas and municipalities of the country.

### **Confinement and State tutelage**

Positive representations of indigenous peoples are the soil on which republican indigenism was raised, which recovered a rhetoric of the valorisation of autochthonous populations, transforming it into a basis for an official policy of protectionism and tutelage. Within a framework of the formation of State bureaucracies, the attribution of the place of mediator for the indigenous peoples was taken out of the hands of the church and Catholic intellectuals, and transferred to literate sectors of the national army, strongly influenced by the positivism of Auguste Comte. The Indians’ new tutors were the military (like General Rondon and his closest circle of collaborators) and officials of the indigenist agency, the Indian Protection Service (SPI) created in 1910 (Souza Lima, 1991).

Territories that were still under relative control of the Indians represented economically attractive areas for expanding markets and to obtain profits without large investments. At that time, these territories corresponded to much of the central region of Brazil and Amazonia, large areas of the southeast region (Paraná, São Paulo and Santa Catarina), a wide coastal strip in the south of Bahia, among others.

The Indians were soon identified by economic agents as “brave Indians”, who threatened new settlements. In the south, southeast and parts of the west-central region, they were violently pursued by so-called “*bugreiros*”. These were professional killers who conducted extermination campaigns in certain regions, and received payment based on the number of dead Indian ears they showed their contractors (Santos, 1987). Although extermination was not an official policy, it was a daily practice and was tacitly admitted in other parts of the country, notoriously in the Amazon region (Pacheco de Oliveira, 2016, chapter 3).

In contrast to this, the SPI presented yet another alternative to incorporate the Indians – to attract them from the forests, establish relationships of protection and tutelage, pacify and settle them in areas of refuge, where they would supposedly be safe from the incursions of their enemies (Ribeiro, 1970). The sedentarisation of indigenous families and communities under the tutelage of officials of the indigenist agency, in a putative *pax colonial* of a republican and humanitarian nature, represented the fourth form of territorialisation. Very similar to the former mission lands, collective ownership was exercised over the territory, only now under the tutelage of the SPI.

For about half a century, this was the principal orientation of the indigenist agency –remove the Indians from the path of progress, placing them in small areas under the direct protection of a state agency, which, despite its high purposes, devoid of funds, personnel and political support, lived in permanent crisis. In 1967, after the revelations of a parliamentary commission of inquiry, which uncovered evidence of the perversion of its functions (cases of corruption, land sale, mistreatment and torture of Indians)<sup>18</sup>, it was extinguished. The lands and the populations that it administered were transferred to the control of a new indigenist agency, the National Foundation of the Indian (FUNAI), created that same year.

## **The formation of indigenous territories**

In the 1950s, however, inspired by the policy of reserves and natural monuments in the United States and by Mexican indigenism, anthropologists and indigenists of the SPI elaborated a proposal for the formation of an indigenous park at the headwaters of the Xingu River, the centennial habitat of a group of indigenous peoples. In 1961, a decree created the Xingu Indigenous Park, which gradually became a showcase of Brazilian indigenism, preserving the local flora and fauna and allowing indigenous people to live according to their own uses and customs.

In 1969, constitutional amendment number 1, promulgated by the military government, established, in article 198, that the lands inhabited by indigenous people could not be the object of purchase and sale operations, claiming that the titles referencing such lands were unlawful. This article was contemplated as a measure of limited impact, which would ensure the continuity of the Xingu Park, the only experience of its type up until then.

In the 1970s, there was a major developmental expansion in the Amazon, with the construction of axis roads that crossed the country (Belém-Brasília, Transamazon, Perimetral Norte, etc.), hydroelectric plants (Tucuruí), mining (Grande Carajás Programme) and prospector activities (Serra Pelada, among others) (see

<sup>18</sup> See the Figueiredo Report (Correia, 1967) which led to the extinction of the SPI. For more than 50 years, this document was reported as missing, until it was finally found again among FUNAI archives. A recent investigation (Valente, 2017), supported by data revealed by the National Truth Commission (2014), also allowed us to learn of territorial losses and violence suffered by the Indians during the military dictatorship.

Davis, 1977). In some cases, FUNAI was able to anticipate the establishment of a land market in the region, and administratively define certain extensive and ecologically sustainable indigenous lands.

The postulate that indigenous peoples should not be transferred to other areas, but maintained and protected in the places where they inhabited, received more attention in the following decades. Supported by human rights bodies, international agencies and later, by environmental networks, it has become a directive of indigenous policy. This gave rise to a fifth form of territorialisation, in which indigenous lands would no longer be mere places of refuge and sedentarisation, but should meet the socio-cultural needs of each people or community.

The last constitutional text (1988) has advanced a great deal in this direction. The definition of indigenous lands, rather than being based on immemorial possession, often difficult to prove in court because of the lack of specific documentation, began to be based on the exercise of a traditional occupation.

A very favourable conjunction of factors – internally, a conjuncture of re-democratisation after 21 years of military rule (1964-1985), and externally, the great importance of environmentalism in setting the agenda of so-called international cooperation and multilateral organisations – ensured that the recognition of indigenous lands advanced considerably in the last few decades of the millennium. During the lifetime of the SPI, regularising lands for the Indians was not a priority and, thus, records on them were rather precarious; but it is possible to estimate that, even including the Xingu Indigenous Park, they did not exceed 3 million hectares.

In 1981, fourteen years after the creation of the FUNAI, a survey commissioned by the foundation mentioned 13.1 million hectares<sup>19</sup>. An independent survey conducted by a team from the National Museum and the Ecumenical Documentation and Information Centre (CEDI) (Pacheco de Oliveira, 1987), assembled an inventory of 518 indigenous lands, totalling 74.4 million hectares. This was in 1987, after the military governments and in a context of easier access to the data held by the indigenist agency.

### **The paradox of tutelage<sup>20</sup>: protect and repress**

Although these data appear to indicate a good performance by the indigenist agency in the 1980s and 1990s, closer examination leads to questioning this assessment. First, because there are different stages to the process of creating indigenous lands (no identification, identification in progress, delimited, demarcated, and regularised) and progress in the administrative recognition of these lands usually confers better access and use of these lands to the Indians.

In 1987, only 9.8% of these lands were regularised, while the data related to previous stages were much more expressive (unidentified, 32.2%; identified, 20.6%; and delimited, 33%), showing that in the 1980s, for the most part, the possession of these lands by indigenous peoples was precarious. Today, the official data available on the FUNAI website indicate 564 indigenous lands, totalling 116.8 million hectares, of which 90.1% are classified as regularised, while 112 areas are said to be “under study”, that is, in the preliminary phase of identification, which corresponds to 19.8% of the number of indigenous lands indicated therein.

It is also important to take into account that although the indigenist agency currently possesses organised data on the administrative process of the regularisation of indigenous lands, it has never conducted a single survey on the presence of third parties (invaders) inside indigenous lands. The data on this, presented for the first time in research by the National Museum/CEDI (1987) are frightening.

19 Faria, Gustavo de (ed) – *A verdade sobre o índio brasileiro* [The truth about the Brazilian Indian], Rio de Janeiro, Guavira Editora, 1981, pp. 24-29 apud Pacheco de Oliveira, 1998 – “Redimensionando a questão indígena no Brasil: Uma etnografia das terras indígenas” [Redimensioning the indigenous question in Brazil: an ethnography of indigenous lands], p. 24.

20 An expression used to draw attention to the ambiguous and contradictory nature of tutelage (Pacheco de Oliveira, 1988, pp. 222-225).

There are indications of the existence of clandestine mining in 29.2% of indigenous lands. This proportion increases with respect to hydroelectric plants (39.2%) and roads (50.4%), while requisitions for research or mineral exploration reach 69%. The majority of indigenous lands are simultaneously threatened by several of these enterprises.

The administrative creation of indigenous lands has received tenacious and growing opposition from important business sectors (soybean, beef, and chicken agro-exporters) and government bureaucracy (ministries dealing with economic issues, and the military). This implies strong political pressure on FUNAI, on the Presidency of the Republic and in the mainstream press, such that a bill calling for a constitutional amendment that proposes that the creation of any indigenous land should pass for the approval of the congress (PEC 215) is circulating in the legislature.

The most effective obstacle, however, is the increasing judicialisation – once indigenous land is delimited or demarcated by FUNAI, the economic agents who are considered themselves to be disadvantaged enter litigation in the first sphere of the courts and are often able to suspend the effects of the administrative act. In many cases, local judges, more sensitive to pressure from farmers and business groups, grant injunctions to the alleged former owners, and indigenous communities are evicted from the lands they occupy by police and military operations. The destruction of housing, planting areas and improvements are accompanied by acts of violence and intimidation, resulting in injured and imprisoned indigenous people.

This is the latest reason for the long delays in the recognition of indigenous rights over the lands they inhabit<sup>21</sup>. Until judicial proceedings reach the Federal Supreme Court and are tried and ultimately decided, many years have passed. During this time, the natives live in a situation of precarious possession or simply have no land to live on or plant. The extremes of this situation are shown by numerous large families of the Kaiowá (MS) who, whether they are on land that has been identified by FUNAI or on other lands that have already been delimited and demarcated, they are removed by court order and settle in temporary encampments along roadsides.

### **An ethnography of the retaking of lands**

The Indians, through very distinct experiences, occurring in separate places and at distant moments, began outlining a new strategy – the sixth form of territorialisation – that could minimally ensure their material and cultural survival. These are the “*retomadas*” [*lit.* taking back; retakings], actions in which indigenous families reoccupy areas where they can carry out their community life, establishing their dwellings, planting smallholdings, and practicing their ritual and religious life. The decision, operationalisation and risks involved in these initiatives are exclusively those of the Indians.

In other political conjunctures, in the late 1970s and 1980s, there were indigenous initiatives involving the eviction of invaders and self-demarcation of their lands. These were individual actions, carried out in isolation, which accompanied an administrative process conducted by FUNAI. Such acts were carried out with the intention of defusing bureaucratic procedures that were paralysed or not taken into account by the indigenist agency, even though they were clearly part of their tutelary mandate.

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<sup>21</sup> It should also be noted that in the last two years, since the impeachment of President Dilma Rousseff, no indigenous land delimitation decree has been signed and the budget of the indigenist agency has been reduced by more than other public agencies. In 2017, the resources released by the federal government to FUNAI correspond to 45% of that received in 2013. (See Costa, Liana - “Governo federal trava demarcação de terras indígenas há dois anos” [Federal government stops demarcated indigenous lands for two years] – [www.Metrópoles.com](http://www.Metrópoles.com) on April 19, 2018.)

The current “retakings” do not conform to the profile of actions supported, even indirectly, by FUNAI or international cooperation agencies. There is no intention to demobilise the collectives, creating roles of command and routines that bureaucratise the decision-making process, giving it a neutral, impersonal and repetitive appearance. Moreover, the profile of victim, with which human rights entities work is not suited to the protagonism and the militant stance of the participants of the current retakings. Thus these are actions of different order, responding to local dynamics, which count on very limited networks of solidarity (small isolated supporters).

Given the nonexistence of other efficient alternatives, the retakings have turned into the main strategy of indigenous people for recognition of their territorial rights, at present, having been incorporated as a flag of struggle by the indigenous movement. They are in progress or have occurred in situations described in this Dossier, in the South (involving the Kaingang), and in the Central-west (involving the Kaiowá and Terenas), in the Northeast (involving the Tupinambás and Tapebas) and in the Amazon (involving the Ticunas, Macuxis, Barés, Mundurucus from Alto Tapajós and Lower Tapajós people). However, they are in progress or have happened in a similar manner in many other indigenous lands that have not been addressed here.

Although the “retakings” sometimes affirm their legitimacy due to administrative acts of FUNAI (identification or delimitation not respected by the judiciary, or by state or municipal governments), their inspiration does not derive from such acts. In most cases, they were initiated as the reoccupation of lands that the Indians previously inhabited in a continuous, regular and peaceful manner, from where they were expelled by private individuals (who then legalised these possessions and properties in their own names). The retakings assume awareness on the part of the communities that their rights were damaged and that the State, by collusion or omission, was also part of this process. It is important to realise that the engine of the “retakings” is the political will of the people who participate in them and the key document that they have is their status as indigenous individuals.

They constitute a post-tutary form of the exercise of the policy by the Indians, implying a different mode of conceiving their relationship with the State. The image of an indigenist agency as protector, a “mum” or “dad” FUNAI, with the intent of establishing affinities with certain traditional practices and characters of cosmology, today seems deeply undermined. Now decisions regarding the management of the territory and the forms of mobilisation are established at the local level, reflecting the conscience and political will of the communities<sup>22</sup>, expressed in very participative assemblies and bearing intense ritual and religious meanings.

The unit of command expressed by the notion of “our government” (Pacheco de Oliveira, 1988), activated by the Ticuna people in the 1940s to distinguish themselves from official government structures, paradoxically maintained the possibility of the incorporation of clientelist meanings common to the tutelary regime<sup>23</sup>. In other situations, however, when the Indians mobilised with regard to a struggle with local powers, they began to conceive of this government in terms that contrasted those of whites, as occurred among the Ticunas themselves in the 1980s (with the General Council of the Ticuna Tribe (CGTT), and more recently, with the Aty-Guassu (of the Kaiowá and Nandevá) or the Ipereğ Ayũ Movement (of the Munduruku).

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<sup>22</sup> It is important to note that the retakings form part of a larger definition of indigenous territories, according to the fifth form of territorialisation described above.

<sup>23</sup> Regarding the situation of indigenous people who live in parks and large territories, where the tutelary regime is applied much more lightly and benevolently, or have been contacted relatively recently, narratives about whites and even autobiographical reports may continue to be formulated in a manner closer to traditional themes and arguments (Albert, 1993 and Albert & Ramos, 2002).

What the exercise of ethnography has revealed is that the “retakings” imply deep movements of cultural revitalisation and social and political reconfiguration for these peoples. They are able to mobilise traditional values, crucial emotions, and new intellectual and political energies with great intensity, proceeding to the construction of more desirable, future scenarios. Their flags and projections represent contemporary creations, resulting from clashes over the definition of their territories and access to rights and in this sense can be seen as “intercultural utopias” (in the sense used by Rappaport, 2005).

By virtue of their own indigenous status they do not exclude culturalist or autonomist assertions, since it “necessarily presupposes a trajectory (which is historical and determined by multiple factors) and an origin (which is an individual, primary experience, but which is also translated into collective knowledges and narratives which it becomes coupled to)” (Pacheco de Oliveira, 2016: 215). It is precisely the elaboration of utopias (religious, moral, political) that allows the contradiction between historical objectives and the feeling of loyalty to origins to be overcome (idem, p. 217).

In this sense, the “retakings” in contemporary Brazil assume a role similar to that of indigenous libertarian ideologies, like that of “buen vivir” (Acosta, 2013), feeding the belief that another world is necessary and possible in daily life. Due to the low population density of indigenous peoples who inhabited the region, the continental dimension of the country, and the multiple forms of incorporation of indigenous people into the national formation, passing from extermination to confinement, from assimilation to tutelage, it would be very difficult for a single indigenous people to transform their own morality and philosophy of life into a factor of unity.

Although retakings are always embedded in elements of culture, language, and specific themes (which in some contexts provide a strategic essentialism), on a national scale they are charged with the energy of an act of decolonisation. As pointed out by Clifford (2013: 15) the application of the term indigenous to very heterogeneous communities “does not presume cultural similarity or essence, but rather refers to comparable experiences of invasion, dispossession, resistance, and survival”.

## **The many histories of indigenous peoples in Brazil**

It is only possible to reflect on a history of the Indians in Brazil if we restrict ourselves to legal classifications, becoming captives of the formal political scene and the self-representations of the elites. Conversely, if we focus on the process of national formation in its territorial dimension, on the economic and political practices that it has evoked, and on seriously considering indigenous people as effective social agents, we see something quite different – a multiplicity of indigenous, regional histories, with very distinct temporalities and spatial circumscriptions. This is not only a result of linguistic and cultural specificities, but of very different forms of territorialisation by which these peoples and communities came to be constructed as collective subjects referenced by the notion of indigenous.

The forms of territorialisation do not correspond strictly to chronological periods, but point to four very general types of policies in relation to the territories that the Indians occupy: alliances and treaties, in cases of autonomy; confinement and tutelage; assimilation; and pluralism, with the establishment of ethnic territories. Even within each of these types, diversity is great, depending on many other factors.

The condition of relative autonomy that marked the initial decades of Brazilian history also characterised the situation of indigenous peoples, such as the Guaicurús, Terenas and Kadiwéus, who lived in a region equally disputed by Portuguese and Spanish, which enabled them to maintain a political and economic unity up to the end of the eighteenth century. Some indigenous peoples currently live in neighbouring countries, in border regions, and the creation of special regulations for these areas in the future, through international diplomacy, should not be ruled out.

Likewise, the exploitation of the Amazon valley, accomplished by means of extractive expeditions that sought the “drugs of the sertão”, mainly affected riverside indigenous peoples, while those that inhabited its tributaries and interfluves remained relatively isolated until the apogee of rubber (1877 to 1912). This was not the case only in the Amazon; in an Atlas of 1868, by Candido Mendes de Almeida, about two-thirds of the lands of São Paulo appeared as “lands of brave Indians” (Mendes de Almeida, 1868), areas occupied by the Kaingang also extended to other states in the southern region. Ecological and economic factors and settlement difficulties have meant that in all regions of the country, certain areas remained under the control of Indians for a long period.

On the other hand, the arbitrary transfer and settlement of Indians in reserved areas deserves to be pondered not only from chronological references. Such modalities of confinement<sup>24</sup> are not specific to republican indigenist politics (what we describe as the fourth form of territorialisation), can also be found in the missionary villages instituted in the colonial period. Although implemented by very different social agents, the tutelary regime to which its residents were submitted maintains important similarities<sup>25</sup>.

Working with a simple classification of agents as religious or administrative can also lead to errors. For while the Jesuits in the sixteenth and eighteenth centuries did not allow the placement of settlers within villages, the Capuchins in the nineteenth century did not think of mission lands as strictly reserved for Indians, and encouraged the establishment of non-Indian farmers within these areas. The missions of the nineteenth century did not viscerally oppose the third form of territorialisation, which transformed Indians into dependent peasants through the extinction of old settlements.

On the other hand, the few indigenous lands defined by the SPI were not ecologically sustainable territories, but merely land for dwellings, with the Indians carrying out productive activities as employees in neighbouring farms; all the other places where Indians were settled by the SPI remained without regularisation and were largely appropriated by non-Indians.

In parallel, it should be noted that simply demarcating indigenous territories does not ensure the well-being of their inhabitants, who were often led to lease part of their land to farmers and ranchers in exchange for resources to supplement their subsistence needs or to allow access to basic care services. A similar tactic is announced regarding the possibility of mining activities in indigenous lands.

The lands claimed by the Indians and currently recognised by the Brazilian State do not result from unilinear or homogeneous historical processes, but from antagonistic forms of territorialisation, which were applied in different parts of the national political space and in varied moments of history. The collective subjects constituted today, continue to produce highly distinct forms of social organisation, cultures, identities and relationships with the environment. They cannot be understood solely by establishing interconnections between a culture and an environmental niche, but require a plunge into history, with the identification of conflicts, migrations, and interdependencies.

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To conclude this Introduction to the Dossier on the Formation of Indigenous Territories in Brazil, I provide some brief statistical information for the reader unfamiliar with the indigenous question in Brazil. The reading of the following articles demands complexifying the vision concerning the indigenous people in this country, escaping from a very common simplification of imagining them as quite simple micro-societies that are dependent on nature.

<sup>24</sup> The notion of “ghetto”, formulated by Wirth (1927) is very inspiring for this analysis.

<sup>25</sup> In a way, this explains the privileged place that indigenism attributes to the Jesuits in the past. Although Rondon and his followers were positivists and anti-clerical, they recognised the similarity of their goals to those of the Jesuits, defining their own mission as “lay apostolate”.

A current map of the distribution of indigenous lands in Brazil is featured, together with the presentation of a table showing demographic data. Here are some brief critical comments that can help you read and contextualise the map. The source for both is the IBGE<sup>26</sup>, since the FUNAI database is limited to indigenous lands, and is very deficient in the other items.

The attached map is based on 506 indigenous lands, totalling 106.7 million hectares, representing around 12.5% of the national territory<sup>27</sup>. The indigenous population in 2010 at the time of the last national census was 896 thousand Indians, corresponding to 0.45% of the national population.

Unlike indigenous lands, concentrated above all in the Amazon, the data on population distribution are surprising and show the presence is extensive and relatively balanced throughout the national territory. By region, the northern region (Amazonia) occupies first place, with 38.2%, but there is also a significant presence in the northeast (25.9%), in the south/southeast region (19.9%) and in the central-western region (16.0%). Indians are also present in 80.5% of the 5,570 Brazilian municipalities.

The impression that the natives constitute a population of a purely rural nature, quite isolated and exclusively attached to their traditions also does not hold. Although the majority of indigenous people live on indigenous lands (57.7%), a large proportion (42.3%) reside in cities. Much of this urban indigenous population (33.4% and 32.35, respectively) is registered in regions where recognition of indigenous lands moves more slowly, such as the northeast and south/southeast.

In indigenous lands, 214 languages are spoken, which is an important sign of the vitality of these cultures. Among people over 5 years of age, 37.4% speak an indigenous language. The importance of the Portuguese language is evident in the fact that in this age group, 76.9% speak it.

The table below shows the 15 largest indigenous populations (in total, inside and outside indigenous lands), evidencing the presence of strong and numerous indigenous contingents also outside the Amazon (Kaiowá and Terena, MS, Kaingang, SP, PR, SC and RGS, Potiguara, PB, Xucuru and Aticum, PE, Pataxó and Tupinambá, BA, Xavantes, MT, Tenetehara, MA, Xakriabá, MG).

In terms of population ranges, the majority of indigenous people (58.1%) belong to 19 peoples that surpass 10,000 members. The Ticunas alone represent 6.8% of Brazilian Indians and are closely followed by the Kaiowá; other peoples, like the Yanomami, Terena, Kaingang, Munduruku and Rio Negro Indians, also present similar numbers. In the next range, between one thousand and ten thousand people, there are another 79 peoples, who represent 33.1% of the Indians in Brazil. However, diversity is maintained, since 94 peoples consist of between 250 and 1000 members and 113 peoples have less than 250 members.

Translated by Philip Sidney Pacheco Badiz

<sup>26</sup> See [www.indigenas.ibge.gov.br](http://www.indigenas.ibge.gov.br), accessed on March 20, 2018.

<sup>27</sup> During the 2010 census there was effective cooperation between FUNAI and IBGE, including the transfer of cartographic bases. The differences with respect to the number of indigenous lands and their extension are because the IBGE established the existence of a declaratory legal act (decree) as a criterion, and does not include lands still within the identification process by FUNAI.





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